

# Unpaid pandemic leave & annual leave changes to awards

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## Unpaid pandemic leave extended in Health Awards

The Fair Work Commission has extended unpaid pandemic leave and annual leave at half pay in 9 awards in the health sector.

These are provided by Schedule X in the awards. Any leave taken under Schedule X now needs to start by 29 March 2021.

Schedule X applies in these awards until a further order is issued by the Fair Work Commission.

We've updated the information on this page as a result.

On 8 April 2020, the Fair Work Commission (the Commission) made [determinations](https://www.fwc.gov.au/awards-and-agreements/awards/award-modernisation/variation-applications/AM2020/12?type=variation) varying 99 awards, adding unpaid pandemic leave and annual leave flexibility.

The determinations inserted a temporary new Schedule X into these 99 awards, which provided 2 weeks of unpaid pandemic leave and the ability to take twice as much annual leave at half their normal pay if their employer agreed.

The Commission has now extended Schedule X in many awards. There are different end dates for the extended unpaid pandemic leave and annual leave provisions in each award.

We've updated this page with the new end dates for each award.

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- [Awards that still have Schedule X and their new end dates](#)
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To find out which awards used to have Schedule X but don't any more, and when it stopped applying in those awards, see [List of awards that Schedule X no longer applies to](http://www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/temporary-changes-to-workplace-laws-during-coronavirus/unpaid-pandemic-leave-annual-leave-changes-in-awards/list-of-awards-where-unpaid-pandemic-leave-schedule-x-no-longer-applies/default) (www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/temporary-changes-to-workplace-laws-during-coronavirus/unpaid-pandemic-leave-annual-leave-changes-in-awards/list-of-awards-where-unpaid-pandemic-leave-schedule-x-no-longer-applies/default) .

Use [Find my award](https://www.fairwork.gov.au/awards-and-agreements/awards/find-my-award/) (https://www.fairwork.gov.au/awards-and-agreements/awards/find-my-award/) if you're not sure which award applies to you.

## Unpaid pandemic leave

Employees who are employed under one of the affected awards can access up to 2 weeks' unpaid pandemic leave (or more by agreement with their employer) if they're prevented from working:

- as a result of being required to self-isolate by government or medical authorities, or acting on the advice of a medical practitioner, or
- by measures taken by government or medical authorities in response to the pandemic (for example, an [enforceable government direction](http://www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/list-of-enforceable-government-directions-during-coronavirus) ([www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/list-of-enforceable-government-directions-during-coronavirus](http://www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/list-of-enforceable-government-directions-during-coronavirus)) restricting non-essential businesses).

The leave is available in full immediately to full-time, part-time and casual employees – they don't have to accrue it.

Employees don't have to use all their paid leave before accessing unpaid pandemic leave.

The leave needs to start before, but can finish after, the date when the unpaid pandemic leave provisions in the relevant award stop applying. If Schedule X doesn't have a set end date in an award, the leave needs to start before 29 October 2020. Check your award in the table below to see when Schedule X stops operating.

All eligible employees can take the 2 weeks' leave. It is not pro-rated for employees who don't work full-time.

Unpaid pandemic leave doesn't affect other paid or unpaid leave entitlements and counts as service for entitlements under awards and the National Employment Standards.

### Notice and evidence

An employee has to let their employer know that they're going to take unpaid pandemic leave and the reason for taking the leave. This has to be done as soon as possible and can be after the leave has started. They should also say how long they'll be off or expect to be off work.

An employer can ask an employee to give evidence that shows why they took the leave.

An employer can't dismiss an employee or take any other adverse action against an employee because the employee is entitled to unpaid pandemic leave. Find out more about [protections at work](https://www.fairwork.gov.au/employee-entitlements/protections-at-work#adverse-action) (<https://www.fairwork.gov.au/employee-entitlements/protections-at-work#adverse-action>) .

#### Example: Taking unpaid pandemic leave

Gerson is a casual shop assistant employed under the Retail Award. He's received advice from a doctor that he needs to self-isolate because he was in close contact with a confirmed case.

He calls his employer to let them know his situation.

Gerson's employer discusses the different kinds of leave options he has while he's away from work. After talking about it, Gerson decides he'll take unpaid pandemic leave. On his employer's request, Gerson emails his employer his medical certificate.

### JobKeeper wage subsidy and unpaid pandemic leave

An employee receiving JobKeeper payments from their employer can still take unpaid pandemic leave under their award at the same time as receiving the JobKeeper payment.

