



## Understanding Sick Leave Benefits

From time to time all employees will need to take time off work because of illness. Employees with HIV/AIDS might need to take time off work because of an HIV-related illness. Since taking time off work can impose a heavy financial burden on all employees, it is important to know whether the country you live in provides any type of sick leave benefits.

The availability of paid sick leave benefits varies both by region and by type of employment. For example, persons working in the public service may be entitled to greater sick leave benefits than persons working in the private sector.

Many, if not most, jurisdictions in the Pacific region do not have legislation which makes it mandatory for employers to provide paid sick leave to employees. However, the employment contract itself may grant some type of sick leave benefit.

Here are some examples of countries in which paid sick leave is statutorily required:

- **Samoa:** section 27(1) of the *Employment Act* provides that employees who have worked for at least 12 months get 10 days of paid sick leave. Unused sick leave can be carried over from one year to the next.
- **Vanuatu:** section 34(1) of *Employment Act* gives employees, who have worked for at least 12 months, 21 days paid sick leave.

To be eligible for paid sick leave, employees must notify the employer in advance and provide a medical certificate verifying the illness.

While most jurisdictions do not have legislation which provides for paid sick leave, some countries have employment legislation which makes it mandatory for employers to pay for the medical attention and treatment when employees who live on their property fall ill. See for example:

- Section 107(1) of Kiribati's *Employment Act*; or
- Section 83(1) of Fiji's *Employment Ordinance*.

Employment Standards legislation which provides for paid sick leave and/or disability benefits would be a great asset in countries in the region which do not already have such legislation.