

*Your responses suggest that your leave entitlements from the first employer continued to the second employer uninterrupted.*

## **91 Transfer of employment situations that affect entitlement to payment for period of untaken paid annual leave**

*Transfer of employment situation in which employer may decide not to recognise employee's service with first employer*

- (1) Subsection 22(5) does not apply (for the purpose of this Division) to a transfer of employment between non-associated entities in relation to an employee, if the second employer decides not to recognise the employee's service with the first employer (for the purpose of this Division).

## **22 Meanings of service and continuous service**

*When service with one employer counts as service with another employer*

- (5) If there is a transfer of employment (see subsection (7)) in relation to a national system employee:
- (a) any period of service of the employee with the first employer counts as service of the employee with the second employer; and
  - (b) the period between the termination of the employment with the first employer and the start of the employment with the second employer does not break the employee's continuous service with the second employer (taking account of the effect of paragraph (a)), but does not count towards the length of the employee's continuous service with the second employer.

*You may calculate your approximate entitlement of annual leave at the FWO website: <https://calculate.fairwork.gov.au/Leave/Calculate>*