

WHO IS ENTITLED TO CLAIM FAMILY RESPONSIBILITY LEAVE

Many employers are faced with requests for leave and are left with the task of establishing what kind of leave to grant an employee. Many employers mistakenly deduct leave from an employee's annual or sick leave cycle, which should be deducted from an employee's family responsibility leave entitlement. So, what then is family responsibility leave and when should it be granted?

Family responsibility leave is a form of leave that is granted to an employee:

1. who has worked for his/her employer for longer than four months; and
2. who works at least four (4) days a week for that employer,

provided the employee has not exceeded his/her leave entitlement as regulated by the Basic Conditions of Employment Act, 1997, for that year.

An employee is entitled to make a request for family responsibility leave when:

- a) the employee's child is born;
- b) the employee's child is sick; or
- c) in the event of the death of:
 - i) the employee's spouse or life partner; or
 - ii) the employee's parent, adoptive parent, grandparent, child, adopted child, grandchild or sibling.



CONTACT US

Physical Address

484 Ontdekkers Road
Florida Hills
Gauteng
1709

Postal Address

PO Box 874
Florida Hills
1716
Docex 20, Florida

Tel: 011-472-2828

Fax: 011-472-2835

Email: Info@ltinc.co.za

Website: www.ltinc.co.za

facebook



CONT...

Upon a request for family responsibility leave in the circumstances prescribed above, the employer must grant the said employee, three (3) days' paid leave, during each annual leave cycle (and not per each occurrence).

An employee may take family responsibility leave in respect of the whole of a part of the day.

How is family responsibility leave calculated? An employer must pay an employee for a day's family responsibility leave the wage which the employee would ordinarily have received for work on that day and on the employee's usual pay day (i.e. the employee's usual daily rate).

Before paying an employee for family responsibility leave, an employer may require reasonable proof of an event warranting the granting of such leave.

Family responsibility leave does not accumulate and accordingly lapses at the end of the annual leave cycle in which it accrues.

The number of days and the circumstances under which family responsibility leave is to be granted may be varied by a collective agreement.



Attorneys
notaries
conveyancers