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Annual Leave Q1. How many days of annual leave? Q3. Can an employee in lieu of annual leave? Q5. How is annual leave? Q4. Can an employee? Q4. Can an employee in lieu of annual leave? Q5. How is annual leave? Q5. How is annual leave? Q5. How is annual leave? Q6. If an employee in lieu of annual leave? Q5. Can annual leave? Q6. If an employee in lieu of annual leave? Q5. How is annual leave? Q5. How is annual leave? Q6. If an employee in lieu of annual leave? resigns before completing one vear's service, should the employer grant pro-rata annual leave pay to him? Q1. How many days of annual leave with pay after serving every period of 12 months under a continuous contract. An employee's entitlement to paid annual leave will increase progressively to a maximum of 14 days according to his length of service as follows: Years of Service Annual Leave Entitlement 1 7 2 7 3 8 4 9 5 10 6 11 7 12 8 13 9 or above 14 Back to questions Q2. Who determines the timing of annual leave? A2. The timing of the leave should be appointed by the employer after consultation with the employee or his representative. The employer should confirm by a written notice to the employee at least 14 days in advance, unless a shorter period has been mutually agreed. Back to questions Q3. Can annual leave be granted separately to an employee? A3. Paid annual leave should be granted for an unbroken period. If the employee so requests, it may be granted in the following manner: Leave entitlement not exceeding 10 days At least 7 days should be granted consecutively Back to questions Q4. Can an employee in lieu of annual leave? A4. An employer should not include in an employment contract a term to forego all or any of his employee's annual leave entitlement, including payment of his leave entitlement which exceeds 10 days. [Example] : An employee who is entitled to 12 days' annual leave can take 10 days' leave and accept payment of the equivalent wages for the 2 days' leave. Back to questions Q5. How is annual leave pay calculated? When should it be paid? A5. The daily rate of annual leave pay is a sum equivalent to the average daily wages earned by an employee in the 12-month period preceding the day of the annual leave or the first day of the annual leave (if more than 1 consecutive day of annual leave). If an employee is employee is employee is employee is not paid his wages or full wages, including rest day, statutory holiday, annual leave, sickness day, maternity leave, sick leave due to work injuries or leave taken with the employee is not provided by the employee, and any normal working day on which the employee for such periods. Annual leave pay should be paid to the employee not later than the normal pay day after the period of annual leave pay on completion of annual leave pay to him? A6. An employee is entitled to pro-rata annual leave pay on completion of 3 months but less than 12 months' service in a leave year if his employment contract is terminated unless the employee is dismissed by summary dismissal. Back to questions Published December 15, 2020 (last updated on April 18, 2024) | Adam Wyatt - Content WriterAll employees in Australia know how hard it is to keep up-to-date with the latest legislation changes. The recent rush of workplace legislation changes may seem like a modern phenomenon, as the Fair Work Actwas only introduced in 2010. To recap, in addition to the COVID-related changes like JobKeeper, JobMaker and pandemic leave, this year so far has seen annualised salary changes, four-yearly updates to Awards, and casual overtime changes just to name a few.A cornerstone of theFair Work Actis theNational Employees in Australia. One of the minimum entitlements provided by theNES annual leave: a permanent employee is entitled to four weeks of paid annual leave, per year, with shiftworkers receiving an additional week of paid annual leave on top of that. It is important for employees with theirannual leave entitlements. While the workplace relations landscape does change constantly, some things do stay the same. Annual Leave became standard in 1970; but what has changed since and when did employees receive the standard four weeks of annual leave in the early 20thcentury. This was the first official instance of annual leave in Australia. The introduction of the federal maritime award also came in 1906, after a series of strikes in the 1890s brought employee rights to the fore. The federal maritime award was, along with the shearers award, the first award in Australia. These awards were introduced by the Commonwealth Court of Conciliation and Arbitration, an early forerunner of the Fair Work Commission. 1935 to 1974: Annual Leave Becomes WidespreadPaid annual leave in 1935, and soon this entitlement slowly became widespread in Australia. In 1945, in the year that the Second World War ended, workers won the right to two weeks annual leave, and between then and 1974 two weeks of paid leave was generally adopted as the standard entitlement through Australia. Contact us to find out how BrightHR people management software can help you manage and store your essential employee records and documents. Contact us 1974: Four Weeks for Public Service Workers in NSWFollowing a decision by the NSW Industrial Relations Commission, four weeks annual leave was introduced for each year of service. While this decision only covered public sector employees in any sector were entitled to four weeks paid leave. 