

The National Employment Standards (NES) sets your minimum annual leave entitlements. Awards and Enterprise Agreements may only provide more favourable arrangements.

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:
 - (ii) an enterprise agreement applies to the employee and defines or describes the employee as a shiftworker for the purposes of the National Employment Standards; or

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 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.

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