

# Your rights over sick leave

## **Sick leave. What are my entitlements?**

Every employee is entitled to a minimum of five days sick leave per year after six months continuous employment with their employer. Some employers allow more. Check your agreement.

Sick leave can be taken when you or your spouse or a dependent are sick or injured.

If you do not take all your sick leave in a year it can carry over to the following year(s), up to a maximum of 20 days (or higher if covered by your employment agreement).

If you are sick for three or more consecutive days your employer can ask you to provide a medical certificate (at your cost). The three days can include the weekend or other days you do not normally work.

If your employer suspects you are not sick they can ask for a medical certificate sooner, but must pay for it themselves.

If you have a holiday planned and fall sick before you go on leave, you can use your sick leave for the days you are sick and keep your annual leave for later.

If you fall sick while on annual leave, your employer does not have to allow you to take it as sick leave, but many will for serious matters.

You should be paid your normal pay rate for your sick days. If you were due to work on a public holiday, but can't work due to illness, you are entitled to your normal day's pay (not time and a half).

You also do not get a day in lieu because



## **LEGAL MATTERS**

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you did not work on the public holiday. If you have to go home partway through the public holiday, you get time and a half for the hours worked, ordinary time for the hours not worked, plus a whole day in lieu.

**S has an issue with her neighbours using the boundary fence to support trees and vines growing on their side, and asks what can be done about it.**

There is nothing to stop a neighbour attaching things (including trees and vines) to their side of the fence, so long as they do not damage the fence.

If damage arises or is able to be shown to be about to happen, a claim can be made for the cost of repairs and/or to get the problem growth removed if the neighbour will not agree following discussions.

**J has been asking a neighbour to remove a large tree near the boundary for many years. Now she says the tree roots have broken her drains. She asks**

**what she can do.**

Get a plumber to repair the drains and ask the neighbour to pay for the repairs. If they will not accept liability, you can seek legal assistance and/or file a claim in the Disputes Tribunal (if the repairs are under \$15,000).

You will need proof that the problem roots come from the tree, so get photos and/or keep the roots for analysis. You can also seek a court order for removal of the roots on your side of the fence at your neighbour's cost.

You can cut back the roots yourself, but if it is a big tree this may cause stability problems and the tree might fall, causing damage or injury, so get an arborist's advice first.

**S is concerned about a large tree that is blocking the sun from his property and is becoming dangerous.**

If your neighbour will not trim or remove the tree, you need an arborist's advice before you trim branches on your side, because the size of the tree could again create a worse danger by unbalancing the tree.

A court can order a dangerous tree to be removed or trimmed and can restore your sunlight if a tree has grown to block the sun since you moved in.

■ Column courtesy of Rainey Collins Lawyers, phone 0800 733 484. If you have a legal inquiry you would like discussed, email Alan on [aknowsley@raineycollins.co.nz](mailto:aknowsley@raineycollins.co.nz).