

## 5.6 SICK LEAVE

- 5.6.1 In this chapter "sick leave cycle" means the period of 36 months' employment with the same employer immediately following:
- 5.6.1.1 an employee's commencement of employment; or
  - 5.6.1.2 the completion of that employee's prior sick leave cycle.
- 5.6.2 During every sick leave cycle, an employee is entitled to an amount of paid sick leave equal to the number of days the employee would normally work during a period of six weeks.
- 5.6.3 Despite sub-clause 5.6.2, during the first six months of employment, an employee is entitled to one day's paid sick leave for every 26 days worked.
- 5.6.4 During an employee's first sick leave cycle, an employer may reduce the employee's entitlement to sick leave in terms of sub-clause 5.6.2 by the number of days' sick leave taken in terms of sub-clause 5.6.3.
- 5.6.5 Subject to sub-clause 5.7, an employer must pay an employee for a day's sick leave:
- 5.6.5.1 the pay the employee would ordinarily have received for work on that day; and
  - 5.6.5.2 on the employee's usual pay day.
- 5.6.6 An agreement may reduce the pay to which an employee is entitled in respect of any day's absence in terms of this section if:
- 5.6.6.1 the number of days of paid leave is increased at least commensurately with any reduction in the daily amount of sick pay; and
  - 5.6.6.2 the employee's entitlement to pay:
    - 5.6.6.2.1 for any day's sick leave is at least 75% of the wage payable to the employee for the ordinary hours the employee would have worked on that day; and
    - 5.6.6.2.2 for sick leave over the sick leave cycle is at least equivalent to the employee's entitlement in terms of sub-clause 5.6.2.

## 5.7 PROOF OF INCAPACITY

- 5.7.1 An employer is not required to pay an employee in terms of clause 5.6 if the employee has been absent from work for more than two consecutive days or on more than two occasions during an eight week period and, on request by the employer, does not produce a medical certificate stating that the employee was unable to work for the duration of the employee's absence on account of sickness or injury.
- 5.7.2 The medical certificate must be issued and signed by a registered medical practitioner or any other person who is certified to diagnose and treat patients and who is registered with a professional council established by an Act of Parliament.
- 5.7.3 If it is not reasonably practicable for an employee who lives on the employer's premises to obtain a medical certificate, the employer may not withhold payment in terms of sub-clause 5.7.1 unless the employer provides reasonable assistance to the employee to obtain the certificate.