

Directions to take annual leave

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An employer can direct an employee to take annual leave in certain situations. This page has information about when this can happen.

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- [Annual leave \(www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/annual-leave/annual-leave\)](http://www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/annual-leave/annual-leave)
- [Cancelling annual leave \(www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/annual-leave/cancelling-annual-leave\)](http://www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/annual-leave/cancelling-annual-leave)

Directing an employee to take annual leave – awards and agreements

The rules about when and if an employer can direct an employee to take annual leave are set out in awards and [enterprise agreements](#) (<https://www.fairwork.gov.au/Dictionary.aspx?TermID=2034>).

Under an award or enterprise agreement, an employer may be able to direct an employee to take annual leave in certain circumstances, for example if the business temporarily closes because of the impacts of coronavirus.

To direct an employee to take annual leave (for example, if it's allowed under an award or agreement) employers can use our [Template letter for directing employees to take annual leave during the coronavirus outbreak \(DOCX 79.6KB\)](#) (www.fairwork.gov.au/ArticleDocuments/218/directing-employees-to-take-annual-leave-during-the-coronavirus-outbreak.docx.aspx) (PDF 1MB) (www.fairwork.gov.au/ArticleDocuments/218/directing-employees-to-take-annual-leave-during-the-coronavirus-outbreak.pdf.aspx).

See the examples below which explain how this can work in practice in various situations.

More information:

- [Directing an employee to take annual leave \(https://www.fairwork.gov.au/leave/annual-leave/directing-an-employee-to-take-annual-leave\)](https://www.fairwork.gov.au/leave/annual-leave/directing-an-employee-to-take-annual-leave)
- [Direction to take annual leave during a shut down \(https://www.fairwork.gov.au/leave/annual-leave/directing-an-employee-to-take-annual-leave/direction-to-take-annual-leave-during-a-shut-down\)](https://www.fairwork.gov.au/leave/annual-leave/directing-an-employee-to-take-annual-leave/direction-to-take-annual-leave-during-a-shut-down)
- [Direction to take excess annual leave \(https://www.fairwork.gov.au/leave/annual-leave/directing-an-employee-to-take-annual-leave/direction-to-take-excess-annual-leave\)](https://www.fairwork.gov.au/leave/annual-leave/directing-an-employee-to-take-annual-leave/direction-to-take-excess-annual-leave)

Example: Direction to take annual leave during a shut down - award allows for it

Pablo is a part-time salesperson at a small advertising business, run by Ads-R-Us Pty Ltd, based in Fremantle. He's covered by the Commercial Sales Award. Pablo has 7 days of accrued annual leave.

Due to coronavirus, Ads-R-Us has temporarily closed. Pablo's manager told him the day before the shut down that he's required to take his annual leave while the business is closed.

Pablo's award says that the business needs to give him at least 4 weeks' notice before directing him to take annual leave

while the business is shut down.

This means that the business can only direct Pablo to take annual leave starting from 4 weeks into the planned shut down. For the first 4 weeks of the shut down, the business has to pay Pablo his normal wages.

Example: Direction to take annual leave during a shut down - award doesn't allow for it

Andrea is a part-time maintenance employee at a museum. She's covered by the Amusements, Events and Recreation Award. She has 14 days of accrued annual leave. Due to coronavirus, the museum has temporarily closed to the public.

Employees can't be directed to take annual leave during a shut down under the Amusements, Events and Recreation Award. An employer and employee need to agree for an employee to use annual leave.

Andrea and her employer discuss her options. Andrea's employer explains that the shut down period would be a good time for Andrea to take leave while there is less work to do. Andrea is happy to take 1 week of leave but wants to keep some leave for a family holiday she has planned later in the year.

Andrea and her employer agree that Andrea will take 5 days of her annual leave during this shut down period.

