

from maternity leave, she will be entitled to the difference in the leave pay which accrued during her absence on maternity leave.

## 5.2 PUBLIC HOLIDAYS AND WORK ON SUNDAYS

- 5.2.1 Public holidays shall be granted in terms of the Public Holidays' Act, No. 36 of 1994.
- 5.2.2 When a public holiday falls on a Sunday, the following Monday will be a holiday.
- 5.2.3 Where an employee works on a public holiday, he shall be paid for his time worked as well as the pay he would have received if he had not worked.
- 5.2.4 Where an employee's service is terminated in the week in which Good Friday falls, he shall be entitled to payment for Good Friday and Family Day, unless his service was terminated for disciplinary reasons.
- 5.2.5 Where a public holiday falls on a Saturday and it is a normal working day, employees shall be paid in terms of Section 5 (1) (b) of the Public Holidays' Act, 1994.
- 5.2.6 Public holidays shall be paid holidays, whether or not such holiday falls on a working day. Pay for Public holidays shall be the amount paid for the longest day ordinarily worked by the establishment -
  - 5.2.6.1 Provided that an employee who is required by his employer to work on the working days immediately preceding and immediately following any of the said public holidays and who absents himself from work on either such working days shall not be paid for such holiday unless absent with the permission of his employer or unless a medical certificate in respect of the period of absence is submitted to the employer.
  - 5.2.6.2 Should any of the holidays mentioned in the preceding paragraph fall within the period of annual leave, the employer shall have the option whether or not to extend such leave on full pay by one or more of such holidays; Provided that, if the employer does not extend the leave, the employee's holiday pay shall be calculated as if such leave had been extended and the employee shall, in addition, be paid in the usual way for all time worked before and after going on leave.

## 5.3 MATERNITY LEAVE

- 5.3.1 An employee is entitled to at least four consecutive months' maternity leave.
- 5.3.2 An employee may commence maternity leave:
  - 5.3.2.1 at any time from four weeks before the expected date of birth, unless otherwise agreed; or
  - 5.3.2.2 on a date from which a medical practitioner or a midwife certifies that it is necessary for the employee's health or that of her unborn child.
- 5.3.3 No employee may work for six weeks after the birth of her child, unless a medical practitioner or midwife certifies that she is fit to do so.
- 5.3.4 Employers shall pay to an employee, on the last working day prior to their commencement of maternity leave, the additional sum equivalent to two (2) week's basic salary.