

## EMPLOYERS' GUIDE PART 5: EMPLOYEE LEAVE OVERVIEW

This overview briefly explains your responsibilities as an employer for leave for your employees. For more detail or an explanation of any technical terms, please refer to the accompanying factsheets.

**All** employers must provide paid leave in accordance with Vanuatu's Employment Act.

There are three types of paid leave:

- Annual leave
- Sick leave
- Maternity leave

### ARE ALL EMPLOYEES ELIGIBLE TO CLAIM LEAVE?

An employee must have worked for you in order to be entitled to claim leave depends on the type of leave:

- **Annual leave** must be given to employees who have been in *continuous employment* with you for more than 1 year, although annual leave is earned every month for the first year.
- **Sick leave** can be claimed by employees who have worked for you full time for more than 6 months.
- **Maternity leave** must be given to all pregnant employees, regardless of the amount of time they have worked for you, and whether they are full or part time.
- **Part time** and **casual** employees do not have to be given paid annual leave or sick leave, but are entitled to maternity leave.

### HOW MUCH LEAVE MUST I GIVE MY EMPLOYEES?

- **Annual leave** is based on how many years the employee has worked for you per year. The amount of paid annual leave for most employees (leave for agricultural employees varies) are:
  - 15 days (1 – 6 years)
  - 21 days ( 7 – 19 years)
  - 36 days (20 – 24 years)
  - 48 days (25 – 29 years)
  - 72 days ( 30 + years).
- **Sick leave**, paid up to 21 days per year.
- **Maternity leave**, paid up to 12 weeks per pregnancy.

### CAN I GIVE MY EMPLOYEES MORE LEAVE THAN WHAT IS IN THE ACT?

Statutory leave amounts are minimum amounts of leave. Employers can voluntarily choose to give more leave if they want to. If additional leave is given by the employer then the employment contract should clearly state the conditions under which leave in excess of the Employment Act can be taken and the rate of pay while on such leave.

### HOW MUCH DO I HAVE TO PAY MY EMPLOYEES WHILE THEY ARE ON LEAVE?

The amount of payment that *must* be given to the employee whilst he or she is on leave is:

- Annual leave or sick leave, the employee's full salary or wage.
- Maternity leave, 66% of the employee's usual salary or wage.

### WHAT OTHER TYPES OF LEAVE MUST I PROVIDE?

You are not required to give any additional leave under the Act. Employers can choose to provide other types of leave. Other types of leave provided by some employers include:

- **Compassionate leave.** Some employers give compassionate leave in the event of the death of a close family member. This can be paid or unpaid leave. Sometimes employers treat compassionate leave as part of annual leave and deduct it from an employee's annual leave entitlement.
- **Unpaid leave.** Unpaid leave is commonly given where employees have used up all their paid leave entitlement or are not eligible for paid leave but have a genuine reason for wanting to be absent from work, such as sporting or study commitments.

Written contracts of employment should clearly state the employee's leave entitlements and any conditions for being granted leave, particularly if you are offering to provide other types of leave.



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