1988-2009: A New Act Every 4.25 Years Between 1988 and 2005, there were four major employment relations Act 1988, which replaced the 84-year-oldCommonwealth Conciliation Act 1989. This Act was then amended byIndustrial Relations Reform Act 1989. This Act was then amended byIndustrial Relations Reform Act 1989. Government, which lasted from 1983 until 1996, when John Howard came into power. In 1996, Howards Liberal Government brought in the Workplace Relations Act 1996, which replaced the Act passed eight years previously. In 2005, they passed Work Choices (formally known as Workplace Relations Amendment (Work Choices) Act 2005). Throughout this tumultuous 17-year period, where a new Act was passed on average every 4.25 years, the standard entitlement of four weeks annual leave generally stayed intact. The Work Choices Act provided employees with five entitlements, one of which was annual leave generally stayed intact. passed the Fair Work Act 2009, which came into effect on 1 July of that year, superseding the Workplace Relations Act 1996. The Fair Work Act outlined the minimum entitlement of annual leave Mill Stick AroundAs time has passed, annual leave has gone from a rare entitlement to becoming a standard right for employees in the Australian workplace relations system. Even during the see-sawing of workplace relations for almost two decades before the introduction of the Fair Work Act, it remained a right. Now entrenched, it is unlikely that annual leave will go away. Employers will have to keep themselves up to date on how annual leave works, what their obligations are and what the rights of their employees. Theres no better help available to assist employees. Theres no better help available to assist employees. There initial advice on any annual leave? Call us now for free, initial advice. Call NowContentsCalculation of Payment in Lieu of Notice VeriodCalculation of Payment in Lieu of notice or payment in lieu of notice. The length of notice or the amount of payment in lieu of notice required to give the other party due notice or payment in lieu of notice. are:EmploymentLength of noticePayment in lieu of noticeDuring Probation PeriodWithin the first month of probationNot requiredAfter the first month of probationNot requiredAfter the first month of probation PeriodWithin the first month of probationNot requiredAfter the first month of probation PeriodWithin the first month of probation PeriodWithin the first month of probationNot requiredAfter the first month of probation PeriodWithin the first month of probationNot requiredAfter the first month of probationNot requiredAfter the first month of probationWere contract makes provision for the required length of noticeAs per agreement, but not less than 7 daysPlease refer to Calculation of Payment in Lieu of NoticeWhere contract does not make provision for the required length of noticeNot less than 7 days how for the required length of
noticeNot less than 1 days how for the required length of noticeNot less than 1 days how for the required length of noticeNot less than 1 days how for the required length of noticeNot less than 1 days how for the required length of noticeNot less than 1 days how for the required length of noticeNot less than 1 days how for the required length of noticeNot less than 1 days how for the required length of noticeNot less than 1 days how for the required length of noticeNot less than 1 days how for the required length of noticeNot less than 1 days how for the required length of noticeNot less than 1 days how for the required length of noticeNot less than 1 days how for the required length of noticeNot less than 1 days how for the required length of noticeNot less than 1 days how for the required length of noticeNot less than 1 days how for the required length of noticeNot less than 1 days how for the required length of noticeNot less than 1 days how for the required length of noticeNot less than 2 days how for the required length of noticeNot less than 1 days how for the required length of noticeNot less than 2 days how for the required length of noticeNot less than 1 days how for the required length of noticeNot less than 2 days how for the required length of noticeNot less than 2 days how for the required length of noticeNot less than 2 days how for the required length of noticeNot less than 2 days how for the required length of noticeNot less than 2 days how for the required length of noticeNot less than 2 days how for the required length of noticeNot less than 2 days how for the required length of noticeNot less than 2 days how for the required length of noticeNot less than 2 days how for the required length of not less than 2 days how for the required length of not less than 2 days how for the required length of not less than 2 days how for the required length of not less than 2 days how for the month\* For a non-continuous contract with no/ after probation period, the length of notice shall be the agreed period; please refer to 2 for the corresponding payment in lieu of notice. After confirming the number of days required for notice, please make reference to the materials below to find out when the employee will terminate his/her service, or the amount of payment in lieu of notice required - Calculation of Notice Period is calculated in terms of days, to avoid disputes, the day when notice period is calculated in terms of months, the Employment Ordinance has stipulated that the day when notice of termination of employment contract is given, and ending at the end of the day before the corresponding date in the following to 12 th March); where there is no corresponding date in the following month, at the end of the last day of February); orwhere the commencing day is the last day of a month, at the end of the last day of February); orwhere the commencing day is the last day of February to 31 March). Calculation of Payment in Lieu of NoticeThe formula for calculating payment in lieu of notice is as follows -Notice period for which wages earned by an employee in the 12-month period for which wages earned by an employee in the notice period for which wages earned by an employee in the notice period for which wages earned by an employee in the 12-month period preceding the day when a notice of termination of contract is given\*XNumber of days in the notice period for which wages earned by an employee in the 12-month period preceding the day when a notice of termination of contract is given\*XNumber of days in the notice period for which wages earned by an employee in the 12-month period preceding the day when a notice period for which wages earned by an employee in the notice period for which wages earned by an employee in the 12-month period preceding the day when a notice period for which wages earned by an employee in the 12-month period preceding the day when a notice period for which wages earned by an employee in the 12-month period preceding the day when a notice period for which wages earned by an employee in the 12-month period preceding the day when a notice period for which wages earned by an employee in the 12-month period preceding the day when a notice period for which wages earned by an employee in the 12-month period perio would normally be payable to the employee=Payment in lieu of noticeNotice period expressed