

Changes to sick leave entitlements

A number of changes have been made to leave entitlements this year.

Perhaps the most confusing change for employees and employers to understand are the new sick leave entitlements. That is because the way that entitlements apply may vary depending on the individual employee's start date, current leave entitlements and job nature (for casual employees).

From 24 July 2021, employees will become entitled to 10 sick days a year (up from 5 days). They become entitled after 6 months in a role, and then have the entitlement renewed once a year. If an employee has not yet worked 6 months, they do not have any sick leave entitlement.

Currently, employees are able to carry over 15 days of sick leave per annum. The maximum sick leave they can hold at any time is 20 days. On 24 July 2021, the maximum carry-over will reduce from 15 days to 10 days. The maximum sick leave an employee can hold will stay the same.

The sick leave entitlements also apply to casual staff if they work an average of 10 hours per week and no less than one hour every week during the 6 months employment.

Here are some examples of how this might apply to different employees:

- 1. Dylan started his new job on 1 March 2021. He would obtain entitlement to sick leave on 1 September 2021 and would receive 10 days of paid sick leave entitlement.*
- 2. Portia has been working in her job since 1 January 2020. She received 5 days sick leave on 1 July 2020. Because the new law isn't in effect on 1 July 2021, Portia will only receive a further 5 days sick leave on 1 July 2021. She will receive a further 10 days of entitlement on 1 July 2022.*
- 3. Karina started working on 25 July 2020. She received 5 days sick leave on 25 January 2021. She will receive a further 10 days sick leave on 25 January 2022.*
- 4. Brian is a casual employee. He started working on 1 January 2021. He works less than 40 hours every month. He is not entitled to sick leave.*
- 5. Paul is a casual employee. He also started working on 1 January 2021. He has worked at least one hour a week or 40 hours in every month since he started. He therefore became entitled to 5 days sick leave on 1 July 2021. If he had started working on 24 January 2021, he would have become entitled to 10 days sick leave on 24 July 2021 when the law came into force.*
- 6. Claire started work on 24 July 2010. She has carried over her maximum sick leave and currently has a balance of 20 days leave. She cannot gain a further entitlement unless she became sick before 24 July 2021. If Claire was sick for 7 days before 24 July, she would be topped back up to 20 sick leave days (the maximum). If she was sick for 17 days before 24 July, she would receive the full 10 days (i.e. she would have 13 days – her 10 days of new entitlements, and the 3 days carried over).*