

## 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.

### On this page:

- [What is a shut down?](#)
- [Direction to take annual leave under an agreement](#)
- [Tools and resources](#)
- [Related information](#)

### 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.

Based on what you've told us, it looks like you're covered by the Vehicle Repair, Services and Retail Award [MA000089].

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:

- all of their accrued annual leave and then
- unpaid leave for the rest of the shut down.

An employee can also agree with their employer to take annual leave in advance.

An employer can shut down the business 2 times a year or up to 3 times a year where most of the employees agree. Check the Vehicle Award for full information on when a business shuts down, including how long the shut down period can be.

Use the Notice of requirement to take annual leave for close down letter template (DOC 113KB) ([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 paid leave during a shut down period.

To find out more about who this award applies to, go to the [Vehicle Award summary \(www.fairwork.gov.au/awards-and-agreements/awards/award-summary/ma000089-summary\)](http://www.fairwork.gov.au/awards-and-agreements/awards/award-summary/ma000089-summary).


Source reference: [Vehicle Repair, Services and Retail Award \[MA000089\] clause 29.6, 29.7](http://awardviewer.fwo.gov.au/award/show/MA000089) [☞ \(http://awardviewer.fwo.gov.au/award/show/MA000089\)](http://awardviewer.fwo.gov.au/award/show/MA000089)

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) [☞](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.

Page reference No: 1827

## Contact us

Fair Work Online: [www.fairwork.gov.au](http://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.