

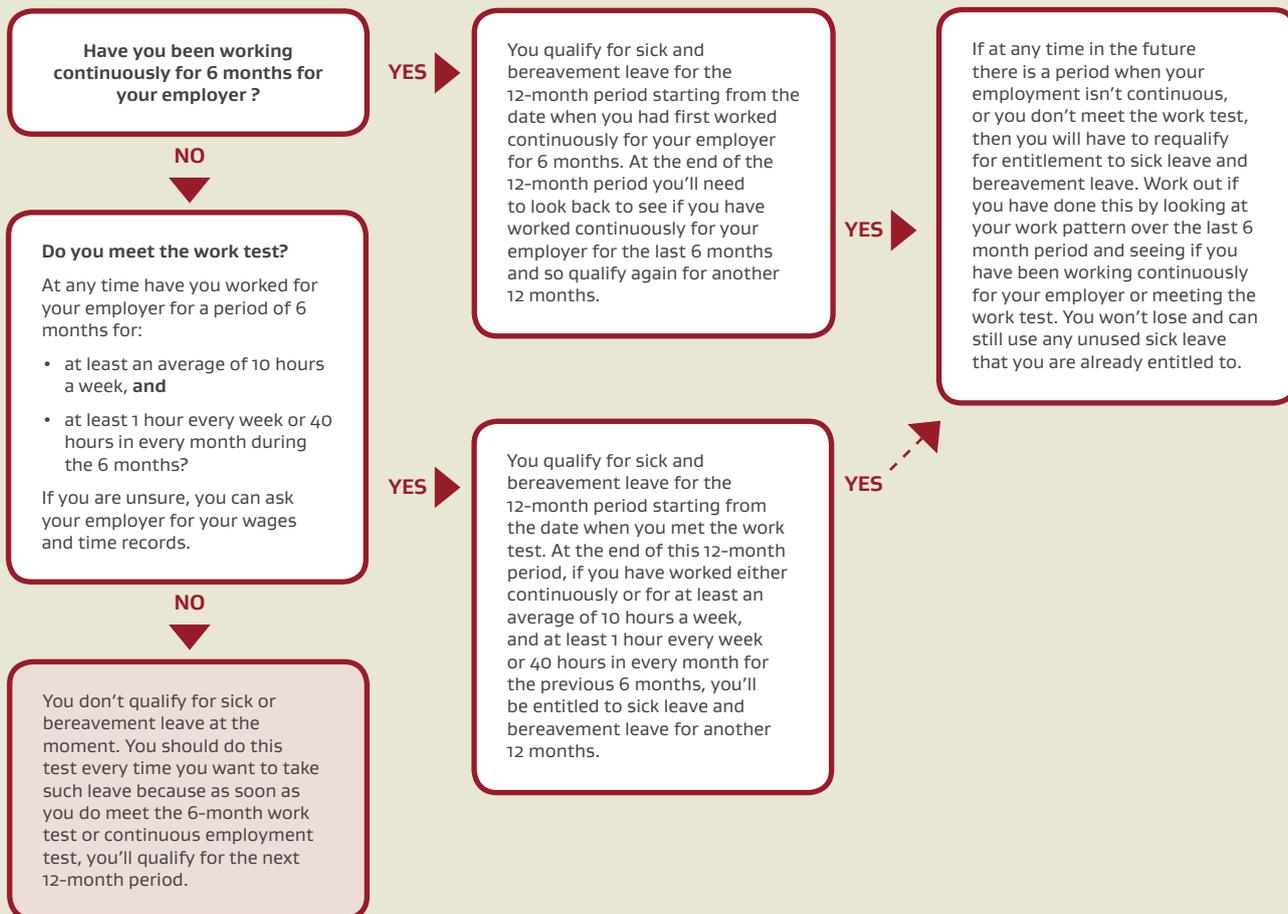


## Sick leave and bereavement leave

### Principles

- The test to see whether an employee is entitled to sick and bereavement leave under the Holidays Act 2003 is the same. If they are entitled to one they are also entitled to the other.
- Whether an employee is entitled to sick and bereavement leave depends on whether they have worked for their employer for 6 months (either continuously or they meet the work test).
- Continuous employment doesn't mean the employee has to be full-time or permanent or on a particular type of employment agreement. It can include:
  - part-time employment
  - fixed-term employment
  - an employee whose work pattern is predictable but infrequent.
- Meeting the work test means that the employee has worked for that employer for at least an average of 10 hours a week; and at least 1 hour every week or 40 hours in every month, for a period of 6 months. If an employee is unsure, they can ask their employer for their wages and time records so they can check.
- Employees employed on 'casual' employment agreements may still be entitled to sick leave and bereavement leave, if they have had continuous employment for 6 months or they meet the work test.
- Sick and bereavement leave are usually paid at the rate of relevant daily pay (or average daily pay if applicable).
- Even if they are entitled to sick leave and bereavement leave, employees can only take leave on a day that is an 'otherwise working day' for them.
- Once an employee qualifies for sick or bereavement leave, then at the end of the next 12-month period, their work pattern is looked at again to see if they qualify for another 12 months. If they don't, then if and when they do qualify again they'll be entitled for another 12 months.
- If an employee stops being entitled to sick leave, they can still use any unused sick leave they are already entitled to.

### Chart for employees to work out if they qualify for sick leave and bereavement leave



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