in monthsAverage monthly wages earned by an employee in the 12-month period preceding the day when a notice has not been given, one shall adopt the average daily wages of the employee in the 12-month period preceding the day when the contract is terminated. Please note that in calculating the average daily wages, an employer has to exclude (i) the periods for which an employee is not paid his/her wages or full wages, including rest day, statutory holiday, annual leave, sickness day, maternity leave, sickne employee is not provided by the employee for such periods. You may refer to the "12-Month Average Wages Calculator" on Labour Department's website tocalculate the 12-month average Wages Calculator" on Labour Department's website tocalculate the 12-month average Wages Calculater to the "12-Month Average Wages Calculator" on Labour Department's website tocalculate the 12-month average Wages Calculater to the "12-Month Average Wages Calculator" on Labour Department's website tocalculate the 12-month average Wages Calculater to the "12-Month Average Wages Calculater" on Labour Department's website tocalculate the 12-month average Wages Calculater to the "12-Month Average Wages Calculater" on Labour Department's website tocalculate the 12-month average Wages Calculater to the "12-Month Average Wages Calculater" on Labour Department's website tocalculate the 12-month average Wages Calculater to the "12-Month Average Wages Calculater" on Labour Department's website tocalculate the 12-month average Wages Calculater to the "12-Month Average Wages Calculater" on Labour Department's website tocalculate the 12-month average Wages Calculater to the "12-Month Average Wages Calculater" on Labour Department's website tocalculate the 12-month average Wages Calculater to the "12-Month Average Wages Calculater" on Labour Department's website tocalculate the 12-month average Wages Calculater to the "12-Month Average Wages Calculater" on Labour Department's website tocalculate the 12-month average Wages Calculater to the "12-Month Average Wages Calculater" on Labour Department's website tocalculate the 12-month average Wages Calculater to the "12-Month Average Wages Calculater" on Labour Department's website tocalculater to the "12-Month Average Wages Calculater" on Labour Department's website tocalculater to the "12-Month Average Wages Calculater" on Labour Department's website tocalculater to the "12-Month Average Wages Calculater" on Labour Department's website tocalculater to the "12-Month Average Wages Calculater" on Labour De not a legal document. The Ordinance remains the sole authority for the provisions of the law explained. Copy Link 365 days a year that we all clearly know, employee does need time off, but not happy with only a weekend. How we can motivate their efficiency by offering them Annual Leave and Statutory/Public Leave together, to enjoy a long vacation to recharge to back to work. Paid Annual Leave is part of the compensation, what should we be aware of? How many days of paid annual leave are there in a year? According to the Employees who have been employees entitlement to paid annual leave increases progressively from seven days to a maximum of 14 days according to his length of service. Please refer to the table of Annual leave is liable to prosecution and, upon conviction, to a fine of HK\$50,000. How to approve an employees to take annual leave is liable to prosecution and, upon conviction, to a fine of HK\$50,000. How to approve an employees to take annual leave is liable to prosecution and a seven days to a maximum of 14 days according to his length of service. application for paid annual leave? As one of the employee benefits, applying for paid annual leave may seem like there are no other additional rules, however, it is not. More specifically, the number of days off is determined by the total number of paid annual leave? following period of 12 months.\* The time of the employee at least 14 days in advance unless a shorter period has been mutually agreed. \*If an employee has not been employee for 12 months in the common leave year, the employer should calculate his leave entitlement on a pro-rata basis. Paid annual leave should be granted for an unbroken period. If the employee so requests, it may be granted in the following manner: Leave entitlement not exceeding 10 days can be granted in the following manner. entitlement exceeding 10 days at least 7 days should be granted consecutively Restriction on Pay in lieu of Leave According to the Employee a statutory holiday, or arrange an alternative holiday or substituted holiday. An employer must not make any form of payment to the employee in lieu of granting a holiday. In other words, buy-out of a holiday is not allowed. However, An employee may choose to take only 10 days of paid annual leave may choose to take only 10 days of paid annual leave and accept payment from the employer in lieu of 2 days of annual leave. How to calculate if paid annual leave is converted into payment? The daily rate of annual leave is converted into payment? The daily rate of annual leave is converted into payment? LeaveSpecified Dates1 dayDay of the annual leaveMore than 1 consecutive dayFirst day of the annual leave, sickness day, maternity leave, paternity leave, sick leave due to work injuries, or leave taken with the agreement of the employee is not provided by the employee is not provided by the employee is employee is employee is employee is not provided by the employee is not provided by the employee is not provided by the employee is