For more information about the JobKeeper wage subsidy scheme, see [JobKeeper scheme - overview](http://www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/jobkeeper-wage-subsidy-scheme) ([www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/jobkeeper-wage-subsidy-scheme](http://www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/jobkeeper-wage-subsidy-scheme)) .

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### Annual leave at half pay

Under Schedule X, employees can take their annual leave at half pay, and double their time off work, if their employer agrees. This means an employee can get 1 week of annual leave (including annual leave loading if applicable) for every 2 weeks of annual leave they take.

The agreement has to be in writing and the employer needs to keep it as a record.

The leave needs to start before the date Schedule X stops operating in the relevant award, but can finish after that date. If Schedule X doesn't have a set end date in an award, the leave needs to start before 29 October 2020.

An employee on leave at half pay accumulates annual leave and sick and carer's leave as if they were on leave at full pay.

#### Example: Annual leave at half pay

Leah is an usher at a concert hall employed under the Live Performance Award. Her employer can't engage all of its ushers, including Leah, because of an enforceable government direction in response to coronavirus that restricts the number of people attending the concert hall.

After talking with her employer about the situation, Leah decides to take some of her annual leave. She currently has 6 weeks of annual leave.

Instead of taking 6 weeks at normal pay, Leah asks her employer if she can take 12 weeks' annual leave at half pay.

Leah's employer is happy with this and records the agreement in writing.

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## Further award flexibility during coronavirus

The Commission has varied some awards to provide flexibility during the coronavirus outbreak. Find out more:

- [Clerks Award flexibility during coronavirus \(www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/award-flexibility-during-coronavirus/clerks-award-flexibility-during-coronavirus/default\)](http://www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/award-flexibility-during-coronavirus/clerks-award-flexibility-during-coronavirus/default)
- [Real Estate Award flexibility during coronavirus \(www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/temporary-changes-to-workplace-laws-during-coronavirus/real-estate-award-flexibility-during-coronavirus\)](http://www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/temporary-changes-to-workplace-laws-during-coronavirus/real-estate-award-flexibility-during-coronavirus)
- [Vehicle Award changes during coronavirus \(www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/temporary-changes-to-workplace-laws-during-coronavirus/vehicle-award-changes-during-coronavirus\)](http://www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/temporary-changes-to-workplace-laws-during-coronavirus/vehicle-award-changes-during-coronavirus) .

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## Awards with unpaid pandemic leave - new end dates

The tables below outline the awards that still have Schedule X as well as its new end date in each award. If your award isn't listed here, go to [List of awards where Schedule X has stopped applying. \(www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/temporary-changes-to-workplace-laws-during-coronavirus/unpaid-pandemic-leave-annual-leave-changes-in-awards/list-of-awards-where-unpaid-pandemic-leave-schedule-x-no-longer-applies/default\)](http://www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/temporary-changes-to-workplace-laws-during-coronavirus/unpaid-pandemic-leave-annual-leave-changes-in-awards/list-of-awards-where-unpaid-pandemic-leave-schedule-x-no-longer-applies/default)

### 29 March 2021

Award	Schedule X end date
Airline Operations - Ground Staff Award	29 March 2021
Air Pilots Award	29 March 2021
Airport Employees Award	29 March 2021
Alpine Resorts Award	29 March 2021
Aluminium Industry Award	29 March 2021
Amusement, Events and Recreation Award	29 March 2021
Animal Care and Veterinary Services Award	29 March 2021
Aquaculture Industry Award	29 March 2021
Architects Award	29 March 2021
Asphalt Industry Award	29 March 2021
Banking, Finance and Insurance Award	29 March 2021
Broadcasting, Recorded Entertainment and Cinemas Award	29 March 2021
Building and Construction Award	29 March 2021
Business Equipment Award	29 March 2021
Car Parking Award	29 March 2021
Cement, Lime and Quarrying Award	29 March 2021
Cemetery Industry Award	29 March 2021

