Construction Industries Federation of Namibia

P O Box 1479, WINDHOEK, Namibia
Tel: (+264-61) 230028, Fax: (+264-61) 224534
Cnr Stein & Schwabe Streets, Klein Windhoek

PUBLIC HOLIDAYS DURING THE 2026 / 2027 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 following examples shown below serve as a GUIDELINE for granting employees' annual leave during the recess period over Christmas / New Year. This circular should be read in conjunction with the notes on page two, to ensure correct understanding and legal compliance with all aspects of employers' annual leave commitments.

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 2026 / 2027 festive season are:

Thursday	**10 December 2026**	(Human Rights Day)
Friday	**25 December 2026**	(Christmas Day)
Saturday	**26 December 2026**	(Family Day)
Friday	**01 January 2027**	(New Year's Day)

It follows by illustration that:

CLOSING (last day of work) on **04 December 2026** (5-day week) or on **05 December 2026** (6 -day week)

OPEN (first day of work) on **04 January 2027**, 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 2026** (5-day week) or on **12 December 2026** (6-day week)

OPEN (first day of work), on **11 January 2027** employees are entitled to the following **leave pay**:

5-DAY WEEK: 18 working days + 2 days (public holidays) ► **20 days leave pay**

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

OR

CLOSING (last day of work) on **18 December 2026** (5-day week) or on **19 December 2026** (6-day week)

OPEN (first day of work), on **18 January 2027** employees are entitled to the following **leave pay**:

5-DAY WEEK: 18 working days + 2 days (public holidays) ► **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.
- As per Government Gazette 9010, a Service Allowance will be paid to every employee equal to 155 (one hundred and fifty five) 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.
- The leave pay calculation is not a legal obligation and unless there is an employment contractual clause or collective agreement to the contrary, the Labour Act (section 23. (5)) and operational circumstances of the employer are the overriding determining factors. We suggest that flexibility be permissible depending on operational requirements, availability of leave, etc.
- We recommend that employees should be duly consulted and the situation be explained.