

LEAVE



ANNUAL LEAVE

Employees who work for 24 hours or more a month for the same employer may take annual leave.

The employer and employee should agree about when leave is to be taken. If there is no agreement, the employer should decide. Employees have a right to unpaid leave and must apply in writing. Annual leave may not be taken during—

- ◆ Sick leave;
- ◆ Notice period.

An employee may not work during leave or be paid instead of leave, except when leaving the job.

PAYMENT

An employee must be paid in full during leave. Leave pay should be paid before the leave starts or on employee's normal payday, if so agreed. If an employee leaves the job, he/she must be paid for any leave accrued but not taken, at a rate of one day's pay for every 17 days worked.

HOW MANY DAYS DOES AN EMPLOYEE GET

An employee must have at least 21 leave days a year starting from the date of employment, or one day's leave for every 17 days worked, or one hour for every 17 hours worked. Public holidays are not counted as leave. If an employee has any leave days left, he/she may take that leave within six months of the next year of employment with the same employer.

SICK LEAVE

Sick leave works in a three-year cycle. An employee may take one day's paid sick leave for every 26 days worked during the first six months of employment and thereafter, an employee may take the number of days he/she normally works in a six week period during every three year cycle.

An employee may be requested to produce a valid medical certificate if he/she has been absent from work for more than two days in a row or more than twice in eight weeks. If the employee does not have a valid medical certificate, the employer does not have to pay an employee. The medical certificate must be issued and signed by a medical practitioner or any other person who is certified to diagnose and treat patients and who is registered with a professional council established by an Act of Parliament.

MATERNITY LEAVE

An employee may take at least four months' unpaid maternity leave. This leave may start at any time from four weeks before the expected date of birth or when a doctor or midwife certifies that leave is necessary for the health of the mother or the child. An employee must notify the employer in writing, if she can write, of the date on which she wants to start maternity leave.

An employee must not work for six weeks after delivery, unless a doctor or midwife certifies that she is fit to do so. An employee who has a miscarriage during the last three months of pregnancy or who bears a stillborn child is also entitled to six weeks' maternity leave, whether or not the employee had started maternity leave at the time.

A pregnant employee or employee nursing her child is not allowed to perform work that is hazardous to her or her child

FAMILY RESPONSIBILITY LEAVE

An employee who has been with an employer for longer than four months and who works for at least four days a week for the same employer may take three days' paid family responsibility leave during each year of employment. The reason for this leave may include the following:

- ◆ When the employee's child is born,
- ◆ When the employee's child is sick,
- ◆ In the event of the death of the employee's spouse, life partner, parent, adoptive parent, grand parent, child, adopted child or sibling, (brother or sister).

RELEVANT LEGISLATION

Basic Conditions of Employment Act, ss19–27
Basic Conditions of Employment Act Amendments, s3.4