Paid sick leave: Get it right

If an employee has been with you for more than six months, in most cases you must give them paid sick leave.

Make sure you know all the ins and outs, including how to deal with casual and part-time workers, when to roll over untaken sick days, and when it's OK to ask for a GP's certificate.

TIME OFF WORK

Employees can take sick leave if they are sick or injured, or to look after their partner or another dependant person who is sick or injured. This could be a husband or wife, partner, child, or anyone else who relies on them, eg an elderly relative.

Your employee must tell you as soon as possible if they want to take sick leave. Let them know how you'd like them to tell you, e.g., a phone call. Put it in your workplace policies, too.

The legal minimum is five paid sick days a year. You must give your employees sick leave once they've worked continuously for you for six months, or if they meet the average hours criteria set out in **Who can take sick leave** paragraph below. Those eligible for sick leave can build up at least 20 days of untaken sick leave — this is known as rolling over sick leave.

Employers are welcome to offer workers more than the legal minimum. Many do, giving more days off and/or letting employees take sick leave in advance.

WHO CAN TAKE SICK LEAVE

Employees are legally entitled to paid sick leave if they either:

- have worked for you continuously for at least six months, e.g. permanent employees, both full-timers and part-timers, and those on fixed-term contracts longer than six months; or
- have worked for you over a period of six months, for an average of 10 hours a week, and have worked at least one hour in every week or 40 hours in every month – note this test may apply to employees who work intermittently, even if they are called "casual" employees - you must record their hours accurately and give them paid sick leave once they become eligible.

Think about what you'll do if a new employee gets sick before their first six months has been completed. Some employers allow workers to take sick leave in advance. Think about whether this will be extra days on top of the five-day entitlement, or if it will be taken from the five-day entitlement. Record what you agree with your employee in writing.

MEDICAL CERTIFICATES

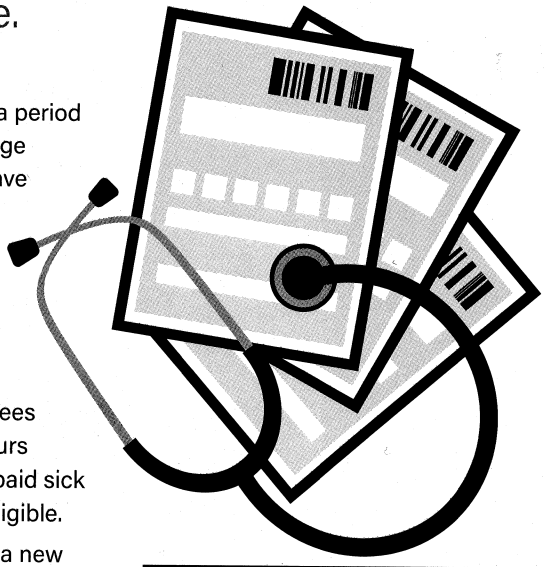
While you don't need a reason to ask for proof, it's better for staff relations if it's done only with reasonable grounds to suspect an employee's illness isn't genuine.

Who pays to get the medical certificate or doctor's note depends on how long the employee has been off work:

- You pay if it's less than three calendar days in a row.
- Your employee pays if it's three or more days in a row.
- You can't make your employee see a doctor of your choice — it's their right to choose, whether you are paying or not.

ROLLING OVER SICK LEAVE

If employees have any sick leave left at the end of the year, it's carried over to the following year. Legally they can collect at least 20 days' untaken sick leave. Note: An employee's sick leave year officially starts once they've been working for you for six months.



DON'T USE NORMAL SICK LEAVE RULES IF IT'S A WORKPLACE INJURY

For example:

After six months' employment, your worker gets five days' sick leave.

Over the next 12 months, they don't use any.

In the following 12-month period, they have 10 days' sick leave.

If one year an employee doesn't qualify for sick leave, they can draw on untaken sick leave from past years.

You don't have to pay employees for unused sick days when their employment ends, unless it is in their employment agreement.

For further information, visit the below weblinks:

- **Sick leave** — Employment New Zealand https://www.employment.govt.nz/leave-and-holidays/sick-leave/
- **Sick leave** — Employment Agreement Builder - https://eab.business.govt.nz/employmentagreementbuilder/startscreen/
- **Leave and holidays policy** — Workplace Policy Builder - https://wpb.business.govt.nz/workplacepolicybuilder/leaveHolidays/leave4AWhyWeHaveThisPolicy
- **Sick leave** — Workplace Policy Builder
- https://wpb.business.govt.nz/workplacepolicybuilder/leaveHolidays/leave4DSickLeave
- **Employer and staff learning modules** — Employment New Zealand - https://employment.elearning.ac.nz
- **Sick leave** - Medical certificate — Employment Agreement Builder - https://eab.business.govt.nz/employmentagreementbuilder/leave/sickLeaveMedicalCertificate

PUT SICK LEAVE DETAILS IN YOUR EMPLOYMENT AGREEMENTS AND WORKPLACE POLICIES