employee is not provided by the employee is not provided by the employee is employee is employee is employee is not provided by the employee is period, which also depends on the companys usual practice. Annual leave pay should be paid to the employee not later than the normal payday after the period, which also depends on the company? In any case, if an employee resigns after passing the probationary period, even if he/she has not worked for one year, the employee will save some paid annual leave that has been not taken yet, and the number of annual leave that has been not taken yet, and the number of annual leave Pay on Termination of Employment Contract: \* This refers to any untaken annual accrued in the previous leave year. Example: Calculate 7-day annual leave pay Assumption Wage: HK\$9,000 per month, paid on rest daysWages earned during the 12-month period preceding the first day of annual leave at work and holiday; 7 annual leave days Periods and wages to be disregarded Since the employee was not paid less than full wages for taking leave during the 12-month period, the period and amount to be excluded are both HK\$0. Calculating holiday pay on the basis of the 12-month average Calculating the average daily wages earned in 12 months: HK\$108,000 0 (HK\$)/ (365 0) (days) = HK\$296 Calculate 7-day annual leave pay to an employee not later than the normal payday after the period of annual leave pay should be paid to the employee is liable to prosecution and, upon conviction, to a fine of HK\$50,000. How to calculate the annual leave left by resignation into the payment? Confirm the last day The employer will negotiate with the employee according to the employment contract. In the most common case, the notice period in the contract is one month. Assuming that employee A resigns on June 10, he can retire as soon as July 9. If A wants to leave early, he must obtain the employers consent or pay the employee A resigns on June 10, he can retire as soon as July 9. If A wants to leave early, he must obtain the employees consent or pay the employee a payment in lieu of notice? daily wage in the past year X the number of early leave days. Assuming that the monthly wage of employees is HK\$20,000 X 12 / 365 days = HK\$657.5 Paid annual leave is paid on a daily basis According to the Employment Ordinance, employees are entitled to holiday pay as long as they have been employed under a continuous contract for 3 months. When the employment contract is terminated, if there is still untaken annual leave, wages can be obtained in lieu of the annual leave. The value of each day of paid annual leave is equal to the average daily wage of employees in the past year. How many days of annual leave are counted? If the employee has been employed for more than 3 months but less than 12 months, the number of annual leave must be calculated proportionally. The formula is Number of annual leave every year, the last working day is the 200th day after taking office, and no major leave was taken during the tenure period. The remaining annual leave when resigning is 6.5 days, multiplied by the average daily wage, which is the amount that annual leave pay can be retrieved when resigning. It is not difficult to see from the above that it is easy to make mistakes if you are not careful about the issue of paid annual leave, approval, employees buy-out of a holiday, and the remaining annual leave after leaving the company. Not only will you have disputes with your employees, but you will also risk fines and imprisonment. So HR always complains. How do Workstem users use the system to handle issues such as annual leave pay? Employees, but you will also risk fines and imprisonment. built into the system on the web or app, and can choose whether to carry forward to the next year, whether to limit the application date, etc. Employees can also easily view employee leave application records and choose whether to limit the application date, etc. system. If you need to add other holiday types, you can tap Add to supplement the list for all your individual needs. 2) Click the Leave Policy, and select the type of annual leave(AL). After completing the formula setting, no other operations are required, and the system will automatically allocate the leave balance for employees to apply. 3) After completing the Leave setting, employees can easily apply at the terminal by themselves. Employees or HR can click on leave application records. One-touch approval. 4) Payroll calculation issues from annual leave. When an employee buy-out of a holiday and leaves the company, do I need to export the data for manual calculation issues from annual leave. No no no! 4) For the payroll calculation issue arising from annual leave, do employees need to export the data for manual calculate the annual leave balance balance balance balance and calculate the employees paid annual leave balance and related wage settlement according to the employees entry date and historical leave records through the Leave and Payroll function settings. The Workstem system can also provides a full range of solutions to help you business management of other HR processes, such as RosteringAttendanceLeave, MPF and tax return management, etc., help you can truly realize digital transformation and improve management efficiency and employee satisfaction. Read More: How to Calculate Annual Leave Policy? Employees are entitled to a minimum amount of annual leave for each year of employment. The minimum amount of annual leave (if you have been employed for more than one year, but less than three years) and 14 days (if you have been employed for more than nine years). However, an employer may choose to give you additional days of annual leave at their discretion in accordance with your employment contract. During your annual leave, your daily wage is calculated as your average wage over the last year. Employees may choose to receive payment instead of taking holidays (i.e. payment in lieu). leave from the past 12 months however, contractual annual leave is subject to your terms of employment. This is where we can help.Get an instant quote Everyone knows there are 365 days in a year. Besides the weekend off, an employee does have annual leave is part of the compensation. Then what should an employer been does have annual leave is part of the compensation. aware of? According to the Employees who have been employees entitlement to paid annual leave increases progressively from seven days to a maximum of 14 days according to his length of service. According to the Employment Ordinance, regardless of whether an employee is entitled to holiday, or arrange an alternative holiday, or arrange an alternative holiday, or arrange an alternative holiday is not allowed. However, an employee may choose to accept payment in lieu of the part of his leave entitlement which exceeds 10 days. For example: An employee who is entitled to 12 days of paid annual leave may choose to take only 10 days of paid annual leave pay is a sum equivalent to the average daily wages earned by an employee in the 12-month period. Employment More than 12 months Employment period average daily wage x no. of annual leave For example: Ada worked for your company more than a year. And her total salary is HK\$200,000 (Included salary and commission etc). Total work days are 240. If Amy takes 7 days annual leave. The calculation is HK\$200,000 / 240 x 7 = HK\$5,833.33 Period of EmploymentAnnual Leave EntitlementsLess than 3 months in the current leave yearAnnual leave not yet taken 12 months, 3-12 months in the current leave yearWork days/365 x No. of Annual leave is liable to prosecution. And, upon conviction, to a fine of \$50,000. For further information, please contact us. You may want to read: MATERNITY LEAVE REIMBURSEMENT SCHEME IN HONG KONG Rest Days, Holidays & LeavesPlease note that the information below is provided by the Hong Kong Labour Department. As both Employer and Helper 1. How long should a helper work before he/she can enjoy the statutory holidays in a year? 2. How many days of annual leave should be given to a helper in a year? 3. Who determines the timing of annual leave taken by a helper? 