



## **BACKGROUND PAPER**

*Fair Work Act 2009*

s.156—4 yearly review of modern awards

### **4 Yearly Review of modern awards—Annual leave common issue—Data on paid annual leave for selected industries (AM2014/47)**

MELBOURNE, 8 JULY 2016

*Note: This is a background document only. It has been prepared by the Commission research area and does not represent the concluded views of the Commission on any issue.*

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## Background

[1] This background paper provides information on the amount of paid annual leave taken by employees covered by the selected modern awards identified by Ai Group as either including a term requiring annual leave to be taken within 18 months of accrual (13 awards) or a term requiring the accrued leave to be taken within a specified period of time (7 awards)<sup>1</sup>.

[2] The selected modern awards have been ‘mapped’ to Australian and New Zealand Standard Industrial Classification (ANZSIC)<sup>2</sup> divisions where these modern awards have primary or relevant coverage based on the Fair Work Commission’s (Commission’s) research that mapped modern awards with ANZSIC.<sup>3</sup>

[3] Table 1 shows the selected modern awards to the corresponding ANZSIC division to which they have been ‘mapped’. The HILDA survey does not present ANZSIC at the lowest level (4-digit) and are instead presented at the 1-digit level.

**Table 1: Selected modern awards and ANZSIC divisions**

<b>Modern award</b>	<b>ANZSIC division</b>
<i>Aquaculture Industry Award 2010</i>	Agriculture, forestry and fishing
<i>Asphalt Industry Award 2010</i>	Construction
<i>Broadcasting and Recorded Entertainment Award 2010</i>	Information media and telecommunications
<i>Cement and Lime Award 2010</i>	Manufacturing
<i>Gardening and Landscaping Services Award 2010</i>	Construction & Administrative and support services
<i>Gas Industry Award 2010</i>	Electricity, gas, water and waste services
<i>Horse and Greyhound Training Award 2010</i>	Arts and recreation services
<i>Premixed Concrete Award 2010</i>	Manufacturing
<i>Quarrying Award 2010</i>	Mining
<i>Racing Clubs Events Award 2010</i>	Arts and recreation services
<i>Racing Industry Ground Maintenance Award 2010</i>	Arts and recreation services
<i>Silviculture Award 2010</i>	Agriculture, forestry and fishing
<i>Sporting Organisations Award 2010</i>	Arts and recreation services
<i>Ambulance and Patient Transport Industry Award 2010</i>	Health care and social assistance
<i>Architects Award 2010</i>	Professional, scientific and technical services
<i>Black Coal Mining Industry Award 2010</i>	Mining

<sup>1</sup> [2016] FWCFB 3177 at para. 123(i–ii).

<sup>2</sup> Australian Bureau of Statistics, *Australian and New Zealand Standard Industrial Classification (ANZSIC), 2006 (Revision 1.0)*, Catalogue No. 1292.0.

<sup>3</sup> Fair Work Commission, *Spreadsheets with ANZSIC classes & mapped modern awards*, 2014.

<b>Modern award</b>	<b>ANZSIC division</b>
<i>Mobile Crane Hiring Award 2010</i>	Construction
<i>Nursery Award 2010</i>	Agriculture, forestry and fishing
<i>Nurses Award 2010</i>	Health care and social assistance
<i>Security Services Industry Award 2010</i>	Public administration and safety

Note: The *Gardening and Landscaping Services Award 2010* was mapped to both Construction and Administrative and support services as the classification of gardening services may cover industries involved in Administrative and support services, and the classification of landscaping services may cover industries involved in Construction.

Source: Fair Work Commission, *Spreadsheets with ANZSIC classes & mapped modern awards*, 2014.

[4] Data are obtained from the Household, Income and Labour Dynamics in Australia (HILDA) survey which asked respondents if they had taken any paid annual leave and the amount of paid annual leave in the preceding 12 months.

[5] The data represent the proportion of non-casual employees that took a period of paid annual leave and the average number of days for those that had taken paid annual leave.

[6] Tables 2–12 provide data on the industries identified that employ workers covered by the selected awards, showing the proportion of non-casual employees that took paid annual leave in the preceding 12 months and the average number of days of paid annual leave for the relevant industry compared with all industries across each year from 2010 to 2014.

## **Use of annual leave**

[7] Table 2 presents data for non-casual employees in the Agriculture, forestry and fishing industry. Relative to all industries:

- the proportion that took a period of paid annual leave over the previous 12 months was lower across each year; and
- the average number of paid annual leave days taken was lower across each year.