Children's Services Award	29 March 2021
Cleaning Services Award	29 March 2021
Commercial Sales Award	29 March 2021
Contract Call Centres Award	29 March 2021
Corrections and Detention (Private Sector) Award	29 March 2021
Cotton Ginning Award	29 March 2021
Dry Cleaning and Laundry Industry Award	29 March 2021
Educational Services (Post-Secondary Education) Award	29 March 2021
Fast Food Industry Award	29 March 2021
Fitness Industry Award	29 March 2021
Food, Beverage and Tobacco Manufacturing Award	29 March 2021
Funeral Industry Award	29 March 2021
Gardening and Landscaping Services Award	29 March 2021
Graphic Arts, Printing and Publishing Award	29 March 2021
Hair and Beauty Industry Award	29 March 2021
Higher Education Industry – General Staff – Award	29 March 2021
Horse and Greyhound Training Award	29 March 2021
Hospitality Industry (General) Award	29 March 2021
Horticulture Award	29 March 2021
Joinery Award	29 March 2021
Journalists Published Media Award	29 March 2021
Labour Market Assistance Award	29 March 2021
Legal Services Award	29 March 2021
Local Government Industry Award	29 March 2021
Manufacturing and Associated Industries and Occupations Award	29 March 2021
Meat Industry Award	29 March 2021
Miscellaneous Award	29 March 2021
Mobile Crane Award	29 March 2021
Nursery Award	29 March 2021
Pastoral Award	29 March 2021
Pest Control Industry Award	29 March 2021
Pharmaceutical Industry Award	29 March 2021
Poultry Processing Award	29 March 2021
Premixed Concrete Award	29 March 2021
Professional Diving Industry (Recreational) Award	29 March 2021
Professional Employees Award	29 March 2021
Racing Clubs Events Award	29 March 2021
Racing Industry Ground Maintenance Award	29 March 2021
Rail Industry Award	29 March 2021

Registered and Licensed Clubs Award	29 March 2021
Restaurant Industry Award	29 March 2021
General Retail Industry Award	29 March 2021
Salt Industry Award	29 March 2021
Seafood Processing Award	29 March 2021
Security Services Industry Award	29 March 2021
Silviculture Award	29 March 2021
State Government Agencies Award	29 March 2021
Storage Services and Wholesale Award	29 March 2021
Sugar Industry Award	29 March 2021
Surveying Award	29 March 2021
Textile, Clothing, Footwear and Associated Industries Award	29 March 2021
Timber Industry Award	29 March 2021
Vehicle Repair, Service and Retail Award	29 March 2021
Waste Management Award	29 March 2021
Water Industry Award	29 March 2021
Wine Industry Award	29 March 2021
Wool Storage, Sampling and Testing Award	29 March 2021

### 30 June 2021

Award	Schedule X end date
Live Performance Award	30 June 2021

### Until further order of the Fair Work Commission

Schedule X will continue to apply in these awards until a further order is issued by the Fair Work Commission, which may include a decision in the proceedings [AM2020/13: Health sector awards – pandemic leave \(https://www.fwc.gov.au/health-sector-awards-pandemic-leave?type=variation\)](https://www.fwc.gov.au/health-sector-awards-pandemic-leave?type=variation).

Any leave taken under Schedule X under these awards needs to start by 29 March 2021.

Note: Under the Aged Care Award, the Nurses Award and the Health Services Award, employees in residential aged care may be entitled to paid pandemic leave in some circumstances. Go to [Paid pandemic leave in some awards \(www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/temporary-changes-to-workplace-laws-during-coronavirus/paid-pandemic-leave-in-some-awards/\)](http://www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/temporary-changes-to-workplace-laws-during-coronavirus/paid-pandemic-leave-in-some-awards/) for more information.

Award	Schedule X end date
Aboriginal Community Controlled Health Services Award	Until further order of the Commission
Aged Care Award	Until further order of the Commission
Ambulance and Patient Transport Industry Award	Until further order of the Commission
Health Professionals and Support Services Award	Until further order of the Commission
Medical Practitioners Award	Until further order of the Commission

Nurses Award	Until further order of the Commission
Pharmacy Industry Award	Until further order of the Commission
Social, Community, Home Care and Disability Services Industry Award	Until further order of the Commission
Supported Employment Services Award	Until further order of the Commission

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## Western Australia state system

As some businesses in WA are not covered by the national system, the WA Industrial Relations Commission has announced unpaid pandemic leave and annual leave flexibilities for state system employers and employees.

Our [Fair Work system page \(https://www.fairwork.gov.au/about-us/legislation/the-fair-work-system#w\)](https://www.fairwork.gov.au/about-us/legislation/the-fair-work-system#w) has information about who isn't covered by the national system.

Visit WA Labour Relations for detailed information for [state \(https://www.commerce.wa.gov.au/labour-relations\)](https://www.commerce.wa.gov.au/labour-relations) system employers and employees on employment obligations and entitlements during coronavirus [☒ \(https://www.commerce.wa.gov.au/labour-relations\)](https://www.commerce.wa.gov.au/labour-relations) .

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