

BAB 71: CUTI TAHUNAN

Kelayakan:

- Pekerja layak mendapat cuti tahunan bergaji jika telah berkhidmat untuk majikan yang sama sekurang-kurangnya 3 bulan

Hak:

- Cuti tahunan tertakluk kepada apa yang dinyatakan dalam kontrak perkhidmatan yang mana hendaklah tidak kurang daripada berikut;

Tempoh Perkhidmatan (Tahun)	Jumlah Cuti (Hari)
1	7
2	8
3	9
4	10
5	11
6	12
7	13
8 dan seterusnya	14



BAB 71: CUTI TAHUNAN

1>> Cuti Tahunan Secara Pro-Rata

- Pekerja yang telah berkhidmat sekurang-kurangnya 3 bulan tetapi kurang daripada setahun berhak mendapat cuti tahunan mengikut bilangan bulan perkhidmatan yang telah lengkap.

Nota:

Hari Cuti Berkadar

- Semasa mengira cuti:
 - Kurang daripada setengah hari = Tidak dikira
 - Setengah hari atau lebih = dikira sebagai satu hari

2>> Cuti Tanpa Gaji

- Sebarang cuti tanpa gaji yang diambil atas permintaan pekerja tidak akan dikira sebagai sebahagian daripada perkhidmatan berterusan.

3>> Kehilangan Hak Cuti

- Hak cuti tahunan akan terbatal sekiranya pekerja tidak hadir bekerja tanpa kebenaran atau alasan yang munasabah melebihi 20% daripada jumlah hari bekerja dalam tempoh yang berkenaan.

4>> Tempoh Pengambilan Cuti

- Cuti tahunan hendaklah diambil dalam tempoh 12 bulan selepas tamat setiap tahun perkhidmatan. Jika tidak diambil dalam tempoh tersebut, hak cuti akan terbatal.



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5> Pembayaran Bagi Cuti

- Pekerja hendaklah dibayar gaji penuh bagi setiap hari cuti tahunan yang diambil.
- Jika diberhentikan (selain daripada salah laku) sebelum mengambil cuti tersebut, majikan tetap wajib membayar gaji bagi cuti yang belum diambil.

7 Denda Kesalahan di bawah Bab 71, Akta Pekerjaan (Penggali 278)

Kesalahan	Individu/Syarikat
Pertama dan Kedua	Tawaran Denda Kompaun tidak melebihi daripada B\$1,000 bagi setiap kesalahan
Ketiga atau gagal membayar denda kompaun akan dihadapkan ke Mahkamah	Denda tidak melebihi dari B\$800 , dan bagi kesalahan kedua atau berikutnya dikenakan suatu denda tidak melebihi dari B\$1,600 dihukum penjara bagi suatu tempoh tidak melebihi dari 01 tahun atau kedua-duanya sekali



BAB 71: CUTI TAHUNAN

SOALAN-SOALAN LAZIM

1

Adakah cuti tiga bulan yang diberikan kepada pekerja imigran iaitu balik ke negara asal selepas tamat kontrak dua (02) tahun dianggap sebagai cuti tahunan?

Tidak. Cuti tiga bulan yang diberikan kepada pekerja imigran iaitu balik ke negara asal selepas tamat kontrak tidak dianggap sebagai cuti tahunan.

2

Bagaimana pengiraan cuti tahunan bagi pekerja yang ingin bercuti selepas tiga (03) bulan bekerja bersama majikan?

Pengiraan cuti tahunan bagi pekerja yang ingin bercuti setelah tiga (03) bulan bekerja dengan majikan adalah secara purata.

Pengiraan cuti tahunan purata:
(Jumlah bulan perkhidmatan genap ÷ 12 bulan) x Jumlah hari kelayakan cuti tahunan



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SOALAN-SOALAN LAZIM

Contoh: Jika pekerja mula bekerja pada 02 Januari 2025 dan ingin bercuti pada 01 Mei 2025, jumlah bulan perkhidmatan genap adalah:

02 Januari 2025 hingga 01 Mei 2025 = 04 bulan perkhidmatan genap.

Tempoh 02 Januari 2025 hingga 01 Mei 2025 dianggap sebagai bulan yang tidak lengkap.