**Table 2: Use of paid annual leave by non-casual employees in Agriculture, forestry and fishing, 2010–2014**

		<b>Agriculture, forestry and fishing</b>	<b>All industries</b>
2010	Taken a period of <u>paid</u> annual leave (%)	53.8	80.6
	Average leave days taken by those who took leave (no.)	14.9	18.4
2011	Taken a period of <u>paid</u> annual leave (%)	39.5	79.8
	Average leave days taken by those who took leave (no.)	17.1	18.1
2012	Taken a period of <u>paid</u> annual leave (%)	67.4	79.8
	Average leave days taken by those who took leave (no.)	13.6	18.2
2013	Taken a period of <u>paid</u> annual leave (%)	62.4	81.3
	Average leave days taken by those who took leave (no.)	13.0	18.1
2014	Taken a period of <u>paid</u> annual leave (%)	56.6	82.2
	Average leave days taken by those who took leave (no.)	13.1	18.0

Source: HILDA survey, Waves 10–14.

**[8]** Table 3 presents data for non-casual employees in the Construction industry. Relative to all industries:

- the proportion that took a period of paid annual leave over the previous 12 months was lower across each year; and
- the average number of paid annual leave days taken was lower across each year.

**Table 3: Use of paid annual leave by non-casual employees in Construction, 2010–2014**

		<b>Construction</b>	<b>All industries</b>
2010	Taken a period of <u>paid</u> annual leave (%)	74.2	80.6
	Average leave days taken by those who took leave (no.)	15.4	18.4
2011	Taken a period of <u>paid</u> annual leave (%)	69.3	79.8
	Average leave days taken by those who took leave (no.)	14.7	18.1
2012	Taken a period of <u>paid</u> annual leave (%)	72.1	79.8
	Average leave days taken by those who took leave (no.)	14.8	18.2
2013	Taken a period of <u>paid</u> annual leave (%)	73.2	81.3
	Average leave days taken by those who took leave (no.)	16.0	18.1
2014	Taken a period of <u>paid</u> annual leave (%)	68.8	82.2
	Average leave days taken by those who took leave (no.)	15.4	18.0

Source: HILDA Survey, Waves 10–14.

[9] Table 4 presents data for non-casual employees in the Information media and telecommunications industry. Relative to all industries:

- the proportion that took a period of paid annual leave over the previous 12 months was higher across each year; and
- the average number of paid annual leave days taken was lower across each year.

**Table 4: Use of paid annual leave by non-casual employees in Information media and telecommunications, 2010–2014**

		<b>Information media and telecommunications</b>	<b>All industries</b>
2010	Taken a period of <u>paid</u> annual leave (%)	83.7	80.6
	Average leave days taken by those who took leave (no.)	17.5	18.4
2011	Taken a period of <u>paid</u> annual leave (%)	91.1	79.8
	Average leave days taken by those who took leave (no.)	16.7	18.1
2012	Taken a period of <u>paid</u> annual leave (%)	89.8	79.8
	Average leave days taken by those who took leave (no.)	16.9	18.2
2013	Taken a period of <u>paid</u> annual leave (%)	82.5	81.3
	Average leave days taken by those who took leave (no.)	15.2	18.1
2014	Taken a period of <u>paid</u> annual leave (%)	83.0	82.2
	Average leave days taken by those who took leave (no.)	15.5	18.0

Source: HILDA survey, Waves 10–14.

[10] Table 5 presents data on non-casual employees in the Manufacturing industry. Relative to all industries:

- the proportion that took a period of paid annual leave over the previous 12 months was lower in 2010 and 2011 and higher between 2012 and 2014; and
- the average number of paid annual leave days taken was lower across each year.

**Table 5: Use of paid annual leave by non-casual employees in Manufacturing, 2010–2014**

		<b>Manufacturing</b>	<b>All industries</b>
2010	Taken a period of <u>paid</u> annual leave (%)	78.6	80.6
	Average leave days taken by those who took leave (no.)	15.1	18.4
2011	Taken a period of <u>paid</u> annual leave (%)	79.3	79.8
	Average leave days taken by those who took leave (no.)	15.5	18.1
2012	Taken a period of <u>paid</u> annual leave (%)	81.0	79.8
	Average leave days taken by those who took leave (no.)	15.4	18.2
2013	Taken a period of <u>paid</u> annual leave (%)	86.6	81.3
	Average leave days taken by those who took leave (no.)	15.7	18.1
2014	Taken a period of <u>paid</u> annual leave (%)	86.6	82.2
	Average leave days taken by those who took leave (no.)	15.8	18.0

Source: HILDA survey, Waves 10–14.