4. Should annual leave? Is it paid or unpaid? 6. Can an employer compel his/her helper to take no pay leave when the employer is going aboard? As Employer 7. What kinds of leave are foreign domestic helpers entitled to under the Employment Ordinance? 8. How should I appoint rest day? 10. Can I ask my helper to work on his/her rest day? 10. Can I ask my helper to perform duties after he/she returns home on his/her rest day? 11. Can I require my helper to work on statutory holidays? 12. Can I ask my helper to forfeit a statutory holiday in exchange for extra wages with his/her consent? 13. If a statutory holiday? 14. How should I grant annual leave to my helper on completion or termination of employment contract?1. How long should a helper work before he/she can enjoy the statutory holidays in a year? All foreign domestic helpers, irrespective of their length of services, are entitled to the following 12 statutory holidays in a year? All foreign domestic helpers, irrespective of their length of services, are entitled to the following 12 statutory holidays in a year? All foreign domestic helpers, irrespective of their length of services, are entitled to the following 12 statutory holidays in a year? All foreign domestic helpers, irrespective of their length of services, are entitled to the following 12 statutory holidays in a year? All foreign domestic helpers, irrespective of their length of services, are entitled to the following 12 statutory holidays in a year? All foreign domestic helpers, irrespective of their length of services, are entitled to the following 12 statutory holidays in a year? All foreign domestic helpers, irrespective of their length of services, are entitled to the following 12 statutory holidays in a year? All foreign
domestic helpers, irrespective of their length of services, are entitled to the following 12 statutory holidays in a year? All foreign domestic helpers, irrespective of their length of services, are entitled to the following 12 statutory holidays in a year? All foreign domestic helpers, irrespective of their length of services, are entitled to the following 12 statutory holidays in a year? All foreign domestic helpers, irrespective of their length of services, are entitled to the following 12 statutory holidays in a year? All foreign domestic helpers, irrespective of their length of services, are entitled to the following 12 statutory holidays in a year? All foreign domestic helpers, irrespective of their length of services, are entitled to the following 12 statutory holidays in a year? All foreign domestic helpers, irrespective domestic helpers, are entitled to the following 12 statutory holidays in a year? 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The helpers entitlement to paid annual leave should be given to a helper is entitlement to paid annual leave should be given to a helper is entitled to paid annual leave should be given to a helper is entitlement to paid annual leave should be given to a helper is entitlement to paid annual leave should be given to a helper is entitled to paid annual leave should be given to a helper is entitlement to paid annual leave should be divent to a helper is entitlement t year of service Helper is entitled to 7 days paid annual leave. 2 years of service Helper is entitled to 7 days paid annual leave. 5 years of service Helper is entitled to 8 days paid annual leave. 6 years of service Helper is entitled to 8 days paid annual leave. entitled to 11 days paid annual leave. 7 years of service Helper is entitled to 12 days paid annual leave. 8 years of service Helper is entitled to 14 days paid annual leave. 9 years of service Helper is entitled to 14 days paid annual leave. to which he/she is entitled within the following 12 months at a time appointed by the employer after consultation with the helper, confirmed by a written notice to the helper at least 14 days in advance. 4. Should annual leave will be counted as annual leave. Another rest day or holiday must be appointed.5. Should vacation leave of not less than seven days should be granted in addition to the helpers entitled annual leave? Is it paid or unpaid? Vacation leave of not less than seven days should be granted in addition to the helpers entitled annual leave? Is it paid or unpaid? Vacation leave of not less than seven days should be granted in addition to the helpers entitled annual leave? Is it paid or unpaid? Vacation leave of not less than seven days should be granted in addition to the helpers entitled annual leave? Is it paid or unpaid? Vacation leave of not less than seven days should be granted in addition to the helpers entitled annual leave? Is it paid or unpaid? Vacation leave of not less than seven days should be granted in addition to the helpers entitled annual leave? Is it paid or unpaid? Vacation leave of not less than seven days should be granted in addition to the helpers entitled annual leave? Is it paid or unpaid? Vacation leave of not less than seven days should be granted in addition to the helpers entitled annual leave? Is it paid or unpaid? Vacation leave of not less than seven days should be granted in addition to the helpers entitled annual leave? Is it paid or unpaid? Vacation leave? Is it paid? Vacation leave? Is it paid or unpaid? Vacation leave? Is term agreed in Clause 13 of the standard employer is going aboard? The arrangement of taking no pay leave shall be of mutual consent to both parties. The employer shall not unilaterally impose such leave on his/her helper. 