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Holidays Act 2003

Sick 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 64 Employee must notify employer of intention to take leave

An employee who intends to take sick leave or bereavement leave must notify the employer of that intention—

- (a) as early as possible before the employee is due to start work on the day that is intended to be taken as sick leave or bereavement leave; or
- (b) if that is not practicable, as early as possible after that time.



Section 65 Sick leave

(1) An employee may take sick leave if—

(a) the employee is sick or injured; or

(b) the employee's spouse or partner is sick or injured; or

(c) a person who depends on the employee for care is sick or injured.

(2) An employee is entitled to 5 days' sick leave for each of the 12-month periods specified in section 63(2).



Section 66 Sick leave may be carried over

(1) An employee may carry over, to any subsequent 12-month period of employment, any sick leave that has not been taken by the end of the period to which the leave relates.

(2) For the purposes of subsection (1), an employee may carry over up to 15 days' sick leave to a maximum of 20 days' current entitlement in any year.

(3) To avoid doubt, subsection (2) does not prevent an employer from allowing an employee to carry over any enhanced or additional sick leave entitlement.

Section 67 Sick leave need not be paid out

An employee is not entitled to be paid for any sick leave that has not been taken before the date on which his or her employment ends.



Section 68 Proof of sickness or injury

(1) An employer may require an employee to produce proof of sickness or injury for sick leave taken under section 65 if the sickness or injury that gave rise to the leave is for a period of 3 or more consecutive calendar days, whether or not the days would otherwise be working days for the employee.

(1A) Despite subsection (1), the employer may require proof of sickness or injury within 3 consecutive calendar days if the employer—

- (a) informs the employee as early as possible that the proof is required; and
- (b) agrees to meet the employee's reasonable expenses in obtaining the proof.

(2) Subsection (1) does not prevent an employer and employee from agreeing that the employee will produce proof of sickness or injury for sick leave provided to the employee in addition to the entitlement set out in section 65.