

Direction to take annual leave during a shut down

An employee can be directed to take annual leave during a shut down if their award or [registered agreement \(www.fairwork.gov.au/Dictionary.aspx?TermID=2034\)](http://www.fairwork.gov.au/Dictionary.aspx?TermID=2034) allows it.

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What is a shut down?

A shut down is when a business temporarily closes during slow periods of the year, such as [Christmas and New Year \(www.fairwork.gov.au/about-us/news-and-media-releases/website-news/past-website-news/shutting-down-over-christmas-and-new-year\)](http://www.fairwork.gov.au/about-us/news-and-media-releases/website-news/past-website-news/shutting-down-over-christmas-and-new-year) . It is also called a 'close down'.

Find information about when an employee can be directed to take paid and unpaid annual leave during a shut down in your award by selecting from the list below.


We don't have extra information here for your choice.

We only have extra information here for our most common industries. You'll need to check your award for minimum entitlements and obligations.

If you know your award you can access it from our [List of awards \(www.fairwork.gov.au/awards-and-agreements/awards/list-of-awards/list-of-awards\)](http://www.fairwork.gov.au/awards-and-agreements/awards/list-of-awards/list-of-awards) page. If you don't, you can use our 3 step form to help you [Find your Award \(www.fairwork.gov.au/awards-and-agreements/awards/find-my-award\)](http://www.fairwork.gov.au/awards-and-agreements/awards/find-my-award) .

You can calculate entitlements and obligations for all awards using our:

- [Pay Calculator \(http://calculate.fairwork.gov.au/FindYourAward\)](http://calculate.fairwork.gov.au/FindYourAward) for minimum pay rates, penalties and allowances
- [Leave Calculator \(http://calculate.fairwork.gov.au/Leave\)](http://calculate.fairwork.gov.au/Leave) for annual and personal leave
- [Notice and Redundancy Calculator \(http://calculate.fairwork.gov.au/EndingEmployment\)](http://calculate.fairwork.gov.au/EndingEmployment) for ending employment entitlements.

If you're covered by a registered agreement, check the terms of your agreement for information. To find a registered agreement, go to the [Fair Work Commission website \(https://www.fwc.gov.au/awards-and-agreements/agreements\)](https://www.fwc.gov.au/awards-and-agreements/agreements) .

If an employee is covered by an agreement or an award that is not in the list that:

- states they can be directed to take annual leave during a shut down, but
- doesn't set out rules about what to do if they don't have enough annual leave to cover the shutdown.


then the employee can agree with the employer to take:

- annual leave in advance or
- unpaid leave.


If the employee doesn't agree to either, they have to be paid their ordinary pay rate for the shut down. They can't be forced to take unpaid leave.

A shut down isn't the same as a stand down. A stand down is when an employer sends employees home if there is no useful work for them to do. Reasons for stand down include events out of the employer's control like a natural disaster. See [Pay during inclement weather and stand down \(www.fairwork.gov.au/pay/pay-during-inclement-weather-and-stand-down\)](http://www.fairwork.gov.au/pay/pay-during-inclement-weather-and-stand-down) for more information.

Direction to take annual leave under an agreement

If you're covered by a registered agreement, check the terms of your agreement for information about when an employee can be directed to take annual leave during a shut down. To find a registered agreement, go to the [Fair Work Commission website \(https://www.fwc.gov.au/awards-and-agreements/agreements\)](https://www.fwc.gov.au/awards-and-agreements/agreements) .

Tools and resources

- [Leave Calculator \(www.fairwork.gov.au/leave/leave-calculator\)](http://www.fairwork.gov.au/leave/leave-calculator)
- [List of awards \(www.fairwork.gov.au/awards-and-agreements/awards/list-of-awards/list-of-awards\)](http://www.fairwork.gov.au/awards-and-agreements/awards/list-of-awards/list-of-awards)
- [Fair Work Commission website \(https://www.fwc.gov.au/awards-and-agreements/agreements\)](https://www.fwc.gov.au/awards-and-agreements/agreements) 

Related information

- [Not working on a public holiday \(www.fairwork.gov.au/leave/public-holidays/not-working-on-public-holidays\)](http://www.fairwork.gov.au/leave/public-holidays/not-working-on-public-holidays)
- [Pay during inclement weather & stand down \(www.fairwork.gov.au/pay/pay-during-inclement-weather-and-stand-down\)](http://www.fairwork.gov.au/pay/pay-during-inclement-weather-and-stand-down)

Help for small business

Find tools, resources and information you might need in our [Small business showcase \(www.fairwork.gov.au/small-business-showcase/default\)](http://www.fairwork.gov.au/small-business-showcase/default) .

Think a mistake might have been made?

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

Check out our [Fixing a workplace problem \(www.fairwork.gov.au/workplace-problems/fixing-a-workplace-problem/default\)](http://www.fairwork.gov.au/workplace-problems/fixing-a-workplace-problem/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.

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Contact us

Fair Work Online: www.fairwork.gov.au

Fair Work Infoline: 13 13 94

Need language help?

Contact the Translating and Interpreting Service (TIS) on 13 14 50

Hearing & speech assistance

Call through the National Relay Service (NRS):

For TTY: 13 36 77. Ask for the Fair Work Infoline 13 13 94

Speak & Listen: 1300 555 727. Ask for the Fair Work Infoline 13 13 94

The Fair Work Ombudsman is committed to providing advice that you can rely on. The information contained on this website is general in nature. If you are unsure about how it applies to your situation you can call our Infoline on 13 13 94 or speak with a union, industry association or workplace relations professional. Visitors are warned that this site may inadvertently contain names or pictures of Aboriginal and Torres Strait Islander people who have recently died.