

## What are an employee's obligations to an employer once the employment relationship ends?

### Notice

The employee is obliged to give notice in terms of the contract of employment or if there is no contract, in terms of the Basic Conditions of Employment Act 75 of 1997 (BCEA). The BCEA provides for minimum notice as follows:

- **One week's notice**, if the employee has been employed for six months or less.
- **Two weeks' notice**, if the employee has been employed for more than six months, but not more than one year.
- **Four weeks' notice**, if an employee has been employed for one year or more or is a domestic worker or a farm worker who has been employed for more than six months.

An employee may not take leave, other than sick leave or maternity leave during the notice period.

If the employee refuses to serve a notice period, this amounts to a breach of contract of employment or law, and the employer is entitled to pursue its rights in this regard.

An employee who does not work out the notice period owes the employer an amount equal to what would have been earned in wages during such period. Employers often have difficulty claiming such money because the BCEA does not allow an employer to make wage deductions without an employee's consent. This may be remedied by way of the inclusion of a clause to this effect in the contract of employment/written particulars of employment or a collective agreement.

### Employer assets / belongings

At the conclusion of employment, the employee is obliged to return any items belonging to the employer. This would include any equipment, uniforms, or tools of trade that have been issued in order for the employee to perform their work.

