

- (a) the date of employment of each worker employed by the employer and the duration of the annual leave to which the worker is entitled.
- (b) the dates on which the annual leave is taken by each worker and
- (c) the remuneration received by each worker in respect of the annual leave.

### **Section 28 - Worker may take Leave in Two Equal Parts**

Without prejudice to the provisions of this Sub-Part, a worker may be permitted to take his or her annual leave in two approximate equal parts.

### **Section 29 - Leave Entitlement to be restored**

#### **Section 29 - Suspended Worker on Reinstatement**

Where a worker, suspended from the service of his or her employer prior to disciplinary or criminal proceedings being taken against him or her is reinstated, the worker shall be entitled to take the leave he or she would have had if he or she had not been suspended.

### **Section 30 - Termination of Employment not to Affect Leave Entitlement Earned**

- (a) Where the employment of a worker is terminated, the worker is entitled to annual leave in proportion to the period of service in the calendar year.

- (2) The worker shall not be deprived of any other grants or awards to which the worker is entitled including payment in lieu of notice of termination.

- (3) Subsections (1) and (2) do not apply to cases where the employer has the right to dismiss a worker without notice.

### **Section 31 - Agreement to Forgo Leave to be Void**

Any agreement to relinquish the entitlement to annual leave or to forgo such leave is void.

### **Section 32 - Sub-Part not Applicable to Family Concerns**

This Sub-Part does not apply to a person employed in an undertaking in which only members of the family of the employer are employed.

# **LABOUR ACT 2003 (ACT 651)**



**FRIEDRICH  
EBERT  
STIFTUNG**

**LEAVE  
ENTITLEMENT  
AND  
RELATED  
MATTERS**

**Section 20 - Leave Entitlement**

- 1) In any undertaking every worker is entitled to not less than fifteen working days leave with full pay in any calendar year of continuous service.
- 2) The expression "full pay" means the worker's normal remuneration, without overtime payment, including the cash equivalent of any remuneration in kind.

**Section 21 - Continuous Service**

- 1) Continuity of service shall not be regarded as interrupted by mere change of ownership or management of the undertaking.

Where the work is not regularly maintained throughout the year, the requirement of continuous service shall be deemed to have been met if the worker has worked for not less than two hundred days in the particular year.

**Section 22**

Interruption of Work by Public Holidays, Sickness or Worker Public holidays and absence from duty shall not be counted as a break in continuity of service unless the absence is due to sickness certified by a medical practitioner.

and pregnancy and confinement, shall not affect the annual leave entitlement of a worker.

**Section 23 - Interruption of Work by Voluntary Communal Work, Civic Duties and Special Leave**

A period during which a worker is absent from his or her normal duties with the permission of the employer on account of the worker's participation in voluntary communal work, the discharge of civic duties or the granting of special leave with or without pay, shall not be counted as part of the worker's annual leave.

**Section 24-Sick Leave not Part of Annual Leave**

A period of absence from work allowed owing to sickness, which is certified by a medical practitioner, and which occurs after the commencement of and during annual leave shall not be computed as part of the leave.

**Section 25-Leave to be Uninterrupted**

- (1) Every worker is entitled to enjoy an unbroken period of leave but an employer, in cases of urgent necessity, may in accordance with this section, require a worker to interrupt his or her leave and return to work.

- (2) Where a worker is required by the

employer to interrupt his or her leave in the circumstances specified in subsection (1) the worker shall not forfeit the right to the remainder of the leave but shall take the leave anytime thereafter.

- (3) Where a worker takes his or her annual leave at the end of a calendar year, the leave may continue except as provided in sub-section (1) without interruption, into the following year.

**Section 26 - Employer to bear Cost of Leave Interruption**

Any employer who requires a worker to interrupt his or her annual leave in the circumstances stated in section 25, shall make up to the worker any reasonable expense incurred on account of the interruption, and also resumption of the leave by the worker.

**Section 27 - Record of Employment / Leave**

- (1) A worker shall, as much as may be possible, be given notice of the date of commencement of his or her annual leave, at least, thirty days before the worker takes the leave.
- (2) Every employer is required to keep a record showing the following particulars: