

*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**

*Employee is not entitled to payment for untaken annual leave if service with first employer counts as service with second employer*

- (2) If subsection 22(5) applies (for the purpose of this Division) to a transfer of employment in relation to an employee, the employee is not entitled to be paid an amount under subsection 90(2) for a period of untaken paid annual leave.

Note: Subsection 22(5) provides that, generally, if there is a transfer of employment, service with the first employer counts as service with the second employer.

## **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>*