

6 Important Points On Sick Leave

On 1 April 2004, the new Holidays Act came into force. The Act makes some changes to the way staff can take sick leave. The main changes include:

- Employees are entitled to a minimum of 5 days paid sick leave per year after the first 6 months of continuous employment. There is no legal entitlement to sick leave until 6 months of service.
- Employees can use their sick leave if they are sick or injured, their spouse is sick or injured, or if a dependent is sick or injured.
- Unused sick leave can be carried over to the next year and can be accumulated up to a maximum of 20 days.
- You can ask your employee to provide proof of sickness or injury, if the sickness or injury lasts 3 or more consecutive days. That would include sickness over a weekend such as if the employee was sick on Friday, Saturday and Sunday.
- If an employee falls sick while on annual leave, the employer may allow them to take sick leave and use their holiday leave on another date. If they fall sick before they start their planned leave then the employer must allow them to take the leave as sick leave up to the amount of sick leave they have available.
- If an employee falls sick on a day that they would normally work, you must pay them the pay rate applicable to that day. If an employee is rostered to work a Public Holiday and they are sick on that day, you are required to pay them time and a half for any time actually worked that day, but only normal pay rates for time not worked due to illness. You do not have to give them a day in lieu for the Public Holiday unless they actually work for some time on that day.

Make sure that your organisation has a clear policy for sick leave in place so that staff and management know what is required of them under the new legislation.

Alan Knowsley
RAINEY COLLINS
LAWYERS