**[11]** Table 6 presents data on non-casual employees in the Administrative and support services industry. Relative to all industries:

- the proportion that took a period of paid annual leave over the previous 12 months was lower across each year; and
- the average number of paid annual leave days taken was lower across each year.

**Table 6: Use of paid annual leave by non-casual employees in Administrative and support services, 2010–2014**

		<b>Administrative and support services</b>	<b>All industries</b>
2010	Taken a period of <u>paid</u> annual leave (%)	73.2	80.6
	Average leave days taken by those who took leave (no.)	14.2	18.4
2011	Taken a period of <u>paid</u> annual leave (%)	75.6	79.8
	Average leave days taken by those who took leave (no.)	16.2	18.1
2012	Taken a period of <u>paid</u> annual leave (%)	73.0	79.8
	Average leave days taken by those who took leave (no.)	17.4	18.2
2013	Taken a period of <u>paid</u> annual leave (%)	74.3	81.3
	Average leave days taken by those who took leave (no.)	14.6	18.1
2014	Taken a period of <u>paid</u> annual leave (%)	80.8	82.2
	Average leave days taken by those who took leave (no.)	15.8	18.0

Source: HILDA survey, Waves 10–14.

**[12]** Table 7 presents data on non-casual employees in the Electricity, gas, water and waste services industry. Relative to all industries:

- the proportion that took a period of paid annual leave over the previous 12 months was higher across each year; and
- the average number of paid annual leave days taken was lower across each year, except in 2012.



**Table 7: Use of paid annual leave by non-casual employees in Electricity, gas, water and waste services, 2010–2014**

		<b>Electricity, gas, water and waste services</b>	<b>All industries</b>
2010	Taken a period of <u>paid</u> annual leave (%)	92.4	80.6
	Average leave days taken by those who took leave (no.)	16.9	18.4
2011	Taken a period of <u>paid</u> annual leave (%)	85.0	79.8
	Average leave days taken by those who took leave (no.)	15.8	18.1
2012	Taken a period of <u>paid</u> annual leave (%)	89.4	79.8
	Average leave days taken by those who took leave (no.)	20.8	18.2
2013	Taken a period of <u>paid</u> annual leave (%)	91.8	81.3
	Average leave days taken by those who took leave (no.)	14.7	18.1
2014	Taken a period of <u>paid</u> annual leave (%)	87.1	82.2
	Average leave days taken by those who took leave (no.)	17.9	18.0

Source: HILDA survey, Waves 10–14.

[13] Table 8 presents data on non-casual employees in the Arts and recreation services industry. Relative to all industries:

- the proportion that took a period of paid annual leave over the previous 12 months was lower across each year, except in 2011; and
- the average number of paid annual leave days was lower across each year.

**Table 8: Use of paid annual leave by non-casual employees in Arts and recreation services, 2010–2014**

		<b>Arts and recreation services</b>	<b>All industries</b>
2010	Taken a period of <u>paid</u> annual leave (%)	77.8	80.6
	Average leave days taken by those who took leave (no.)	15.6	18.4
2011	Taken a period of <u>paid</u> annual leave (%)	81.3	79.8
	Average leave days taken by those who took leave (no.)	16.7	18.1
2012	Taken a period of <u>paid</u> annual leave (%)	70.4	79.8
	Average leave days taken by those who took leave (no.)	16.8	18.2
2013	Taken a period of <u>paid</u> annual leave (%)	75.6	81.3
	Average leave days taken by those who took leave (no.)	16.7	18.1
2014	Taken a period of <u>paid</u> annual leave (%)	74.4	82.2
	Average leave days taken by those who took leave (no.)	15.7	18.0

Source: HILDA survey, Waves 10–14.

**[14]** Table 9 presents data on non-casual employees in the Mining industry. Relative to all industries:

- the proportion that took a period of paid annual leave was relatively similar to the average across all years from 2010 to 2012, while a lower proportion took a period of paid annual leave in 2013 and a higher proportion in 2014; and
- the average number of paid annual leave days was lower across each year, except in 2013.

