



National Office

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To : All Employers and Employees who are Signatories to the Consolidated Main Agreement
From : The Office of the Council Secretary
Date : 20 November 2024
Subject : Annual Shutdown, Calculation of Leave Pay and Leave Enhancement Pay **ONLY**
Applicable to Employers who are Members of an Employer Organisation that is a
Signatory to the Main Collective Agreement
Circular No : 2024/04

ANNUAL SHUTDOWN (CLAUSE 16)

- The dates of the annual shutdown are determined by the firm's management; however, the shutdown must take place as close as possible to the previous year's shutdown, as stipulated in Clause 16 of the Main Agreement.
- The three consecutive weeks' paid leave must be taken over an unbroken period and must include four weekends. In addition, the three weeks' leave must be extended with full pay for each public holiday which falls during the shutdown period and which would otherwise have been an ordinary working day.

This year, depending on the start of the annual shutdown, the following public holidays fall into this category:

- 16 December '24 (Monday) - Day of Reconciliation;
- 25 December '24 (Wednesday) - Christmas Day
- 26 December '24 (Thursday) - Day of Goodwill;
- 1 January '25 (Wednesday) - New Year's Day

CALCULATION OF LEAVE PAY (CLAUSE 12) AND LEAVE ENHANCEMENT PAY (CLAUSE 14)

All employees are entitled to their full leave pay and leave enhancement pay on having worked all available shifts on a five-day work week or on a six-day work week, excluding overtime.

Cape Town Office 1401 14 th Floor Golden Acre Adderly Street L: 021 421 6140 F: 086 636 8696	Dispute Resolution P.O. Box 9381 Johannesburg 2000 L: 011 834 4660 F: 086 636 8699	East London / Boarder P.O. Box 13162 Vincent, 5217 L: 043 743 7790 F: 086 636 8691	Gauteng Regional Office P.O. Box 9381 Johannesburg, 2000 L: 011 639 8000 F: 086 636 8689	George 2 nd Floor Eagles View Building 5 Progress Street L: 044 873 3200 F: 044 873 3212	KwaZulu Natal P.O. Box 5900 Durban, 4000 L: 031 305 4761 F: 086 636 8693	Port Elizabeth/ Midlands P.O. Box 12848 Centrahill, 6006 L: 041 586 1542 F: 086 636 8694	Richards Bay P.O. Box 1563 Richards Bay, 3900 L: 035 789 2084 F: 086 636 8698	Tshwane P.O. Box 570 Pretoria, 0001 L: 012 407 3700 F: 086 648 3582	Welkom P.O. Box 30095 Moreskof, 9462 L: 057 352 4142 F: 057 352 5093 /086 636 8697	Witbank P.O. Box 3787 Witbank, 1035 L: 013 658 9400 F: 086 636 8695
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CALCULATING SHIFTS FOR PURPOSES OF LEAVE PAY AND LEAVE ENHANCEMENT PAY

	5-Day Week	6-Day Week
Number of calendar days in the year (2024)	366	366
Minus: Saturdays and Sundays	104	52***
15 or 20 days paid leave* (depending on service)	15*	15
Public holidays falling on days that would otherwise have been working days **	12**	13****
Total number of shifts	235	286

Employees who have not worked all available shifts during the year are entitled to pro-rata leave pay and a pro-rata leave enhancement pay:

*** Employees entitled to 20 days leave receive the extra 5 days as shifts worked**

**** The additional public holiday (29 May) gazetted for the general elections**

*****Only count the Sundays**

******Add the 27 April which falls on a Saturday**

LEAVE QUALIFYING SHIFTS

	5-day week worker	6-day week worker
Minimum number of shifts to be worked	234 shifts	282 shifts
Minimum number of shifts to be worked before pro-rata leave pay and leave enhancement pay is paid upon:		
- Termination	10 shifts	13 shifts
- Resignation	20 shifts	25 shifts

Marine work and turnaround work upon:		
- Termination	no minimum	no minimum
- Resignation	20 shifts	25 shifts
Periods of absence because of sickness counting towards leave qualification purposes (provided that an employer may call upon the employee for a medical certificate in proof of cause of absence).	43 shifts	52 shifts

Periods of absence falling within the scope of the COIDA Act.	Full number of shifts during absence.
Absences while on the additional week's paid leave or accumulated additional leave.	Periods of absence whilst on this additional paid leave count as shifts worked.
Periods of absence on account of lay-offs totaling no more than 8 weeks.	Full shifts.
Absences whilst on family responsibility leave (Clause 42 of the Main Agreement)	<u>Shifts do not count</u>
Absences while on a protected strike (Section 64 of LRA)	Full number of shifts while on a protected strike.

Short Time (Clause 7)	<p>Short shifts worked whilst working short time shall count as shifts actually worked. Employees working 24 hours or more, spread over three or four days, and employees on a three-shift system working three or four shifts per week, shall:</p> <ul style="list-style-type: none"> ● Be credited with the full shifts for an ordinary week for purposes of the paid leave referred to in this clause, for up to three (3) months in any calendar year; and ● Thereafter, be credited with one additional shift per week over and above those shifts actually worked for purposes of the paid leave referred to in this clause.
Time off for training of shop stewards and for trade union office bearers to attend union meetings (Clause 46)	Full shifts in respect of leave of absence granted.
Time off for representatives of party trade unions who act as trustees of the industry benefit funds (MIBFA) or who are office bearers of the MERSETA Metal and Plastics Chambers. (clause 47)	Full shifts in respect of leave of absence granted.

An employee who worked all available shifts from the first day after the previous year's annual shutdown up to and including the last shift preceding the current shutdown is entitled to full leave pay and leave enhancement pay (bonus).

An employee qualifies for an additional week's paid leave from his fourth and subsequent consecutive periods of annual leave and, by mutual arrangement between the employer and employee, the annual shutdown may be extended by an extra week or the employee may be paid out the monetary value of this extra week's leave.

Alternatively, and by mutual agreement, the extra week's leave may be accumulated until the employee qualifies for three such weeks' paid leave.

In cases where employees are required to undertake essential work during the shutdown, the relevant MEIBC regional office must be advised of the names of these employees, and the reasons thereof, at least one month in advance. Such employees must be given their paid leave within four months of the date of the shutdown.

CALCULATING LEAVE PAY AND LEAVE ENHANCEMENT PAY (BONUS) 2024

Full (or pro-rata) leave pay and leave enhancement pay are calculated as follows:

FORMULA TO CALCULATE LEAVE PAY			
Normal weekly wage rate (excluding allowances)	X	3 weeks (4 weeks where employee is entitled to additional leave)	X $\frac{\text{number of shifts worked}}{235 \text{ shifts (five-day week worker) or 286 shifts (six-day week worker)}}$

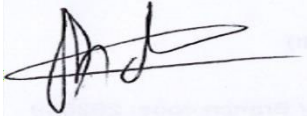
FORMULA TO CALCULATE LEAVE ENHANCEMENT PAY (BONUS)				
Normal weekly wage rate (excluding allowances)	X	52 weeks	X 8.33%	X $\frac{\text{number of shifts worked}}{235 \text{ shifts (five-day week worker) or 286 shifts (six-day week worker)}}$

Queries

Should you have any queries regarding the contents of this circular, please contact an Agent at the Regional Office in your area.

Region	Contact number
Gauteng Regional Office	011 639 8000
Tshwane Regional Office	012 320 2566
Midlands Regional Office	041 586 1542

Cape Regional Office	021 421 6140
KZN Regional Office	031 319 3180
Free State Regional Office	057 352 4142



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Sicelo Nduna
Chief Executive Officer (Council Secretary)