

## **1 Basic Guide to Annual Leave**

Basic Conditions of Employment legislation requires that workers get a minimum of 21 consecutive days of annual leave each year. Employers can only pay workers instead of granting annual leave when employment is terminated.

### ***Application***

The Basic Conditions of Employment Act applies to all **employers** and **workers**, but not -members of the

- National Defence Force,
- National Intelligence Agency, or
- South African Secret Service; or
- unpaid volunteers working for charity.

The section of the Act that regulate working hours does not apply to:

- workers in senior management
- sales staff who travel and regulate their own working hours
- workers who work less than 24 hours in a month
- workers who earn in excess of an amount stated in terms of section 6 (3) of the Act
- workers engaged in emergency work are excluded from certain provisions.

The provisions for annual leave do not apply to -

- workers who work less than 24 hours a month
- leave over and above that provided for by the Act

Applies to all employers and workers and regulates leave, working hours, employment contracts, deductions, pay slips, and termination.

### ***Number of Leave Days***

Workers must get annual leave of at least -

- 21 consecutive days, or
- 1 day for every 17 days worked, or
- 1 hour for every 17 hours worked.

### ***Timing of Leave***

Both the **employer** and **worker** should **agree** to the timing of leave. If they cannot agree, the **employer** makes the final decision. Leave must be granted **not later than 6 months after the end of the annual leave cycle** (12-month periods from date of employment).

### ***Pay Instead of Annual Leave***

Employers may not pay workers instead of granting leave, except on termination of employment.

### ***Annual Leave and Public Holidays***

A public holiday cannot be counted as annual leave.