

# GUIDELINES ON DEPENDANTS' LEAVE 2021

# DEPENDANTS' LEAVE

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## 1. Introduction

FA and Finansforbundet have jointly prepared this guide on dependants' leave

The guide takes into account the changes agreed on in OK20 and that enter into force on 1 January 2021.

## 2. Who is covered by the provisions

### A. General

To be covered by the provisions on dependants' leave, the employee must have an employment relationship and receive full salary from the company. This means that employees who are sick and receive a salary during illness or have paid leave, such as pregnancy, parental or adoption leave and leave for taking care of terminally ill persons are also covered by the provisions. However, periods where the employee does not receive salary or, e.g. is only paid pension contributions from the company are not included. For example, this applies to cases of statutory or agreed leave with unemployment benefits or leave in connection with parental leave where only pension contributions are paid or other unpaid leave.

Stationed employees are not covered by the provisions unless it is agreed that they are covered by the collective agreements.

### B. Which employees are entitled to dependants' leave

The right to dependants' leave includes all employees covered by the collective agreements. For students, it can be agreed with the union representative as part of the agreement which otherwise deviates from the collective agreement that dependants' leave will be paid in accordance with the provisions, i.e. that they receive a supplement of 1.92 % of salary with holiday entitlement.

Employees employed on contract are entitled to dependants' leave if it is specifically stated in their individual contract.

Employees employed in accordance with Section 42 with temporary employment for up to 1 month are not covered by the provision on dependants' leave.

Employees in accordance with Section 44, i.e. employees with working hours of 8 hours or less per week, and respectively 34.7 hours per month, are entitled to dependants' leave and the annual quantity is calculated relative to the number of weekly working days that their working hours are divided by.

## 3. Acquisition of the right to dependants' leave

### A. Full-time employees

According to the provisions, employees employed with annual standard hours of either 1924 or 1872 will be allocated five days of dependants' leave, i.e. 37 or 36 hours in the time bank on 1 January, or on 1 September if there is a local agreement on following the holiday year. Employees who change companies within FA's member area are not entitled to more than five days of dependants' leave in a calendar year/holiday year.

### B. Part-time employees

If an employee is employed part-time, the employee's days of dependants' leave are allocated proportionately.

This means that an employee is allocated days of dependants' leave corresponding to the annual standard hours divided by 52 weeks [the employee's employment rate].

For example, an employee who is employed with annual standard hours of 1560 hours is allocated 30 hours, because 1560 is divided by 52 is 30. The hours are added to time bank on either 1 January or 1 September.

### **C. At time of hire**

In the event of a start date other than 1 January, the number of days of dependants' leave that the employee is entitled to during the year of employment are calculated as follows:

One day of dependants' leave is always granted at the time of hire and also an additional day of dependants' leave for each full quarter during the employment period. This means that for a start date of:

- no later than 1 January, five days of dependants' leave are granted
- no later than 1 April, four days of dependants' leave are granted
- no later than 1 July, three days of dependants' leave are granted
- no later than 1 October, two days of dependants' leave are granted
- after 1 October, one day of dependants' leave is granted.

However, this does not apply if the employee has been allocated all days of dependants' leave during the same year by a previous employer who is covered by the collective agreement.

### **D. For fixed-term employment**

Here the principle of dependants' leave applies that one day of dependants' leave is granted at the time of hire and one for each full quarter the employee is employed. The number of days of dependants' leave thus depends on the fixed-term employment.

## **4. Taking dependants' leave**

The rules for taking dependants' leave follow the general rules for withdrawals from the time bank. This means that taking time off is agreed upon with a reasonable notice period. The main principle is that time off takes into account the company's operations, which means that the company can reject a request for operational reasons. On the other hand, time off can also be agreed upon with a one-day notice period. It is also possible to take time off as half days or as a few hours of time off.

This also means that the employee is entitled to up to three consecutive days of time off. The time off must be taken no later than 3 months after it is requested.

If there is a dispute regarding time off, the matter can also be brought to the union representative.

## **5. Change of employment terms during the year**

If the change is known at the time of allocation, this must be taken into account when allocating days of dependants' leave.

## **6. Payment for dependants' leave**

Days of dependants' leave can be paid in accordance with the rules on payment from the time bank. This means that the employee may choose cash payment in connection with a salary payment. Payment is made at the hourly rate in question including pension.

## **7. Resignation**

Days of dependants' leave are added to the time bank at the time of allocation. If the resignation date is known at the time of allocation, the number of days of dependants' leave not taken are calculated relative to the calendar year at the time of resignation. This applies regardless of whether the employee resigns their own position or is terminated by the company. If, for example, you know on 1 January/1 September that you will resign

during the course of the new allocation year. The days of dependants' leave are calculated according to the following guidelines, after which they are added to the time bank:

For resignation:

- before 31 March, there is the right to one day of dependants' leave
- before 30 June, there is the right to two days of dependants' leave
- before 30 September, there is the right to three days of dependants' leave
- no later than 30 November, there is the right to four days of dependants' leave
- after 30 November, there is the right to five days of dependants' leave

If the employee becomes employed by another company under the collective agreement during the same year, in this situation the employee is entitled to a proportionate allocation with the new employer, see Section 3 C above, as the total number of days of dependants' leave in an allocation year cannot exceed five.

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