

Know your Enterprise Agreement

Direction to take Annual Leave

It's that holiday time of the year where some hospital units shutdown or reduce services. For many it is an opportunity to take leave with family and friends while others keep hospitals running.

You can be directed by your employer to take leave for the purpose of close downs and excessive Annual Leave. However, your Enterprise Agreement contains protections that mean you don't have to take leave unless you have been given fair notice.

Below are the Employer Direction to take Annual Leave clauses from your Enterprise Agreement.

Employer Direction to Take Annual Leave – Close Down

6.1.15 The employer may direct an employee take a period of annual leave where the site or department is closed, experiences periods of low activity and/or downtime (e.g. Christmas, New Year).

Where a site or department is closing and an employee who is directed to take leave does not have an entitlement to sufficient paid Annual Leave the employee may take annual leave in advance or may elect to take another form of leave including leave without pay. The employer will also allow the employee to access all entitlements to Banked Ordinary Hours, Time Off in Lieu and Accrued Days Off. The employer will consider requests from employees for re-deployment wherever possible.

The employer will consult with the employee regarding the taking of a leave entitlement. When a mutual agreement cannot be reached, the employer may direct the employee to take leave provided the employee is given at least 2 months' notice in writing from the date upon which the leave is to commence.

Employer Direction to Take Annual Leave – Excessive Annual Leave

6.1.16 The employer may direct an employee take a period of annual leave where the employee has accrued an excessive amount of paid Annual Leave (e.g. in excess of 6 weeks leave balance for an employee who has an entitlement of 4 weeks per year).

The employer will consult with the employee regarding the taking of a leave entitlement. When a mutual agreement cannot be reached, the employer may direct the employee to take leave provided the employee is given at least 2 months' notice in writing from the date upon which the leave is to commence.

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Contact Matt Henderson on 1300 367 962 or at mhenderson@nswnma.asn.au for any further information.