

## **<sup>1</sup>Basic guide to Sick Leave**

Workers may take the number of days they would normally work in a 6-week period for sick leave on full pay in a 3-year period. Employers may insist on proof of illness before paying a worker for sick leave.

### **Application**

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

- members of the -
  - o National Defense Force,
  - o National Intelligence Agency, or
  - o 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
  - o workers who earn in excess of an amount stated in terms of section 6 (3) of the Act
  - o workers engaged in emergency work are excluded from certain provisions.

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

### **Application for Sick Leave**

The provisions for sick leave do not apply to –

- workers who work less than 24 hours a month
- workers who receive compensation for an occupational injury or disease
- leave over and above that provided for by the Act.

### **Number of sick days**

Workers may take the number of days they would normally work in a 6-week period for sick leave on full pay in a 3-year period.

However, during the first 6 months of employment, workers are only entitled to 1 day of paid sick leave for every 26 days worked.

### **Proof of Illness**

An employer may require a medical certificate before paying workers who are absent for more than 2 consecutive days, or who are often absent (more than twice in an 8-week period).

<sup>1</sup> **Basic Conditions of Employment Act** ([https://www.gov.za/sites/default/files/gcis\\_document/201409/a75-97.pdf](https://www.gov.za/sites/default/files/gcis_document/201409/a75-97.pdf))