

20 November 2020

To: All Civil Engineering Firms

Leave Pay and Year-End Bonus

There have been enquiries from companies on the process that needs to be followed for the calculation of leave pay and year-end bonus, given the compulsory lockdown and the subsequent change in the lockdown levels.

This is to confirm that the Conditions of Employment Collective agreements for the BCCEI only makes provision for pro-rata leave pay and bonus to be paid for only new employees who have not worked for all the available working days.

For the purposes of calculating leave pay and year-end bonus, the shifts for the lockdown periods must be included. The Exemptions process must be followed for companies that cannot pay in line with the Collective Agreement.

All employees are entitled to their full leave pay and bonus on completion of 235 “working days” worked on a five-day week basis or 283 “working days” on a six-day week basis, excluding overtime.

Summary of Leave pay Calculation

Employees with less than 5 years’ service shall qualify for 15 days paid leave and employees with more than 5 years continuous employment qualify for 18 days paid leave. *(It must be noted that an employer must grant an employee an additional day of paid leave if a public holiday falls on a day during an employee’s annual leave on which the employee would ordinarily have worked.)*

Please note that whenever any public holiday falls on a Sunday, the following Monday shall be a public holiday.

Calculation of leave pay for a five (5) day work week:

Normal daily rate (excluding allowances)	X	1. 15 days / 2. 18 days where employee is entitled to additional leave	X	Number of days worked	÷	235 days (5-day worker)
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Pro rata leave pay is calculated as follows for a six (6) day work week:

Normal weekly wage rate (excluding allowance) x 15 days or 18 days (if an employee qualifies) x number of 'working days' worked ÷ 283 working days

Normal daily rate (excluding allowances)	X	1. 15 days / 2. 18 days where employee is entitled to additional leave	X	Number of days worked	÷	283 days (6-day worker)
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Calculating of Year-End Bonus

An employer must pay an employee an annual bonus of twenty (20) working days' pay.

New employees and employees who have not worked all the working days during the year are entitled to a pro-rata portion of their bonus:

1. An employee who is employed by the employer in December of the year in which a bonus amount is to be paid and who has been continuously employed for at least three (3) months, but for less than one full year, shall be entitled to a pro-rata bonus payment; and
2. Where an employee is absent for more than ten (10) working days in any one year, the bonus payment to which he or she is entitled shall be reduced by the proportion of total working days lost to total possible working days in a year.

Pro-Rata leave bonus is calculated as follows:

20 days x 9 hours x rate per hour x calendar days worked (excluding overtime) ÷ 235 for 5-day worker or 283 for a 6-day worker.

Please contact the offices of the BCCEI on (011) 450 4966/63 should you need further clarity on the above.

Exemptions

Should you be unable to meet any of the obligations contained in the respective BCCEI Collective Agreements, you are reminded of your right to apply for exemption. Also, please remember your right to apply for condonation should you not have submitted your exemption application in time. Employers must follow the application for exemption guidelines in the Exemptions Agreement and attach all necessary documents.

Please note that an omission to complete the application in full or not attaching the required documentation may result in the application being rejected.

Please note Your exemption application must be sent to: exemptionsapplications@bccei.co.za

Appeal applications must be sent to: appealapplications@bccei.co.za.

Kind Regards

A handwritten signature in black ink, appearing to read 'Kevin Moodley', is written over a horizontal line.

Kevin Moodley
Acting General Secretary