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“Boss, I’m not feeling well” – Sick leave requirements across Asia

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by Miklos Bolza | 14 Dec 2015

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When managing a regional workforce, HR directors need to be familiar with the various, and vastly different, sick leave regimes across Asia.

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HRD chatted to Caroline Berube, managing partner of HJM Asia Law, about employer responsibilities when it comes to offering sick leave to staff in Singapore, Hong Kong and China.

Singapore

In Singapore, the amount of sick leave an employee gets depends on how long they've been working with

the company as well as whether or not they require hospitalisation, Berube said. The number of sick days each employee can receive is summed up below:

Period of employment	No. of sick days (no hospitalisation)	No. of sick days (hospitalisation)
3 to 4 months	5 days per year	15 days per year OR 5 days plus the number of days hospitalised
4 to 5 months	8 days per year	30 days per year OR 8 days plus the number of days hospitalised
5 to 6 months	11 days per year	45 days per year OR 11 days plus the number of days hospitalised
Over 6 months	14 days per year	60 days per year OR 14 days plus the number of days hospitalised

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How much sick leave are regional HRDs obligated to provide staff in Singapore, Hong Kong and

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HRD Singapore When hospitalisation is required, employers should choose the amount of leave which is the fewest days, Berube said.

For instance, if an employee of more than six months is hospitalised for five days, they require 19 days of sick leave (14 days leave plus the five days in hospital). However if they are hospitalised for 50 days, they will get 60 days of leave (since 14 plus 50 is greater than 60).

Sick employees must be examined “at the expense of the employer by a medical practitioner appointed by the employer or a medical officer,” Berube said.

Employers are obligated to pay the gross rate of pay excluding allowances relating to shift work in cases where no hospitalisation is necessary. If the employee has been hospitalised, the gross rate of pay is required.

Hong Kong

In Hong Kong, the amount of paid sick leave is divided up into two categories, said Berube.

For Category One, employees can receive up to 36 sick days. To receive this, they require a medical certificate issued by a registered medical practitioner, Chinese medicine practitioner, or dentist.

For Category Two, employees can take an additional 84 sick days after using up their entitled sick leave in Category One. Here, the employer may request a medical certificate from a registered medical practitioner, Chinese medicine practitioner or dentist attending the employee as an out-patient or in-patient in hospital, said Berube.

The employer can also request a brief record of the investigation carried out and the treatment prescribed, she added. This should be issued by whoever gave out the medical certificate.

Employees on a continuous contract will accumulate sick leave at a rate of two sick days per completed month during the first 12 months of service and four sick days for each month after that.

Employers are obligated to pay a sick leave allowance equal to four fifths of the employee’s average daily pay for the 12 month period prior to the first sick day taken.

China

In China, the sick day entitlements are rather lengthy especially when compared to other countries such as Singapore and Hong Kong.

Actual work experience	Time working for current employer	Amount of sick leave
Less than 10 years	Less than 5 years	3 months
	More than 5 years	6 months
More than 10 years	Less than 5 years	6 months
	5 to 10 years	9 months
	10 to 15 years	12 months
	15 to 20 years	18 months
	More than 20 years	24 months

Employers are obligated to provide a certain medical treatment period following the conditions below:

- 3 months of sick leave in a continuous 6 month period
- 6 months of sick leave in a continuous 12 month period
- 9 months of sick leave in a continuous 15 month period

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- 12 months of sick leave in a continuous 18 month period
- 18 months of sick leave in a continuous 24 month period
- 24 months of sick leave in a continuous 36 month period

For instance, if an employee is entitled to a three-month medical treatment period and he or she takes this leave within a six-month period, the employer has fulfilled their obligations, Berube said.

Employees will be paid a reduced rate while off on sick leave. The exact amount owed depends on local employment regulations however.

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by Grace | 14/12/2015 3:18:42 PM

Hi,
Can share sick leave requirements for Malaysia?

Thanks
Grace

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