7. What kinds of leave are foreign domestic helpers entitled to under the Employment Ordinance, foreign domestic helpers are entitled to the following leave: Rest daysStatutory holidaysPaid annual leaveIf both parties enter into a re-engagement contract, the helper shall, before the new contract commences, return to his/her country of origin at the expense of the employer for a vacation of not less than seven days according to the standard employment contract. Leave pay and whether leave have been granted is a common cause of dispute between an employer and a helper. Leave pay and whether leave have been granted is a common cause of dispute standard employer and a helper. helper?You should provide your helper at least one rest day in every period of seven days. A rest day is a continuous period of not less than 24 hours.Rest days are on a regular basis, you should notify the helper his/her rest days before the beginning of each month.9.Can I ask my helper to work on his/her rest day?No. Except in unforeseen emergency, you shall not require your helper to work on a rest day for the appointed rest day. The substituted rest day must be granted within the same month and before the original rest day or within 30 days after it.10.Can I ask my helper to perform duties on his/her rest day? You should not compel your helper to perform duties after he/she may work voluntarily on his/her rest days.11.Can I require my helper to work on statutory holidays?Yes, but you have to give him/her: not less than 48 hours prior notice ; and a lternative holiday within 60 days before or after the statutory holidays.12.Can I ask my helper to forfeit a statutory holidays.12.Can I ask my helper to forfeit a statutory holidays.12.Can I ask my helper to forfeit a statutory holiday in exchange for extra wages with his/her consent?No. You must not make any form of payment to your helper in lieu of granting statutory holiday. An employer who contravenes this provision is liable to prosecution and, upon conviction, to a fine of HK\$50,000. 13. If a statutory holiday falls on my helpers rest day, is it obligatory for me to grant him/her another holiday? Yes. If statutory holiday falls on a rest day, a holiday should be granted on the day following the rest day which is not a statutory holiday. 14. How should I grant annual leave to my helper on completion or terminated, your helper should be given payment in lieu of any annual leave not yet taken in respect of every 12 months completed service. For more that three but less than 12 months, your helper is entitled to pro-rata annual leave pay if the employment contract is terminated other than for the reason of summary dismissal due to his/her serving 18 months of services and he/she had not yet taken any annual leave, he / she should be given payment in lieu of annual leave pay calculated to the days of employment (i.e. 7 days + 3.5 days = 10.5 days ). However, if your helper is summarily dismissed due to his/her serving 18 months, he/she would only be entitled to payment in lieu of annual leave for his/her first 12 months of service, i.e. 7 days. Not a client yet?1300 207 182Existing clients call (AU)1300 651 415Existing clients call (overseas)+61 2 8123 3640Employsure HQLevel 6/180 Thomas St, Sydney NSW 2000 Both employers and employees may terminate the employment by paying the other party a sum of wages in lieu of notice. The amount of wages in lieu of notice Wages in lieu of notice With an expressed agreement As per the agreement, but not less than 7 days If the notice period is expressed in days or weeks: (Average daily wages\* earned by an employee) If the notice period is expressed in months: (Average monthly wages\* earned by an employee in the 12-month period preceding the day when a notice of termination of contract is given) x (Number of months specified in the notice period) Without an expressed agreement 1 month (Average monthly wages\* earned by an employee in the 12-month period preceding the day when a notice of termination of contract is given) x (Number of months specified in the notice period) If
you are in a probation period, the amount of wages in lieu of Notice Wages in lieu of Notice Wages in lieu of Notice Within the 1stmonth of probation Not required Not required After the 1st month of probation With an expressed agreement As per the agreement, but not less than 7 days If the notice period is expressed in days or weeks: (Average daily wages\* earned by an employee in the 12-month period preceding the day when a notice of termination of contract is given) x (Number of days in the notice period for which wages would normally be payable to the employee) If the notice period is expressed in months: (Average monthly wages\* earned by an employee in the 12-month period preceding the day when a notice of termination of contract is given) x (Number of months specified in the notice period) Without anexpressed agreement 7 days (Average daily wages\* earned by an employee in the 12-month period preceding the day when a notice of termination of contract is given) x (Number of days in the notice period for which wages would normally be payable to the employee) \*In calculating the average daily/monthly wages, you must exclude: 1) the periods for which an employee is not paid his wages or full wages, and the average daily/monthly wages would normally be payable to the employee) \*In calculating the average daily/monthly wages, you must exclude: 1) the periods for which an employee is not paid his wages or full wages, and the average daily/monthly wages would normally be payable to the employee) \*In calculating the average daily/monthly wages would normally be payable to the employee) \*In calculating the average daily/monthly wages would normally be payable to the employee) \*In calculating the average daily/monthly wages would normally be payable to the employee) \*In calculating the average daily/monthly wages would normally be payable to the employee) \*In calculating the average daily/monthly wages. including: rest day, statutory holiday, annual leave, sickness day, maternity leave, sick leave due to work injuries or leave taken with the employee is not provided by the employer with work 2) the sum paid to the employee for the periods mentioned above. For details, see A Guide to the Calculation of Relevant Statutory/Public Leave together, t enjoy a long vacation to recharge to back to work. Paid Annual Leave is part of the compensation, what should we be aware of? How many days of paid annual leave with pay. An employees entitlement to paid annual leave increases progressively from seven days to a maximum of 14 days according to his length of service. Please refer to the table of Annual Leave Entitlements below. \*An employees to take annual leave is liable to prosecution and, upon conviction, to a fine of HK\$50,000. How to approve an employees application for paid annual leave? As one of the employee benefits, applying for paid annual leave to which he is not. More specifically, the number of days off is determined by the total number of the employee shall take the paid annual leave? entitled within the following period of 12 months.