

## High Court decision: accrual of personal/carer's leave

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The High Court has handed down a decision clarifying how paid personal/carer's leave is accrued and taken.

On 13 August 2020, the High Court of Australia handed down a decision in *Mondelez Australia Pty Ltd v AMWU & Ors* [2020] HCA 29 about the method of accruing and taking paid personal/carer's leave under the National Employment Standards (Mondelez High Court decision).

On this page:

- [summary of the decision and what it means for you](#)
- [more information](#)

### Summary of the decision and what it means for you

The High Court of Australia has clarified that:

- the entitlement to 10 days of personal/carer's leave under the National Employment Standards (NES) is calculated based on an employee's ordinary hours of work, not working days
- 10 days of personal/carer's leave can be calculated as 1/26 of an employee's ordinary hours of work in a year.

The High Court's decision overturns a decision made by the Full Federal Court of Australia in August 2019. In that decision, the Full Federal Court had determined that personal/carer's leave was calculated in working days, not hours.



We've updated the information on the following pages:

- [Paid sick and carer's leave \(www.fairwork.gov.au/leave/sick-and-carers-leave/paid-sick-and-carers-leave\)](http://www.fairwork.gov.au/leave/sick-and-carers-leave/paid-sick-and-carers-leave)
- [Payment for sick and carer's leave \(www.fairwork.gov.au/leave/sick-and-carers-leave/paid-sick-and-carers-leave/payment-for-sick-and-carers-leave\)](http://www.fairwork.gov.au/leave/sick-and-carers-leave/paid-sick-and-carers-leave/payment-for-sick-and-carers-leave)
- [Part-time employees \(www.fairwork.gov.au/employee-entitlements/types-of-employees/casual-part-time-and-full-time/part-time-employees\)](http://www.fairwork.gov.au/employee-entitlements/types-of-employees/casual-part-time-and-full-time/part-time-employees)

We're still updating other resources on our website and encourage you to check back here regularly for updates.

### More information

Read the High Court's decision:

- [Mondelez Australia Pty Ltd v AMWU & Ors \[2020\] HCA 29 – full decision \(http://eresources.hcourt.gov.au/downloadPdf/2020/HCA/29\)](http://eresources.hcourt.gov.au/downloadPdf/2020/HCA/29) 
- [Mondelez Australia Pty Ltd v AMWU & Ors \[2020\] HCA 29 – summary of decision \(https://cdn.hcourt.gov.au/assets/publications/judgment-summaries/2020/hca-29-2020-08-13.pdf\)](https://cdn.hcourt.gov.au/assets/publications/judgment-summaries/2020/hca-29-2020-08-13.pdf) 

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