

**DESERÉ BARNARD****Attorney**

Lache House  
120 York Street  
P O Box 2507  
George 6530

Tel +27 (44) 874 7134  
Faks +27 (44) 874 7516  
E-Pos [barwit@mweb.co.za](mailto:barwit@mweb.co.za)  
Docex 3 George

**Facsimile Transmission**

**To** : **Legal Aid Board**  
**Our Reference** : **D Barnard**  
**Your Reference** : **Anton Marx**  
**Your Fax No** : **044 - 8740779**  
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**MEMORANDUM LEGAL AID BOARD LEAVE POLICY FOR DECEMBER 2007**

We have been requested to provide an opinion in relation to the adjusted Legal Aid Board leave policy as set out in the memorandum of 22 August 2007. The relevant bullet point reads as follows: "management should insure that all staff who remained as skeleton during the closure should take annual leave in the first week of January 2008, such leave should also amount to ten days".

We have also been provided with the Legal Aid Board Leave Policy and in this regard clause 3.5.1(d) is relevant. It read as follows "ten working days must be taken in a year preferably consecutively and the balance can be taken occasionally within eighteen (18) months of having accrued."

It is our opinion that this condition of employment allows employees to take at least twelve(12) working days on a staggered basis.

Section 20 of the Basic Conditions of Employment Act deals with leave. Section 20(10)(a) reads as follows : Annual leave must be taken .

(a) in accordance with an agreement between the employer and the employee or ;