\* The time of the leave should be appointed by the employee at least 14 days in advance unless a shorter period has been mutually agreed. \*If an employee has not been employee for 12 months in the common leave year, the employee so requests, it may be granted in the following manner: Leave entitlement not exceeding 10 days can be granted separately; the balance should be granted in the following manner: Leave entitlement not exceeding 10 days can be granted in the following manner: Leave entitlement not exceeding 10 days can be granted in the following manner: Leave entitlement not exceeding 10 days can be granted in the following manner: Leave entitlement not exceeding 10 days can be granted in the following manner: Leave entitlement not exceeding 10 days can be granted in the following manner: Leave entitlement not exceeding 10 days can be granted in the following manner: Leave entitlement not exceeding 10 days can be granted in the following manner: Leave entitlement not exceeding 10 days can be granted in the following manner: Leave entitlement not exceeding 10 days can be granted in the following manner: Leave entitlement not exceeding 10 days can be granted in the following manner: Leave entitlement not exceeding 10 days can be granted in the following manner: Leave entitlement not exceeding 10 days can be granted in the following manner: Leave entitlement not exceeding 10 days can be granted in the following manner: Leave entitlement not exceeding 10 days can be granted in the following manner: Leave entitlement not exceeding 10 days can be granted in the following manner: Leave entitlement not exceeding 10 days can be granted in the following manner: Leave entitlement not exceeding 10 days can be granted in the following manner: Leave entitlement not exceeding 10 days can be granted in the following manner: Leave entitlement not exceeding 10 days can be granted in the following manner: Leave entitlement not exceeding 10 days can be granted in the following manner entitlement not exceeding 10 days can be granted in the following manner entitlement not exceeding 10 days can be granted in the following manner entitlement not exceeding 10 days can be granted in the following manner entitlement no consecutively Leave entitlement exceeding 10 days at least 7 days should be granted consecutively Restriction on Pay in lieu of Leave According to the Employee is entitled to holiday or substituted holiday. An employer must not make any form of payment to the employee in lieu of granting a holiday. In other words, buy-out of a holiday is not allowed. However, An employee who is entitled to 12 days of paid annual leave may choose to take only 10 days of paid annual leave and accept payment from the employer in lieu of 2 days of annual leave and accept payment? The daily rate of annual leave and accept payment? The daily rate of annual leave and accept payment? dates. Day(s) of Annual LeaveSpecified Dates1 dayDay of the annual leaveMore than 1 consecutive dayFirst day of the annual leave, sickness day, maternity leave, paternity leave, sick leave due to work injuries, or leave taken with the agreement of the employee is not provided by the employee is not pr be based on the shorter period, which also depends on the companys usual practice. Annual leave pay should be paid to the employee not later than the normal payday after the period of annual leave taken. How is the remaining paid annual leave taken. probationary period, even if he/she has not worked for one year, the employee will save some paid annual leave that has been not taken yet, and the number of annual leave that has been not taken yet, and the number of annual leave that has been not taken yet. Example: Calculate 7-day annual leave pay Assumption Wages earned during the 12-month period preceding the first day of annual leave: HK\$108,000, including 52 rest days; 12 statutory holidays; 7 annual leave days Periods and wages to be disregarded Since the employee was not paid less than full wages for taking leave during the 12-month period, the period and amount to be excluded are both HK\$0. Calculating holiday pay on the basis of the 12-month average Calculating the average daily wages earned in 12 months: HK\$108,000 0 (HK\$)/ (365 0 (days) = HK\$296 x 7 = HK\$296 x 7 = HK\$296 x 7 = HK\$2,072 NOTE\*Restriction on payment of annual leave pay should be paid to the employee not later than the normal payday after the period of annual leave pay should be paid to the employee is liable to prosecution and, upon conviction, to a fine of HK\$50,000. How to calculate the annual leave left by resignation into the payment? Confirm the last day The employer will negotiate with the employee according to the employment contract. In the most common case, the notice period in the contract is one month. Assuming that employee A resigns on June 10, he can retire as soon as July 9. If A wants to leave early, he must obtain the employees consent or pay the employees consent or pay the employees consent or pay the employee A resigns on June 10, he can retire as soon as July 9. If A wants to leave early, he must obtain the employees consent or pay the employee A resigns on June 10, he can retire as soon as July 9. If A wants to leave early, he must obtain the employees consent or pay the employees a payment in lieu of notice. equal to the average daily wage in the past year X the number of early leave days. Assuming that the monthly wage of employees is HK\$20,000 X 12 / 365 days = HK\$657.5 Paid annual leave is paid on a daily basis According to the Employment