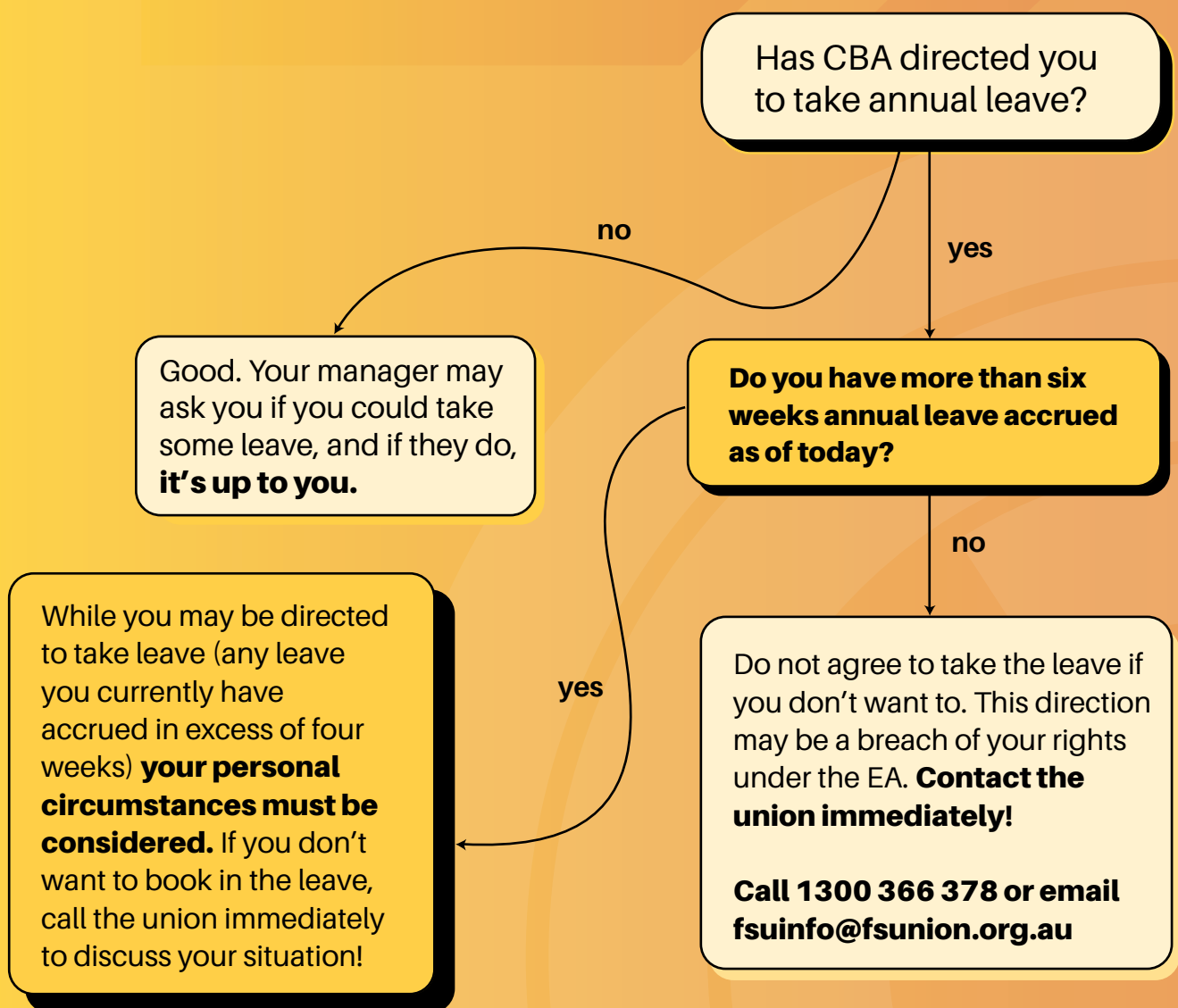


CBA: Directions to take Annual Leave

YOUR RIGHTS



LEAVE DIRECTION FAQs

When can CBA issue a direction to an employee to take annual leave?

Only when an employee has accrued more than 6 weeks annual leave.

How much annual leave can CBA direct an employee to take?

There is no set amount, but if an employee is directed to take annual leave their remaining leave balance must be at least 4 weeks leave.

Can an employee refuse a direction to take annual leave?

An employee cannot refuse a direction, but agreement should try to be reached between an employee and their manager about when to take the leave. If no agreement can be reached, a manager can give an employee at least one month's notice in writing that the employee must take their leave during a particular period.

Are there any limitations on CBA being able to direct an employee to take annual leave?

Importantly, under clause 14.3(a)(i) of the enterprise agreement, CBA can only give a direction to an employee to take leave when **at the time the direction is given the employee has an accrued annual leave balance of 6 weeks or more.**

So if an employee does not have at least 6 weeks annual leave accrued, CBA cannot issue a direction to take any annual leave.

Below is an extract of the clause in the agreement:

14.3 Direction to take annual leave

(a) General ability to direct

An employee must take an amount of annual leave during a particular period if directed by the Group where:

- (i) at the time that the direction is given, the employee has annual leave credited to him or her of more than 6 weeks;*
- (ii) the direction does not cause the employee's annual leave balance to be less than 4 weeks at the time the leave is to commence; and*
- (iii) the employee and their manager are unable to agree on a suitable period to take the leave, the Group gives the employee at least one month's notice in writing of the requirement to take the annual leave.*

(a) Direction for prudential or risk management purposes

Without limiting the effect of clause 14.3(a):

- (i) the Group must make reasonable efforts to reach agreement with an employee on taking annual leave before giving a direction under this clause 14.3(b);*
- (ii) an employee must take an amount of annual leave of not more than two weeks if directed to by the Group where such direction is given as part of the Group's prudential or risk management requirements. However where the employee has compelling personal circumstances, a minimum of one week's annual leave may be agreed.*
- (iii) Where agreement cannot be reached on when to take the leave, the Group must then give the employee at least one month's notice in writing to the requirement to take the annual leave. Such a direction must not cause the employee to accrue a negative leave balance as a result.*

If you have any questions or concerns, ask for help! Your leave is an important entitlement.