



Construction Industries Federation of Namibia

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PUBLIC HOLIDAYS DURING THE 2015 / 2016 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, Section 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, Section 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, Section 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 2015 / 2016 festive season are:

Thursday	10 December 2015	(International Human Rights Day)
Friday	25 December 2015	(Christmas Day)
Saturday	26 December 2015	(Family Day)
Friday	01 January 2016	(New Year's Day)

It follows by illustration that:

CLOSING (last day of work) on **04 December 2015** (5-day week) or on **05 December 2015** (6-day week)
OPEN (first day of work) on **04 January 2016**, employees are entitled to the following **leave pay**:

5-DAY WEEK: 17 working days + 3 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 **11 December 2015** (5-day week) or on **12 December 2015** (6-day week)
OPEN (first day of work), on **12 January 2015** employees are entitled to the following **leave pay**:

5-DAY WEEK: 18 working days + 2 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.
- The Service Allowance of 144 hours as per Government Gazette 5372 will still be applicable unless the new Collective Agreement is gazetted before December 2015. 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. We will notify you once the Collective Agreement has been gazetted. Once the Collective Agreement is gazetted the new Service Allowance of 150 hours will be enforced.