

*The National Employment Standards (NES) sets your minimum annual leave entitlements.*

## **87 Entitlement to annual leave**

### *Amount of leave*

- (1) For each year of service with an employer (other than periods of employment as a casual employee of the employer), an employee is entitled to:

(b) 5 weeks of paid annual leave, if:

- (iii) the employee qualifies for the shiftworker annual leave entitlement under subsection (3) (this relates to award/agreement free employees).

### *Award/agreement free employees who qualify for the shiftworker entitlement*

- (3) An award/agreement free employee qualifies for the shiftworker annual leave entitlement if:

(a) the employee:

- (i) is employed in an enterprise in which shifts are continuously rostered 24 hours a day for 7 days a week; and  
(ii) is regularly rostered to work those shifts; and  
(iii) regularly works on Sundays and public holidays; or

(b) the employee is in a class of employees prescribed by the regulations as shiftworkers for the purposes of the National Employment Standards.

### *Accrual of leave*

- (2) An employee's entitlement to paid annual leave accrues progressively during a year of service according to the employee's ordinary hours of work, and accumulates from year to year.

Note: If an employee's employment ends during what would otherwise have been a year of service (other than periods of employment as a casual employee of the employer), the employee accrues paid annual leave up to when the employment ends.

## **89 Employee not taken to be on paid annual leave at certain times**

### *Public holidays*

- (1) If the period during which an employee takes paid annual leave includes a day or part-day that is a public holiday in the place where the employee is based for work purposes, the employee is taken not to be on paid annual leave on that public holiday.

### *Other periods of leave*

- (2) If the period during which an employee takes paid annual leave includes a period of any other leave (other than unpaid parental leave) under this

	<p>Part, or a period of absence from employment under Division 8 (which deals with community service leave), the employee is taken not to be on paid annual leave for the period of that other leave or absence.</p>
--	--

*You can calculate the approximate number of days of annual leave you are presently entitled: <https://calculate.fairwork.gov.au/Leave/Calculate>*