

WE KNOW

# HUMAN RESOURCES

## SICK LEAVE & BEREAVEMENT LEAVE

QUICK GUIDE

This Quick Guide provides summarised information about the entitlements to sick leave and bereavement leave. Related information can also be found in our Quick Guide – Requiring a Medical Certificate.

### QUALIFYING FOR SICK LEAVE AND BEREAVEMENT LEAVE

To be entitled to sick leave or bereavement leave an employee must have:

- Completed six months current continuous service; or
- Worked for the same employer for at least an average of 10 hours a week over a six month period *and* during that period worked no less than 1 hour a week *or* 40 hours a month.

### SICK LEAVE ENTITLEMENT

After the 6 month qualifying period an employee is entitled to 5 days paid sick leave, and reaches entitlement to a further 5 days in every subsequent 12-month period (i.e. after 18 months, 30 months etc etc) as long as employment with the same employer continues (or the employee continues to meet the 10 hours per week average set out above). Sick leave entitlement is the same for employees regardless of how many days they normally work per week – there is no proportionate reduction in sick leave for part time employees.

Sick leave may be used when an employee, an employee's spouse (including a de facto spouse of the same or a different sex), or a person who depends on the employee for care, is sick or injured.

Up to 15 days sick leave may be carried forward from one year to the next, to create a maximum of 20 days current entitlement in any one year.

Employers may provide additional sick leave entitlement and may also allow employees to accumulate a greater number of unused sick leave days. An employer can also allow an employee to take sick leave in advance of entitlement. Employees are not entitled to be paid for any untaken sick leave when employment ends.

For information on obtaining proof of sickness or injury see our Quick Guide Requiring a Medical Certificate.

### BEREAVEMENT LEAVE ENTITLEMENT

Qualifying employees are entitled to three days paid bereavement leave on the death of a spouse, parent, child, brother, sister, grandparent, grandchild, or spouse's parent. The three days bereavement leave allowance does not have to be used either immediately or consecutively.

One day's bereavement leave is available in other cases where the employer accepts the employee has suffered bereavement. An employer must take into account relevant factors, including:

- The closeness of the association between the employee and the deceased person.
- Whether the employee has to take significant responsibility for all or any of the arrangements for the ceremonies relating to the death.
- Any of the employee's cultural responsibilities in relation to the death.
- An employee who suffers more than one bereavement at the same time may take the appropriate amount of bereavement leave in respect of each bereavement

### **NOTIFICATION OF SICK LEAVE OR BEREAVEMENT LEAVE**

An employee intending to take sick or bereavement leave should notify the employer on the day leave is to be taken as early as possible before he or she is due to start work. If that is not practicable, the employer should be notified of the intention to take leave as early as possible after the employee's scheduled start time.

### **PAYMENT OF SICK LEAVE OR BEREAVEMENT LEAVE**

Employees must be paid an amount equivalent to their *relevant daily pay*<sup>1</sup> for each day of sick or bereavement leave that would otherwise be a working day for them. Payment for sick or bereavement leave must be made in the pay that relates to the pay period in which the leave is taken.

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For further information on sick leave or bereavement leave or any other aspects of employment relations/human resource management, please contact The Chamber, email [info@cecc.org.nz](mailto:info@cecc.org.nz) or phone 03 366 5096.

<sup>1</sup>Relevant daily pay is the amount of pay the employee would have received if he or she had worked on the day concerned. It includes:

- The payment of commission.
- Productivity or incentive-based payments the employee would otherwise have received.
- Overtime payments the employee would otherwise have received.
- The cash value of any board or lodgings provided by the employer.

If it is not possible or practicable to determine the employee's relevant daily pay or the employee's daily pay varies within the pay period when the sick or bereavement leave falls, then average daily pay (ADP) may be used. ADP is the amount of the employee's gross earnings for the 52 calendar weeks preceding the end of the pay period before the calculation is made divided by the number of whole or part days worked including paid holidays or leave.