

Annual Leave laws (Asia Pacific)

| Countries | Statutory minimum number of annual leave. | Laws on Forfeiture of Annual Leave. | Source. | | | | | | | | | | | | | | |
|--|--|--|---|--------|-------|---------|--------|---------|--------|---------|--------|---------|--------|-----------------|---------|-------------------------------|--|
| Australia | <p>Under the Australian Fair Pay and Conditions Standard all permanent employees are entitled to:</p> <ul style="list-style-type: none"> 4 weeks paid annual leave per year; Ten days paid personal leave (including sick leave and carer's leave), with provision for an additional two days of unpaid carer's leave per occasion and an additional two days of paid compassionate leave per occasion; and 52 weeks of unpaid parental leave (including maternity, paternity and adoption leave). <p>Shift workers are entitled to additional annual leave. On top of the regular amount of annual leave, shift workers are also entitled to an additional amount of annual leave equivalent to 1/52 of the nominal hours worked over a 12 month period.</p> | <p>Up to two weeks of paid annual leave can be cashed out at the employee's written election where their workplace agreement allows it.</p> <p>An employer may also direct an employee to take annual leave where the employee has a large accumulated annual leave balance (in excess of 1/13 of the number of nominal hours that the employee has worked over a two year period). This amount is equivalent to eight weeks for an employee working 38 hours per week over a two year period.</p> | <p>http://www.wo.gov.au/asp/index.asp?sid=7407&page=right-rules-view&cid=5370&id=767</p> <p>http://www.workplaceauthority.gov.au/graphics.asp?showdoc=/PayAndConditions/fairpaystandard.asp</p> | | | | | | | | | | | | | | |
| Bangladesh | <p>Each worker, who has completed one year of continuous service in a factory, shall be allowed during the subsequent period of twelve months' leave with wages for a number of days calculated at the rate of</p> <ul style="list-style-type: none"> for adult workers, one day for every 18 (eighteen) days of work performed by her/him during the previous twelve months; For adolescent worker, one day for every 15 (fifteen) days of work performed by her/him during the previous twelve months. | <p>An adult worker shall cease to earn any such annual leave with wage when the leave due to her/him amounts to 40 (forty) days and an adolescent worker shall cease to earn the said leave when the leave due to her/him amounts to 60 (sixty) days.</p> | <p>Labor Law 2006</p> <p>http://www.gtz-progress.org/2008/index.php?option=com_docman&task=cat_view&gid=14&&Itemid=32</p> | | | | | | | | | | | | | | |
| China | <p>Employees are entitled to</p> <ul style="list-style-type: none"> 5 days of annual leave after working accumulatively for 1-10 years, 10 days of leave after working accumulatively for 10-20 years, and 15 days of leave after working for over 20 years. | <p>Annual leave generally may not be carried forward to the next year. But if any leave balance has to be carried forward to the next year for production or work reasons, it may be only be carried forward for one year.</p> | <p>http://info.hktdc.com/alert/cba-e0801g.htm</p> | | | | | | | | | | | | | | |
| Hong Kong | <p>An employee is entitled to annual leave with pay after having been employed under a continuous contract for every 12 months. An employee's entitlement to paid annual leave increases progressively from seven days to a maximum of 14 days according to his length of service:</p> <ul style="list-style-type: none"> 1st and 2nd year: 7 days 1 additional day per subsequent year of service up to max of 14 days | <p>An employee may choose to accept payment in lieu of the part of his leave entitlement which exceeds 10 days.</p> | <p>http://www.labour.gov.hk/eng/public/ConciseGuide.htm</p> | | | | | | | | | | | | | | |
| India | <p>Every worker who has worked for a period of 240 days or more in a factory during a calendar year shall be allowed during the subsequent calendar year, leave with wages for a number of days calculated at the rate of –</p> <ul style="list-style-type: none"> if an adult, one day for every twenty days of work performed by him during the previous calendar year if a child, one day for every fifteen days of work formed by him during the previous calendar year. <p>The leave shall be exclusive of all holidays whether occurring during or at either end of the period of leave.</p> | <p>If a worker does not in any one calendar year take the whole of the leave allowed to him, as the case may be, any leave not taken by him shall be added to the leave to be allowed to him in the succeeding calendar year :</p> <p>Provided that the total number of days of leave that may be carried forward to a succeeding year shall not exceed thirty in the case of an adult or forty in the case of a child.</p> | <p>Factory Act, 1948</p> <p>http://www.vakilno1.com/bareacts/factoriesact/s79.htm</p> | | | | | | | | | | | | | | |
