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Payroll Practitioners
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Holidays Act 2003

Bereavement Leave



Section 63 Entitlement to sick leave and bereavement leave

(1) An employee is entitled to sick leave and bereavement leave in accordance with this subpart—

(a) after the employee has completed 6 months' current continuous employment with the employer; or

(b) if, in the case of an employee to whom subsection (1)(a) does not apply, the employee has, over a period of 6 months, worked for the employer for—

(i) at least an average of 10 hours a week during that period; and

(ii) no less than 1 hour in every week during that period or no less than 40 hours in every month during that period.



Section 69 Bereavement leave

(1) An employee may take bereavement leave in accordance with sections 63 and 70 if the employee suffers a bereavement.

(2) An employee suffers a bereavement—

(a) on the death of the employee's—

(i) spouse or partner:

(ii) parent:

(iii) child:

(iv) brother or sister:

(v) grandparent:

(vi) grandchild:

(vii) spouse's or partner's parent; or

(b) on the death of any other person if the employer accepts, having regard to relevant factors such as those set out in subsection (3), that the employee has suffered a bereavement as a result of the death.

(3) For the purposes of subsection (2)(b), relevant factors include—

(a) the closeness of the association between the employee and the deceased person:

(b) whether the employee has to take significant responsibility for all or any of the arrangements for the ceremonies relating to the death:

(c) any cultural responsibilities of the employee in relation to the death.



Section 70 Duration of bereavement leave

(1) An employer must allow an employee to take—

(a) 3 days' bereavement leave for each type of bereavement described in section 69(2)(a); and

(b) 1 day's bereavement leave for a bereavement described in section 69(2)(b).

(2) If an employee suffers more than 1 bereavement at the same time, he or she may take the amount of bereavement leave specified in subsection (1) in respect of each bereavement.