

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.