

## Direction to take excess annual leave

Under some awards and registered agreements ([www.fairwork.gov.au/Dictionary.aspx?TermID=2034](http://www.fairwork.gov.au/Dictionary.aspx?TermID=2034)), employers can direct employees to take paid annual leave if they have a lot of annual leave.

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Find information about when an employee can be directed to take excess annual leave in your award by selecting from the list below.

Based on what you've told us, it looks like you're covered by the Hospitality Industry (General) Award [MA000009].

Employees can be directed to take annual leave if they have at least 8 weeks accrued (10 weeks for a shiftworker). This only applies if they haven't been able to agree with their employer about when to take the leave.

The employer has to:

- tell the employee in writing that they need to take annual leave
- give the employee at least 8 weeks notice (and not more than 12 months) of when the leave will start.

The leave has to be at least 1 week long and can't result in the employee having less than 6 weeks accrued leave.

Employers can use the [Direction to take excessive annual leave template \(DOCX 51.9KB\)](#) ([www.fairwork.gov.au/ArticleDocuments/766/direction-to-take-excessive-annual-leave.docx.aspx](http://www.fairwork.gov.au/ArticleDocuments/766/direction-to-take-excessive-annual-leave.docx.aspx)) when directing employees to take excess annual leave.

To find out more about who this award applies to, go to the [Hospitality Award summary](http://www.fairwork.gov.au/awards-and-agreements/awards/award-summary/ma000009-summary) ([www.fairwork.gov.au/awards-and-agreements/awards/award-summary/ma000009-summary](http://www.fairwork.gov.au/awards-and-agreements/awards/award-summary/ma000009-summary)).

Source reference: [Hospitality Industry \(General\) Award \[MA000009\] clause 30.7](http://awardviewer.fwo.gov.au/award/show/MA000009) (<http://awardviewer.fwo.gov.au/award/show/MA000009>)

### Direction to take excess 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 excess annual leave. 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 a registered agreement says an employee can be directed to take excess annual leave but doesn't set out specific rules about this, then the direction must be reasonable.

### Tools and resources

- [Leave Calculator](http://www.fairwork.gov.au/leave/leave-calculator) ([www.fairwork.gov.au/leave/leave-calculator](http://www.fairwork.gov.au/leave/leave-calculator))
- [List of awards](http://www.fairwork.gov.au/awards-and-agreements/awards/list-of-awards/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

- [Payment for annual leave](http://www.fairwork.gov.au/leave/annual-leave/payment-for-annual-leave) ([www.fairwork.gov.au/leave/annual-leave/payment-for-annual-leave](http://www.fairwork.gov.au/leave/annual-leave/payment-for-annual-leave))

### Help for small business

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

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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.