| Indonesia | <p>Employees are entitled to a minimum leave period of 12 working days with full wages after 12 months' continuous service</p> | <p>Leave must be taken within six months of being earned, or it is forfeited.</p> | <p>http://www.indonesian-guide.com/en/article/article446.htm</p> | | | | | | | | | | | | | | |
| Japan | <p>An employer shall grant annual leave with pay of ten working days either consecutively or dividedly to workers who have been employed continuously for six months calculated from the day of their being hired and who worked for at least eighty percent of the total working days.</p> <p>For workers who have been employed continuously for at least one and one-half years, an employer shall, for each additional year of continuous service from the employment day (hereinafter, referred to as "the day after the lapse of six months"), grant annual leave with pay for the number of working days shown (in the right columns) of the following table according to their continuous service years counting from the day after the lapse of six months shown (in the left columns) of the following table, in addition to the number of days stipulated in the preceding paragraph. However, that if the workers do not report for work for less than 80 percent of the total working days of a period division that is determined by dividing their continuous service period from the day after the lapse of six months by every one year (and in case the last period division is less than one year, it shall be deemed to be one period division) and the last day of the period division is followed by the first day of the next period division, the employer is not required to grant annual leave with pay for one year after the said first day.</p> <table border="1"> <thead> <tr> <th>Number of years of continuous service from the six months completion day</th> <th>Working Days</th> </tr> </thead> <tbody> <tr> <td>1 year</td> <td>1 day</td> </tr> <tr> <td>2 years</td> <td>2 days</td> </tr> <tr> <td>3 years</td> <td>4 days</td> </tr> <tr> <td>4 years</td> <td>6 days</td> </tr> <tr> <td>5 years</td> <td>8 days</td> </tr> <tr> <td>6 or more years</td> <td>10 days</td> </tr> </tbody> </table> | Number of years of continuous service from the six months completion day | Working Days | 1 year | 1 day | 2 years | 2 days | 3 years | 4 days | 4 years | 6 days | 5 years | 8 days | 6 or more years | 10 days | <p>Law is silent on this.</p> | <p>http://www.jil.go.jp/english/laborinfo/library/documents/lj_law1-rev.pdf</p> |
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| 1 year | 1 day | | | | | | | | | | | | | | | | |
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| Malaysia | <p>An employee shall be entitled to paid annual leave of—</p> <ul style="list-style-type: none"> ▪ eight days for every twelve months of continuous service with the same employer if he has been employed by that employer for a period of less than two years; ▪ twelve days for every twelve months of continuous service with the same employer if he has been employed by that employer for a period of two years or more but less than five years; and ▪ sixteen days for every twelve months of continuous service with the same employer if he has been employed by that employer for a period of five years or more, <p>and if he has not completed twelve months of continuous service with the same employer during the year in which his contract of service terminates, his entitlement to paid annual leave shall be in direct proportion to the number of completed months of service:</p> | <p>The employer shall grant and the employee shall take such leave not later than twelve months after the end of every twelve months continuous service and any employee who fails to take such leave at the end of such period shall thereupon cease to be entitled thereto:</p> <p>Provided that an employee shall be entitled to payment in lieu of such annual leave if, at the request of his employer, he agrees in writing not to avail himself of any or all of his annual leave entitlement.</p> | <p><u>Employment Act 1955</u> http://jtksm.mohr.gov.my/index.php?option=com_content&task=view&id=73&Itemid=96</p> |
| Philippines | <p>Every employee who has rendered at least one (1) year of service is entitled to a yearly service incentive leave of five (5) days with pay. This benefit does not apply to the following:</p> <ul style="list-style-type: none"> ▪ government employees ▪ domestic helpers and persons in the personal service of another ▪ managerial employees ▪ field personnel and those whose time and performance is unsupervised by the employer ▪ those already enjoying this benefit ▪ those enjoying vacation leave with pay of at least five (5) days ▪ those employed in establishments regularly employing less than ten (10) employees. <p>The phrase "one year of service" of the employee means service within 12 months, whether continuous or broken, reckoned from the date the employee started working. The period includes authorized absences unworked weekly rest days, and paid legal/regular holidays. Where by individual or collective agreement, practice or policy the period of working days is less than 12 months, said period shall be considered as one year for the purpose of determining entitlement to the service incentive leave.</p> | <p>The unused service incentive leave is commutable to its money equivalent at the end of the year. In computing, the basis shall be the salary rate at the date of commutation.</p> <p>The availment and commutation of this benefit may be on a pro rata basis.</p> | <p>http://www.dole.gov.ph/faq/details.asp?id=F0000221</p> |
