



REPUBLIC OF NAMIBIA

MINISTRY OF LABOUR, INDUSTRIAL RELATIONS AND EMPLOYMENT CREATION

ARTICLE

For **Immediate Release**; 13 April 2022 – Windhoek

DECODING SECTION 23 OF THE LABOUR ACT, 2007 (NO.11 OF 2007) ON ANNUAL LEAVE

Annual Leave is the leave of absence from the workplace with full remuneration granted to an employee for the purpose of resting. It is also referred to as Vacation Leave and is the remunerated number of days each year that an employee is allowed to be away from work.

The Labour Act makes provision for an employer to grant an employee leave of absence on full remuneration in respect of the time period worked by the employee. An employer must pay to an employee the remuneration in respect of annual leave according to that employee's regular pay schedule, if the employee is paid by direct deposit into an account designated in writing by that employee.

Employees in any organization or institution should note that annual leave as provided for in section 23 (5) of the Act shall be granted by the employer who determines the timing thereof. However, it is to be taken no later than four months after the end of the annual leave cycle and/or **be taken six months after the end of the annual leave cycle as long as the employee has agreed in writing to such an extension.**

Section 23 (9) of the Labour Act prohibits an employer during an employee's leave to require or permit that employee to perform any work during such period. An employer is further expected to grant an employee an additional day of paid leave if a public holiday falls on a day during the employee's annual leave.

HOW ARE ANNUAL LEAVE DAYS CALCULATED?

Section 23 (2) of the Labour Act provides for the following calculations for annual leave:

<i>Number of days in ordinary work week</i>	<i>Annual leave entitlement in working days</i>
6	24
5	20
4	16
3	12
2	8
1	4

WHO IS ENTITLED TO ANNUAL LEAVE?

Anyone that can be defined as an employee is entitled to paid annual leave, including full-time, part-time and temporary workers.



An employer must pay the remuneration due to an employee in accordance with annual leave, either on the last working day before the start of the annual leave or on the first pay day after the end of the leave period if the employee requests such an extension in writing.

WHAT HAPPENS TO ACCRUED LEAVE DAYS ON TERMINATION OF SERVICE?

Accrued leave days should be paid out upon termination of employment. An employer is however prohibited to pay an employee an amount in substitution for the annual leave to which that employee is entitled, while they are still employed, whether the employee requests or agrees in writing to such payment.

END...

Signed by :


13/04/2022

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NOTES TO THE EDITOR:

The Ministry of Labour, Industrial Relations and Employment Creation will release a series of Articles aimed at educating the public on various sections of the Legal framework within its ambit i.e. the Labour Act, 2007 (No.11 of 2007), the Affirmative Action (Employment) Act, 1998 (No.29 of 1998) and Employment Services Act, 2011 (No.8 of 2011) as well as on its activities, decisions and Labour and Employment related matters.

The Labour Act, 2007 (No.11 of 2007) is a legal framework established to regulate Basic Conditions of Employment and collective labour relations, and to ensure the health and safety of employees. The purpose of the Act is to protect employees in the workplace and stimulate economic development, peace, democracy and social development in Labour and Employment. The Act also complements Article 95 of the Constitution of the Republic of Namibia to promote sound labour relations and fair employment practices.