Jika pekerja berhak mendapatkan cuti tahunan sebanyak tujuh (07) hari dalam setahun, pengiraan cuti tahunan secara purata iaitu:

$(04 \text{ bulan perkhidmatan genap} \div 12 \text{ bulan}) \times 7 \text{ hari cuti tahunan} = 2.33 \text{ days}$

Jumlah cuti tahunan adalah 2 hari kerana pecahan adalah kurang daripada setengah hari.

3

Adakah pekerja berhak mendapatkan cuti tahunan jika masih dalam percubaan?

Ya, pekerja berhak mendapatkan cuti tahunan jika telah bekerja selama tiga (03) bulan walaupun masih dalam percubaan



SEC 71: ANNUAL LEAVE

Eligibility:

- Employees are eligible for paid annual leave if they have served the same employer for at least 3 months

Entitlement:

- Annual leave depends on what is stated in the employment contract which shall not be less than the following:

Years of Service	Days of Leave
1 st	7
2 nd	8
3 rd	9
4 th	10
5 th	11
6 th	12
7 th	13
8 th and thereafter	14



SEC 71: ANNUAL LEAVE

1 Pro-Rated Leave

- If an employee has worked for at least 3 months but less than a year, they are entitled to annual leave based on the number of completed months

Note:

Rounding Off Leave Days

- When calculating leave:
 - Less than half a day = not counted
 - Half a day or more = counted as one day

2 Unpaid Leave

- Any unpaid leave taken at the employee's request will not count towards continuous service.

3 Loss of leave entitlement

- Annual leave will be forfeited if the employee is absent without permission or valid reason for more than 20% of working days in the relevant period

4 When To Take Leave

- Annual leave must be taken within 12 months after completing each year of service. If not taken, it will be forfeited.



SEC 71: ANNUAL LEAVE

5> Payment For Leave

- Employee must be paid their full wage for each day of annual leave.
- if terminated (not due to misconduct) before using leave, they must still be paid for unused leave.

Offences under Sec 71, Employment Act (Cap 278)

Offence	Individual/Company
First and second	Compound not exceeding B\$1,000 for each offence
Third or failure to pay the compound will be brought to court	Fine not exceeding B\$800 , and for a second or subsequent offence to a fine not exceeding B\$1,600 , imprisonment for a term not exceeding one year or both



SEC 71: ANNUAL LEAVE

FREQUENTLY ASKED QUESTIONS

1

Is the three-month leave granted to migrant employee to return to their home country after completing a two (02)-year contract considered as annual leave?

No. The three-month leave granted to migrant employee to return to their home country after completing their contract is not considered as annual leave.

2

How is annual leave calculated for employee who wish to take leave after three (03) months of employment with the employer?

The annual leave for employee who wish to take leave after three (03) months of employment with the employer is calculated on a pro-rated basis.

Calculation for pro-rated annual leave:

(Number of completed months of service ÷ 12 months) × Number of days of annual leave entitlement



SEC 71: ANNUAL LEAVE

FREQUENTLY ASKED QUESTIONS

Example: If the employee starts employment on 02 January 2025 and wishes to take leave on 01 May 2025, the number of completed months of service is:

02 January 2025 to 01 May 2025 = 04 completed months of service.

The period from 02 January 2025 to 01 May 2025 is disregarded as it is not a completed month.

If the worker is entitled to seven (07) days of annual leave per year, the calculation for pro-rated annual leave is:

(04 completed months of service ÷ 12 months) × 7 days of annual leave = 2.33 days

The total annual leave is 2 days as the fraction is less than half a day.

3

Is an employee entitled to annual leave while still on probation?

Yes, an employee is entitled to annual leave if he has completed three (03) months of service, even if he is still on probation.

