

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.

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 \(https://www.fairwork.gov.au/about-us/news-and-media-releases/website-news/shutting-down-over-christmas-and-new-year\)](https://www.fairwork.gov.au/about-us/news-and-media-releases/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.

Based on what you've told us, it looks like you're covered by the Restaurant Industry Award [MA000119].

Employees can be directed to take annual leave during a shut down. They have to be given at least 4 weeks notice before the leave needs to be taken.

If an employee doesn't have enough annual leave to cover the shutdown, they can agree with the employer to take:

- annual leave in advance or
- unpaid leave.

If an 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.

Use the [Notice of requirement to take annual leave for close down letter template \(DOC 62KB\) \(www.fairwork.gov.au/ArticleDocuments/766/Notice-of-requirement-to-take-annual-leave-for-close-down.doc.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/766/Notice-of-requirement-to-take-annual-leave-for-close-down.doc.aspx) when directing employees to take annual leave during a shut down.

Accumulating annual leave during a shut down

An employee will continue to accumulate annual leave while on leave during a shut down period.

To find out more about who this award applies to, go to the [Restaurant Award summary \(www.fairwork.gov.au/awards-and-agreements/awards/award-summary/ma000119-summary\)](http://www.fairwork.gov.au/awards-and-agreements/awards/award-summary/ma000119-summary) .

Source reference: [Restaurant Industry Award \[MA000119\] clause 35.3](http://awardviewer.fwo.gov.au/award/show/MA000119) ⁷ (<http://awardviewer.fwo.gov.au/award/show/MA000119>)

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 stand down and severe weather \(www.fairwork.gov.au/pay/pay-during-stand-down-and-severe-weather\)](http://www.fairwork.gov.au/pay/pay-during-stand-down-and-severe-weather) 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) ⁷.


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 \(www.fairwork.gov.au/how-we-will-help/how-we-help-you/help-resolving-workplace-issues/default\)](http://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

- Calculate annual leave balances using the [Leave Calculator \(http://calculate.fairwork.gov.au/Leave\)](http://calculate.fairwork.gov.au/Leave)
- Search the [Fair Work Commission website \(https://www.fwc.gov.au/awards-and-agreements/agreements\)](https://www.fwc.gov.au/awards-and-agreements/agreements)  for an agreement
- Find an award using the [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)

Help for small business

- Find tools, resources and information you might need on our [Small business page \(www.fairwork.gov.au/Find-help-for/Small-business/default\)](http://www.fairwork.gov.au/Find-help-for/Small-business/default) .

You might also be interested in

- Public holidays during leave in [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 stand down and severe weather \(www.fairwork.gov.au/pay/pay-during-stand-down-and-severe-weather\)](http://www.fairwork.gov.au/pay/pay-during-stand-down-and-severe-weather)

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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.