
GENERAL NOTICE

NOTICE 847 OF 2006

PROPOSED DRAFT REGULATIONS

Acting in terms of sections 12(5) and 23 of the *Electoral Commission Act, 7996* (Act No. 51 of 1996), the Commission hereby makes the following Regulations:

"Definitions

1. In these regulations "The Regulations" means the regulations published in Government Notice No. R514 of 19 May 2000 as amended by the regulations published in Government Notice No. R.902 of 17 September 2001.

Substitution of Regulation 14 of the Regulations

2. Regulation 14 of The Regulations is hereby substituted by the following regulation:

"Annual leave

14(1) An **employee** is entitled to a total of 24 working days annual leave on **full** remuneration for each annual employment leave cycle.

(2) Of the total of 24 working days annual leave referred to in subregulation (1), fifteen days are statutory leave and nine days are non-statutory leave.

(3) The provisions of the Basic **Conditions of Employment Act, 7997**, as **amended** from **time** to time, **apply** to the fifteen days statutory leave and do not apply to the nine days non-statutory leave.

(4) Employees must **take** annual leave for all working days **falling** between 25 December of one calendar **year** and 1 January of the next calendar year, unless the employee is specifically, and **for** critical operational reasons, required to work on one or more of those working days.

(5) Five days non-statutory leave can **be** accumulated **and** transferred from one annual leave cycle to the next annual leave **cycles**.

(6) Upon the **termination** of the employment relationship, a maximum **of** twenty days accumulated non- statutory leave are paid out to the employee and no other payment **in** lieu of non-statutory leave not **taken** may be **made** to an employee.

(7) Statutory leave must be taken within six months after **the** end of an annual leave cycle, less such occasional leave as may have been **granted** to **the** employee before the end of the leave cycle.

(8) Statutory leave not taken within six months after **the** end of an annual leave cycle is forfeited and no payment in lieu of **statutory** leave **not** taken is at any time made to an employee. unless the **employee** was unable **to take** the leave by agreement with **the** employer, owing to the employer's operational requirements. In **the latter** case, the employee **will** be permitted to **take** the leave after the **end** of **the six** months period referred to in clause 9 above, or if the employee leaves the employment of the employer prior to **him/her** taking such leave, the value of **such** leave shall be paid out to **him/her**.

(9) All statutory leave available at **any particular** time must be taken before non-statutory leave is taken.

(10) Leave **is** taken on days agreed upon between the employee **and** the employer in advance and **in** writing.

Coming into Operation

3, These regulations came into operation on 1 July 2006."

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