Paid sick & carer's leave

Unpaid pandemic leave and annual leave flexibility in awards


Coronavirus and Australian workplace laws

If your workplace has been impacted by coronavirus, we have information about your workplace rights and obligations.

Find out more on Coronavirus and Australian workplace laws (https://coronavirus.fairwork.gov.au/).

A Full Federal Court decision handed down on 21 August 2019 confirmed the method of accruing and taking paid personal/carer's leave under the National Employment Standards. The information on this page has been updated to reflect this decision. An appeal of this decision will be heard by the High Court. In the meantime, the decision made on 21 August 2019 is the current state of the law and applies to affected employers and employees. Find out more about this decision (www.fairwork.gov.au/about-us/news-and-media-releases/website-news/recent-federal-court-decision-accrual-of-personal/carer-s-leave).

An employee can take paid sick leave when they can't work because of a personal illness or injury. This can include stress and pregnancy related illnesses.

An employee can take paid carer's leave to care for or support a member of their immediate family or household who is sick, injured or has an unexpected emergency.

Who gets paid sick and carer's leave?

All employees except casuals are entitled to paid sick and carer's leave.

Employees may have to give notice or evidence to get paid for sick and carer's leave. Go to the Notice and medical certificates (www.fairwork.gov.au/leave/sick-and-carers-leave/paid-sick-and-carers-leave/notice-and-medical-certificates) page for more information.

How much paid sick and carer's leave does an employee get?

Sick and carer's leave comes under the same leave entitlement. It's also known as personal / carer's leave.

Full-time and part-time employees get 10 days of sick and carer's leave for each year of employment.

A registered agreement (www.fairwork.gov.au/Dictionary.aspx?TermID=2034), award or contract can set out different entitlements to paid sick and carer's leave, but they can't be less than the minimum above.

How does paid sick and carer's leave accumulate?

Sick and carer's leave accumulates in days, not hours.

Full-time and part-time employees accumulate sick and carer's leave during each year of employment. It starts to build up from an employee's first day of work.

The balance at the end of each year carries over to the next year.

Sick and carer's leave accumulates when an employee is on:

- paid leave such as annual leave and sick and carer's leave
- community service leave including jury duty
- long service leave.
Sick and carer's leave doesn’t accumulate when the employee is on:

- unpaid annual leave
- unpaid sick or carer's leave
- unpaid parental leave
- unpaid family and domestic violence leave.


**How much paid sick and carer’s leave can an employee take?**

An employee can take as much paid sick or carer’s leave as they have accumulated. There is no minimum or maximum amount of paid sick or carer’s leave that can be taken at a time.

An employee can take a full day or a part day of sick or carer’s leave.

For what happens if paid leave runs out, go to:


**Deducting paid sick and carer’s leave from an employee’s leave balance**

For every day of sick and carer's leave taken, an employer deducts a day from the employee’s accumulated leave balance.

If an employee takes a part day of leave, an employer deducts a part day from the employee’s leave balance. The part of the day that the employee doesn’t work is deducted.

**Example: Deducting leave when ordinary hours are different on each day**

Charlotte is part-time and works 2 days per week as a shiftworker for a cleaning company. She's accumulated 7 days of sick and carers leave. Her normal shifts are Monday 3pm-11pm and Thursday 8pm-10pm.

On Thursday, Charlotte takes carer’s leave to care for her mother. Charlotte's employer deducted a full day of sick and carers leave from her balance because she was away for all of her ordinary hours that she normally works on a Thursday.

Charlotte also takes part of her shift on the following Monday as carer’s leave. As she was still providing care and support to her mother, Charlotte was unable to come into work until 5pm. Given Charlotte was absent for 2 hours of her ordinary hours on Monday, her employer deducts a quarter (2 hours of her 8-hour shift) of a day from her sick and carers leave balance.

Charlotte now has a sick and carers leave balance of 5.75 days.


**Think a mistake might have been made?**

Mistakes can happen. The best way to fix them usually starts with talking.

Check out our Help resolving workplace issues (www.fairwork.gov.au/how-we-will-help/how-we-help-you/help-resolving-workplace-issues/default) section for practical advice on:

- figuring out if a mistake has been made
- talking to your employer or employee about fixing it
- getting help from us if you can’t resolve it.

**What to do next**

- Check Record-keeping (https://www.fairwork.gov.au/Pay/pay-slips-and-record-keeping/record-keeping) requirements for sick and carer’s leave records

**Help for small business**

You might also be interested in


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