

## Taking annual leave

Annual leave accumulates based on an employee's ordinary hours and allows them to take paid time off from work.

### Requesting annual leave

An employee needs to request to take annual leave before going on leave. The process for requesting annual leave is often set out in an award or [registered agreement \(www.fairwork.gov.au/Dictionary.aspx?TermID=2034\)](http://www.fairwork.gov.au/Dictionary.aspx?TermID=2034), company policy or contract of employment.

An employer can only refuse an employee's request for annual leave if the refusal is reasonable.

### Rules for taking annual leave

Awards, enterprise agreements and other registered agreements can set out rules about:

- taking annual leave in advance
- managing large amounts of leave.

Find information in your award by selecting from the list below.

Based on what you've told us, it looks like you're covered by the Fast Food Industry Award 2010 [MA000003].

### Taking leave in advance

Employees can take annual leave in advance if their employer agrees in writing. The agreement needs to:

- be signed by both the employer and the employee. If the employee is under 18 their parent or guardian must also sign it.
- say how much annual leave is being taken in advance
- say the day the leave will start.

Employers have to keep this agreement for the employee's [records \(www.fairwork.gov.au/pay/pay-slips-and-record-keeping/record-keeping\)](http://www.fairwork.gov.au/pay/pay-slips-and-record-keeping/record-keeping).

If an employee takes leave in advance and their employment ends before they've accrued it all back, the employer can deduct the amount still owing from the employee's final pay.

Employers and employees can use the [Annual leave in advance template \(DOCX 20.6KB\) \(www.fairwork.gov.au/ArticleDocuments/766/ageement-to-annual-leave-in-advance.docx.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/766/ageement-to-annual-leave-in-advance.docx.aspx) to record annual leave taken in advance.

### Excessive annual leave

An excessive annual leave balance is at least 8 weeks of accrued annual leave (10 weeks for a shiftworker).

If an employee has an excessive annual leave balance, they can give their employer notice that they're taking a period of leave, which their employer has to allow. This only applies if they:

- haven't been able to agree with their employer about when to take the leave
- have had an excessive annual leave balance for more than 6 months
- don't have arrangements to take leave so that they no longer have an excessive annual leave balance (e.g. directed by the employer to take leave or already have planned leave).

The employee needs to give the employer 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.

An employee can't request leave using this method for more than 4 weeks (5 weeks for a shiftworker) in a 12 month period.

### Direction to take excess annual leave

For information on whether employers can direct employees to take leave if they have a large amount accrued, go to [Direction to take excess annual leave \(www.fairwork.gov.au/leave/annual-leave/directing-an-employee-to-take-annual-leave/direction-to-take-excess-annual-leave\)](http://www.fairwork.gov.au/leave/annual-leave/directing-an-employee-to-take-annual-leave/direction-to-take-excess-annual-leave).

## Fast Food Industry Award resources

We've made it easier for you to find information about your pay and entitlements under the Fast Food Industry Award. For more tailored information about your Award, visit our [interactive tool \(www.fairwork.gov.au/find-help-for/fast-food-restaurants-cafes/fast-food-industry\)](http://www.fairwork.gov.au/find-help-for/fast-food-restaurants-cafes/fast-food-industry) .

We've got new and improved templates to help people in the Fast Food Industry. Try our [interactive template tools \(www.fairwork.gov.au/how-we-will-help/templates-and-guides/default\)](http://www.fairwork.gov.au/how-we-will-help/templates-and-guides/default) .

Source reference: [Fast Food Industry Award 2010 \[MA000003\] clauses 28.4 and 28.8 \(http://awardviewer.fwo.gov.au/award/show/MA000003\)](http://awardviewer.fwo.gov.au/award/show/MA000003) <sup>↗</sup>

If you're covered by a registered agreement, check the terms of your agreement for information about taking leave in advance or excessive 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) <sup>↗</sup>.

## How much annual leave can be taken at one time?

There's no minimum or maximum amount of annual leave that can be taken at a time. Provided both parties agree, an employee can take a part day, single day or a number of days or weeks off.

Employees don't need to take all of their annual leave at once.

Source reference: [Fair Work Act 2009 s.88 <sup>↗</sup> \(http://www.comlaw.gov.au/Series/C2009A00028\)](http://www.comlaw.gov.au/Series/C2009A00028)

## 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

- Use the [Leave Calculator \(http://calculate.fairwork.gov.au/Leave\)](http://calculate.fairwork.gov.au/Leave) to calculate annual leave and sick leave entitlements

## 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

- [Annual leave \(www.fairwork.gov.au/Leave/Annual-leave/default\)](http://www.fairwork.gov.au/Leave/Annual-leave/default)
- [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)
- [Directing an employee to take annual leave \(www.fairwork.gov.au/leave/annual-leave/directing-an-employee-to-take-annual-leave/default\)](http://www.fairwork.gov.au/leave/annual-leave/directing-an-employee-to-take-annual-leave/default)
- [Record-keeping \(www.fairwork.gov.au/Pay/pay-slips-and-record-keeping/record-keeping\)](http://www.fairwork.gov.au/Pay/pay-slips-and-record-keeping/record-keeping)
- [Annual leave and long service leave application form \(DOC 68KB\) \(www.fairwork.gov.au/ArticleDocuments/766/Leave-application-form.doc.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/766/Leave-application-form.doc.aspx)

## 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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