

What are your employee rights to religious holidays?

With Easter and various other public holidays coming up in March and April, most South African employees are anticipating a few days' off from their daily work routines. But, this period also raises the question about other religious holidays and the stance of labour law on these.



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Advocate Tertius Wessels, legal director at Strata-G Labour Solutions, says there are no laws in South Africa that specifically governs religious holidays however, South Africa recognises 13 official public holidays. “Only two of these are religious holidays – Christmas day and Good Friday. In terms of labour law, these public holidays must be granted to all employees, regardless of their religious persuasion.”

Wessels says there is often confusion around how to deal with religious holidays relating to various other faiths such as Judaism and Islam, amongst others. “Legally, employees are not entitled to take time off to observe other religious holidays. Obviously, many organisations do not want to discriminate based on religion and come to their own agreements with employees of different faith groups.”

It is easier to accommodate various religious holiday requests in some work environments than others. “Where operations require the presence of someone in the workplace at specific times, it may not be easy to accommodate such a request. In other work environments, however, it is easier to negotiate time off or compromises with staff,” says Wessels.

He adds that if companies agree to granting time off for religious holidays, they need to be clear on whether it will be in the form of paid or unpaid leave. “This will need to be negotiated with employees. Some staff members, who do not practice Christianity, may opt to work on Christian religious holidays in exchange for other days.” Generally, employees cannot be forced to work on public holidays unless by agreement and employers are required to compensate employees for service rendered on a public holiday. This does not apply in circumstances where an employee wants time off for religious holidays that are not recognised as official public holidays.

Notably, many Muslim employees observe noon-time prayers on Fridays. “Some workplaces accommodate this by giving Muslim staff Friday afternoons off in exchange for half a day on Saturdays,” says Wessels.

It is best to negotiate various leave options at the outset. “So, when someone is negotiating their terms of employment when starting a new job, these considerations should be discussed up-front and incorporated into the contract of employment or company policies regulating leave. This will ensure everyone is clear about what to do with regards to specific religious holidays,” concludes Wessels.

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