



Australian Government

Fair Work

OMBUDSMAN

Leave and public holidays

Australia's new workplace relations system

From 1 July 2009, most Australian workplaces are governed by a new system created by the *Fair Work Act 2009*.

The Fair Work Ombudsman helps employees, employers, contractors and the community to understand and comply with the new system. We provide information and advice, investigate workplace complaints and enforce Commonwealth workplace laws.

Leave and public holidays

All permanent full-time employees must get at least:

- four weeks paid **annual leave** (or five weeks for some shift workers)
- 10 days paid **sick / carer's leave** per year
- two days paid **compassionate leave** per occasion
- 12 months unpaid **parental leave** (also available to some casual employees).

Part-time employees usually also receive these minimum entitlements on a pro rata basis.

Annual leave – the basics

- All employees (except casual employees) can get paid annual leave based on the nominal hours they've worked.
- Employees and employers must agree on when the employee takes leave (except in some circumstances when the employer temporarily shuts down the business or the employee has accumulated a lot of leave – e.g. more than eight weeks for a full-time employee).
- Employees can cash out some of their annual leave (restrictions apply).

Need to know more?

Fair Work Online www.fairwork.gov.au has more information on the topics covered in this fact sheet.



Personal leave – the basics

- Includes sick leave, carer's leave and compassionate leave.
- When taking personal leave, an employee must let their employer know as soon as possible that they're unable to work.
- An employer can ask for a statutory declaration from the employee or a medical certificate signed by a registered health practitioner as evidence to support the employee's personal leave claim.
- Employees may cash out sick / carer's leave in some circumstances (restrictions apply).

Parental leave – the basics

There are three types of parental leave: **maternity leave** for new mothers, **paternity leave** for new fathers, and **adoption leave** for parents adopting a child who's younger than five.

There's also special maternity leave and help for mothers who can't do their usual job because of their pregnancy.

Long-service leave – the basics

- An employee gets long-service leave if they've worked for the same employer over a long period.
- Long-service leave is generally governed by state and territory laws and some awards.
- Employees can generally take long-service leave after 10 years, but under some state laws and terms of agreements or awards it may be taken earlier.

Public holidays

On public holidays, most permanent employees are entitled to a day off with pay. Fair Work Online has detailed information on public holidays in Australia – go to:

www.fairwork.gov.au/info/public-holidays

Contact us

Fair Work Online: www.fairwork.gov.au

Fair Work Infoline: 13 13 94

Monday to Friday, between 8.00am–6.00pm.

Need language help?

Contact the Translating and Interpreting Service (TIS) on **13 14 50**.

Hearing & speech impairment

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.