Example: Direction to take annual leave - excessive leave balance

Grace is a part-time employee in a clothes shop in Brisbane's CBD. Grace is covered by the Retail Award. The store continues to operate but it's not as busy because of coronavirus. There isn't enough work for all employees.

Grace has 9 weeks of annual leave accrued. Grace's manager has asked her to consider taking some leave, but they haven't been able to agree about when.

The Retail Award says that employers can direct employees to take annual leave if they have more than 8 weeks accrued and they can't agree about when to take the leave. To do this, Grace's manager has to tell her in writing and give her at least 8 weeks' notice that she needs to take leave. This means the business can't direct Grace to take her excess annual leave immediately – the start date has to be at least 8 weeks away. Grace's manager sends her a letter that directs her to take 2 weeks of annual leave starting in 8 weeks' time.

Example: Direction to take annual leave - business has slowed down

Juan is a full-time hairdresser at a hair salon in Wollongong and has 4 weeks of annual leave. He's covered by the Hair and Beauty Award. Due to coronavirus, there are fewer customers and the salon doesn't need as many hairdressers to work at the same time. The salon wants to stay open but wants to direct Juan to take some annual leave.

Juan's award only allows the salon to direct him to take annual leave if he has more than 8 weeks of annual leave, or during a close down of its operations.

As neither of these situations apply, the salon can't direct Juan to take annual leave. Juan and the salon will need to work together to find the most beneficial solution to suit both Juan and the salon's circumstances.

Award and agreement free employees

Employees that aren't covered by either an award or an agreement may be directed to take annual leave as long as the direction is reasonable. This includes if the employer is shutting down its business because of the impact of the coronavirus. See [Award and agreement free wages and conditions \(https://www.fairwork.gov.au/awards-and-agreements/award-and-agreement-free-wages-and-conditions\)](https://www.fairwork.gov.au/awards-and-agreements/award-and-agreement-free-wages-and-conditions) .

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Temporary changes to directions to take annual leave in awards

Because of the impact coronavirus is having on workplaces, the Fair Work Commission has varied several awards to allow employers to direct employees to take annual leave during coronavirus.

The rules vary between the awards, but most say that employers need to:

- give an employee a certain period of notice of the direction to take leave
- consider the employee's personal circumstances.

For a list of all Commission determinations that increase award flexibility due to coronavirus go to [Temporary changes to workplace laws during coronavirus \(www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/temporary-changes-to-workplace-laws-during-coronavirus\)](https://www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/temporary-changes-to-workplace-laws-during-coronavirus) .

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Enterprise agreements

If you're covered by an enterprise agreement, you need to check it for any extra rules about directions to take annual leave.

Parties to some enterprise agreements have applied to the Fair Work Commission to vary their agreements. This is to give extra flexibility during coronavirus and may impact annual leave under those agreements.

More information:

- [Fair Work Commission – COVID-19 & enterprise agreements](https://www.fwc.gov.au/about-us/coronavirus-covid-19-updates-advice/covid-19-enterprise-agreements) [↗](https://www.fwc.gov.au/about-us/coronavirus-covid-19-updates-advice/covid-19-enterprise-agreements) (https://www.fwc.gov.au/about-us/coronavirus-covid-19-updates-advice/covid-19-enterprise-agreements)
- [Fair Work Commission – \(https://www.fwc.gov.au/search/document/agreement\) Find an agreement](https://www.fwc.gov.au/search/document/agreement) [↗](https://www.fwc.gov.au/search/document/agreement) (https://www.fwc.gov.au/search/document/agreement)

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JobKeeper directions to take annual leave

If an employee is receiving payments under the JobKeeper scheme, their employer can request that they take annual leave in certain circumstances.

Learn more on our [Leave and the JobKeeper scheme page \(www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/jobkeeper-wage-subsidy-scheme/leave-the-jobkeeper-scheme\)](https://www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/jobkeeper-wage-subsidy-scheme/leave-the-jobkeeper-scheme) .

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