| Singapore | <p>An employee who has worked for at least three months is entitled to annual leave as follows:</p> <ul style="list-style-type: none"> (i) 1st Year of service: 7 Days of leave. (ii) 2nd Year of service: 8 Days of leave. (iii) 3rd Year of service: 9 Days of leave. (iv) 4th Year of service: 10 Days of leave. (v) 5th Year of service: 11 Days of leave. (vi) 6th Year of service: 12 Days of leave. (vii) 7th Year of service: 13 Days of leave. (viii) 8th & thereafter Year of service: 14 Days of leave. | <p>An employee's annual leave entitlement can be forfeited if the employee Fails to take his/her leave within 12 months after the end of 12 months of continuous service.</p> <p>Instead of forfeiting leave the employer may, at his/her discretion, encash the leave at the gross rate of pay based on the employee's last drawn salary.</p> | <p>http://www.mom.gov.sg/publish/momportal/en/communities/workplace_standards/employment_standards/the_employment_act/Annual_Leave.html</p> |
| South Korea | <p>If a worker has worked full contractual working days in a particular week, he/she shall be granted one paid holiday (weekly holiday) and if a worker has worked 80% or more of the contractual working days in a particular year, he/she shall be granted 15 days of annual paid leave. After the first year of service, for employees who have worked consecutively for 3 years or more, annual leave is accrued at the rate of one day per two years to a maximum of 25 days (annual paid leave).</p> <p>1 day per month of annual leave for those with service period shorter than 1 year, provided employee has worked without absence throughout the month.</p> | <p>The leave shall be forfeited if not used within one year : Provided that this shall not apply in case where the worker concerned has been prevented from using the leave due to any cause attributable to the employer.</p> <p>Employer not obliged to pay compensation for unused leave if they have urged the employees concerned to take their leave. Written request to the employees to take their leave must be made within the first 10 days of the 3 months before the end of the period during which they can take the leave.</p> | <p>http://english.molab.go.kr/english/Working/Standard_Restriction.jsp</p> <p>http://english.molab.go.kr/download_eng.jsp?type=&file=/data/(16)LABORSTANDARDSACT.pdf</p> |
| Taiwan | <p>Where a worker continues to work for one and the same employer or business entity for a certain period of time he (or she) shall be granted special leave on an annual basis on the following basis:</p> <ol style="list-style-type: none"> 1. Seven days for the services of more than one year but less than three years. 2. Ten days for the service of more than three years but less than five years. 3. Fourteen days for the service of more than five years but less than ten years. 4. One additional day for each year of service over ten years up to a maximum of thirty days. | <p>Law is silent on this.</p> | <p>http://laws.cla.gov.tw/Eng/FLAW/FLAWDAT0201.asp?lslid=FL014930&beginPos=4</p> |
| Thailand | <p>An employee who has worked for an uninterrupted period of 1 year can take the annual holidays of not less than 6 working days in 1 year</p> | <p>An employer and an employee may agree in advance to accumulate and postpone any annual holiday in a year to be included in the following years</p> | <p>Labour Protection Act B.E. 2541 http://www.labour.go.th/en/right.html</p> |
| Vietnam | <p>Workers shall be entitled to annual leave with full pay, after 12 months of employment in the enterprise or with the same employer, as follows:</p> <ul style="list-style-type: none"> (a) 12 working days, for persons working in normal working conditions; (b) 14 working days, for persons engaged in hard, harmful or dangerous work, or persons working in areas with hard living conditions, and for persons under 18 years of age; (c) 16 working days for persons engaged in especially hard, harmful or dangerous work and persons engaged in hard, harmful or dangerous work in areas with hard living conditions. <p>Annual leave shall increase according to length of service in the enterprise or with the same employer, at the rate of one additional day for every five years of service.</p> | <p>Law is silent on this.</p> | <p>Labor Code http://www.dncustoms.gov.vn/web_EGLISH/english/luat_pl/LABOR-CODE.htm</p> |