Ordinance, employees are entitled to holiday pay as long as they have been employed under a continuous contract for 3 months. When the employment contract is terminated, if there is still untaken annual leave are counted? If the employee has been employed for more than 3 months but less than 12 months, the number of annual leave must be calculated proportionally. The formula is Number of employment days / 365 days. Assuming that an employee enjoys 12 days of annual leave every year, the last working day is the 200th day after taking office, and no major leave was taken during the tenure period. The remaining annual leave when resigning is 6.5 days, multiplied by the average daily wage, which is the amount that annual leave pay can be retrieved when resigning. It is not difficult to see from the above that it is easy to make mistakes if you are not careful about the issue of paid annual leave, approval, employees buy-out of a holiday, and the remaining annual leave pay? Employers can set annual leave rules built into the system on the web or app, and can choose whether to limit the application records and choose whether to limit the application records and choose whether to limit the application records and choose whether to limit the application date, etc. Employee leave
application date, etc. Employee leave application records and choose whether to limit the application date, etc. Employee leave application date, etc. enterprises in the system. If you need to add other holiday types, you can tap Add to supplement the list for all your individual needs. 2) Click the Leave Policy, and select the type of annual leave(AL). After completing the formula setting, no other operations are required, and the system will automatically allocate the leave balance for employees to apply. 3) After completing the Leave setting, employees can easily apply at the terminal by themselves. Employees or HR can click on leave application issues from annual leave. When an employee buy-out of a holiday and leaves the company, do I need to export the data for manual calculation? No no no! 4) For the payroll calculate the annual leave, do employees need to export the data for manual calculate the annual leave payroll calculate the employees paid annual leave balance and related wage settlement according to the employees entry date and historical leave records through the Leave and Payroll function settings. The Workstem system can also provides a full range of solutions to help you business management of other HR processes, such as RosteringAttendanceLeave, MPF and tax return management, etc., help you can truly realize digital transformation and improve management efficiency and employee satisfaction. Read More: How to Calculated? How to Set an Annual Leave Policy? Statutory Holidays Q1. What are the statutory holidays? Q2. Are the statutory holiday gay calculated? When should it be paid? Q4. Can an employee to work on statutory holiday? Q5. Can an employee in lieu of a statutory holiday? Q6. If a statutory holiday falls on an employee's rest day, is it obligatory for the employee another holiday? Q1. What are the statutory holidays? A1. An employee, irrespective of his length of service, is entitled to the following statutory holidays? A1. An employee another holiday? Festival Labour Day, being the first day of Maythe Birthday of the BuddhaTuen Ng Festival Hong Kong Special Administrative Region Establishment Day, being the first day of October Chung Yeung Festival Chinese Winter Solstice Festival or Christmas Day (at the option of the employer) the first weekday after Christmas DayNewly added from 2024\* \*Effective from 1 January 2024 The additional statutory holidays from 2026Easter Monday15Starting from 2028Good Friday16Starting from 2030The day following Good Friday17 Back to questions Q2. Are the statutory holidays with pay or without pay? A2. An employee having been employee having b be paid? A3. The daily rate of statutory holiday or the first day of the statutory holiday. If an employee is employee is employee is than 12 months, the calculation shall be based on the shorter period. In calculating the average daily wages, an employee has to exclude (i) the periods for which an employee is not paid his wages or full wages, including rest day, statutory holiday, annual leave, sickness day, maternity leave, sickness day, maternity leave, sick leave due to work injuries or leave taken with the agreement of the employer, and any normal working day on which the employee is not provided by the employee not later than the day on which he is next paid his wages after that statutory holiday. Back to questions Q4. Can an employer require an employee to work on statutory holidays? A4. Yes. An employer is required to give his employee at least 48 hours' prior notice for work on a statutory holiday. The employer must then arrange an alternative holiday within 60 days before or after the statutory holiday. If the employee agree, any day within 30 days of the statutory or alternative holiday may be taken by the employee as a substitute holiday. In this situation, an employer must not make any form of payment to an employee in lieu of a statutory holiday. The employee's rest day, is it obligatory for the employee's rest day, is it obligatory for the employee's rest day, is it obligatory holiday. falls on a rest day, a holiday or a rest day, a holiday or a rest day which is not a statutory holiday or a number of any purpose, even commercially. Adapt remix, transform, and build upon the material for any purpose, even commercially. The licensor cannot revoke these freedoms as long as you follow the license terms. Attribution You must give appropriate credit, provide a link to the licensor endorses you or your use. ShareAlike If you remix, transform, or build upon the material, you must distribute your contributions under the same license as the original. No additional restrict others from doing anything the license permits. You do not have to comply with the license for elements of the material in the public domain or where your use is permitted by an applicable exception or limitation . No warranties are given. The license may not give you all of the permissions necessary for your intended use. For example, other rights such as publicity, privacy, or moral rights may limit how you use the material.

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