**Table 9: Use of paid annual leave by non-casual employees in Mining, 2010–2014**

		<b>Mining</b>	<b>All industries</b>
2010	Taken a period of <u>paid</u> annual leave (%)	79.1	80.6
	Average leave days taken by those who took leave (no.)	14.9	18.4
2011	Taken a period of <u>paid</u> annual leave (%)	79.8	79.8
	Average leave days taken by those who took leave (no.)	15.0	18.1
2012	Taken a period of <u>paid</u> annual leave (%)	79.1	79.8
	Average leave days taken by those who took leave (no.)	15.2	18.2
2013	Taken a period of <u>paid</u> annual leave (%)	76.2	81.3
	Average leave days taken by those who took leave (no.)	18.3	18.1
2014	Taken a period of <u>paid</u> annual leave (%)	86.3	82.2
	Average leave days taken by those who took leave (no.)	16.7	18.0

Source: HILDA survey, Waves 10–14.

[15] Table 10 presents data on non-casual employees in the Health care and social assistance industry. Relative to all industries:

- the proportion that took a period of paid annual leave over the previous 12 months was higher across each year; and
- the average number of paid annual leave days taken was lower across each year.

**Table 10: Use of paid annual leave by non-casual employees in Health care and social assistance, 2010–2014**

		<b>Health care and social assistance</b>	<b>All industries</b>
2010	Taken a period of <u>paid</u> annual leave (%)	87.9	80.6
	Average leave days taken by those who took leave (no.)	16.2	18.4
2011	Taken a period of <u>paid</u> annual leave (%)	83.9	79.8
	Average leave days taken by those who took leave (no.)	16.1	18.1
2012	Taken a period of <u>paid</u> annual leave (%)	83.5	79.8
	Average leave days taken by those who took leave (no.)	15.6	18.2
2013	Taken a period of <u>paid</u> annual leave (%)	85.2	81.3
	Average leave days taken by those who took leave (no.)	16.0	18.1
2014	Taken a period of <u>paid</u> annual leave (%)	85.0	82.2
	Average leave days taken by those who took leave (no.)	16.4	18.0

Source: HILDA survey, Waves 10–14.

**[16]** Table 11 presents data on non-casual employees in the Professional, scientific and technical services industry. Relative to all industries:

- the proportion that took a period of paid annual leave over the previous 12 months was higher across each year; and
- the average number of paid annual leave days taken was lower across each year.

**Table 11: Use of paid annual leave by non-casual employees in Professional, scientific and technical services, 2010–2014**

		<b>Professional, scientific and technical services</b>	<b>All industries</b>
2010	Taken a period of <u>paid</u> annual leave (%)	81.8	80.6
	Average leave days taken by those who took leave (no.)	15.3	18.4
2011	Taken a period of <u>paid</u> annual leave (%)	85.3	79.8
	Average leave days taken by those who took leave (no.)	15.3	18.1
2012	Taken a period of <u>paid</u> annual leave (%)	81.0	79.8
	Average leave days taken by those who took leave (no.)	17.3	18.2
2013	Taken a period of <u>paid</u> annual leave (%)	82.6	81.3
	Average leave days taken by those who took leave (no.)	15.8	18.1
2014	Taken a period of <u>paid</u> annual leave (%)	83.8	82.2
	Average leave days taken by those who took leave (no.)	14.8	18.0

Source: HILDA survey, Waves 10–14.

[17] Table 12 presents data on non-casual employees in the Public administration and safety industry. Relative to all industries:

- the proportion that took a period of paid annual leave over the previous 12 months was higher across each year; and
- the average number of paid annual leave days was higher across each year.

**Table 12: Use of paid annual leave by non-casual employees in Public administration and safety, 2010–2014**

		<b>Public administration and safety</b>	<b>All industries</b>
2010	Taken a period of <u>paid</u> annual leave (%)	88.8	80.6
	Average leave days taken by those who took leave (no.)	20.9	18.4
2011	Taken a period of <u>paid</u> annual leave (%)	87.8	79.8
	Average leave days taken by those who took leave (no.)	20.0	18.1
2012	Taken a period of <u>paid</u> annual leave (%)	88.0	79.8
	Average leave days taken by those who took leave (no.)	19.7	18.2
2013	Taken a period of <u>paid</u> annual leave (%)	90.2	81.3
	Average leave days taken by those who took leave (no.)	19.2	18.1
2014	Taken a period of <u>paid</u> annual leave (%)	92.2	82.2
	Average leave days taken by those who took leave (no.)	19.1	18.0

Source: HILDA survey, Waves 10–14.