



Construction Industries Federation of Namibia

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PUBLIC HOLIDAYS DURING THE 2017 / 2018 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 may determine the dates when leave is to be taken. 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 2017 / 2018 festive season are:

Sunday	10 December 2017	(Human Rights Day)
Monday	11 December 2017	(Public Holiday - because H.R. Day falls on Sunday)
Monday	25 December 2017	(Christmas Day)
Tuesday	26 December 2017	(Family Day)
Monday	01 January 2018	(New Year's Day)

It follows by illustration that:

CLOSING (last day of work) on **01 December 2017** (5-day week) or on **02 December 2017** (6-day week)
OPEN (first day of work) on **02 January 2018**, employees are entitled to the following **leave pay**:

<u>5-DAY WEEK:</u>	17 working days + 4 days (public holidays)	▶ 21 days leave pay
<u>6-DAY WEEK:</u>	21 working days + 4 days (public holidays)	▶ 25 days leave pay

Please note that the Monday, following a Sunday which is a public holiday, shall also be a public holiday. Therefore, 11 December 2017 is also a paid public holiday.

OR

CLOSING (last day of work) on **08 December 2017** (5-day week) or on **09 December 2017** (6-day week)
OPEN (first day of work), on **08 January 2018** employees are entitled to the following **leave pay**:

<u>5-DAY WEEK:</u>	16 working days + 4 days (public holidays)	▶ 20 days leave pay
<u>6-DAY WEEK:</u>	20 working days + 4 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.
- As per Government Gazette 5917, a Service Allowance will be paid to every employee equal to 150 (one hundred and fifty) hours of his/her wage and will be paid as part of the December remuneration – payable either at the end of that month for an employee not going on leave during December, or in the case of an employee going on leave in December, on the last working day before commencement of his/her annual leave. This allowance will be calculated pro-rata to every fully worked month the employee was in service during that specific year.