

**ANNUAL SHUTDOWN (CLAUSE 16) -CALCULATION OF LEAVE PAY (CLAUSE 12) AND  
LEAVE ENHANCEMENT PAY (CLAUSE 14) 2016**

( November 2016)

Below are the main provisions regarding annual shutdown and the calculation of leave pay and leave enhancement pay – also referred to as leave bonus or annual bonus:

- 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:

Friday 16 December	Day of Reconciliation
Monday 26 December	Day of Goodwill
Tuesday 27 December	Additional public holiday(Christmas 25 December falls on a Sunday)
Monday 2 January 2015	New Year's Day (the 1 January falls on a Sunday)

- All employees are entitled to their full leave pay and bonus on completion of 234 shifts worked on a five-day week basis or 283 shifts on a six-day week basis, excluding overtime.

**Calculating shifts**

A maximum of 234 shifts (5-day week) or 283 shifts (6-day week) may be worked during a single year and are calculated as follows:

	<b>5-day week</b>	<b>6-day week</b>
Number of days in a year	365	365
Minus: Saturdays and Sundays	104	52 (Sundays)
Minus: Three weeks' annual leave (working days)	15	18
Minus: Public holidays	12	12
<b>Total number of shifts</b>	<b>234</b>	<b>283</b>

New employees and others who have not worked all available shifts during the year are entitled to pro rata leave pay and a pro rata bonus.

### **Leave qualifying shifts**

	<b>5-day week worker</b>	<b>6-day week worker</b>
Maximum number of shifts to be worked	234 shifts	283 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.	Full number of shifts during absence.	
Periods of absence on account of "lay-offs" totaling no more than 8 weeks.	Full number of shifts during absence.	
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 during absence.	
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"> <li>• 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;</li> </ul>	

	<p>and</p> <ul style="list-style-type: none"> <li>• Thereafter, be credited with one additional shift per week and above those shifts actually worked for purposes of the paid leave referred to in this clause.</li> </ul>
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 a 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 again 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 bonuses**

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

<b>FORMULA TO CALCULATE LEAVE PAY FOR A FIVE-DAY WEEK</b>			
Normal weekly wage rate (excluding allowances)	<b>X</b>	3 weeks (4 weeks where employee is entitled to additional leave)	<b>X</b> $\frac{\text{number of shifts worked}}{234 \text{ shifts (five-day week worker)}}$

**FORMULA TO CALCULATE LEAVE ENHANCEMENT PAY (BONUS) FOR A FIVE-DAY WEEK**

Normal weekly wage rate  
(excluding allowances)      **X** 52 weeks      **X** 8.33%      **X**  $\frac{\text{number of shifts worked}}{234 \text{ shifts (five-day week worker)}}$

**FORMULA TO CALCULATE LEAVE PAY FOR A SIX-DAY WEEK**

Normal weekly wage rate  
(excluding allowances)      **X** 3 weeks  
(4 weeks where employee is  
entitled to additional leave)      **X**  $\frac{\text{number of shifts worked}}{283 \text{ shifts (six-day week worker)}}$

**FORMULA TO CALCULATE LEAVE ENHANCEMENT PAY (BONUS) FOR A SIX-DAY WEEK**

Normal weekly wage rate  
(excluding allowances)      **X** 52 weeks      **X** 8.33%      **X**  $\frac{\text{number of shifts worked}}{283 \text{ shifts (six-day week worker)}}$

**Queries**

Should you have any queries regarding the qualifying shifts of employees who worked short-time during the year, please contact the regional council in your area.

/LK  
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