



# Construction Industries Federation of Namibia

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## PUBLIC HOLIDAYS DURING THE 2014 / 2015 RECESS: CALCULATION OF ANNUAL LEAVE / LEAVE PAY

The Namibian labour legislation does not officially make provision for so-called "Builders' Holidays". However, the **Labour Act, 2007 (Act No.11 of 2007)** does make provision in **Chapter 3, Part D, Clause 23** that the employer determines the date when leave is granted. The annual recess over the Christmas / New Year period is regarded as a custom / tradition in the construction industry. The following examples shown below serve as a GUIDELINE for granting employees' annual leave during the recess period over Christmas / New Year.

1. In terms of the provisions of **Chapter 3, Part C, Clause 22 of the Labour Act, 2007**, all public holidays falling on a day that would otherwise be an ordinary working day for the employees concerned are deemed paid public holidays. Employees shall not be required to work on such a day, but shall receive normal remuneration for the day, nonetheless. Employees who do work are entitled to double remuneration for the actual hours worked on such public holiday.
2. In terms of **Chapter 3, Part D, Clause 23** of the Act an employee shall be granted **at least 4 (four) consecutive weeks' leave** of absence on full remuneration in respect of each period of 12 consecutive months of employment (this translates into 20 working days annual leave for an employee working a 5-day week and 24 working days annual leave for an employee working a 6-day week). The annual leave of employees shall, for each public holiday which falls on a day that would otherwise have been an ordinary working day for such employees and falls within the leave period, be extended by one working day with full remuneration.
3. Public holidays in the 2014 / 2015 festive season are:

<b>Wednesday</b>	<b>10 December 2014</b>	(International Human Rights Day)
<b>Thursday</b>	<b>25 December 2014</b>	(Christmas Day)
<b>Friday</b>	<b>26 December 2014</b>	(Family Day)
<b>Thursday</b>	<b>01 January 2015</b>	(New Year's Day)

It follows by illustration that:

**CLOSING** (last day of work) on **05 December 2014** (5-day week) or on **06 December 2014** (6-day week)  
**OPEN** (first day of work) on **05 January 2015**, employees are entitled to the following **leave pay**:

**5-DAY WEEK:** 16 working days + 4 days (public holidays) ► **20 days leave pay**

**6-DAY WEEK:** 20 working days + 4 days (public holidays) ► **24 days leave pay**

OR

**CLOSING** (last day of work) on **12 December 2014** (5-day week) or on **13 December 2014** (6-day week)  
**OPEN** (first day of work), on **12 January 2015** employees are entitled to the following **leave pay**:

**5-DAY WEEK:** 17 working days + 3 days (public holiday-s) ► **20 days leave pay**

**6-DAY WEEK:** 21 working days + 3 days (public holidays) ► **24 days leave pay**

### NOTES:

- Only the working days illustrated in both examples above may be deducted from the employee's accrued annual leave and **not** the listed extra/additional days (public holidays).
- Any leave days of the employee's accrued annual leave not used for the recess period as shown above may be used as casual leave days in the next year.
- Changes to the previous collective agreement include an adjustment of the Service Allowance from 120 hours to 144 hours. Thus every worker will be paid equal to 144 hours of his/her wage, which will be part of the remuneration in December. This allowance will be calculated pro-rata for each fully worked month that the employee was in service during that specific year. This will also become effective as from 15 September 2013.