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Notice periods in South Africa: BCEA minimums explained

Under section 37 of the Basic Conditions of Employment Act (BCEA), the minimum notice to end an employment contract is one week if the employee has worked for six months or less, two weeks if they've worked for more than six months but not more than a year, and four weeks after a year. Farm workers and domestic workers get four weeks once they've worked more than six months. Notice must be in writing, and the same minimums apply whether the employer or the employee is ending the contract.

REVIEWED BY THE ELS TEAM

Published 27 October 2026 · South Africa

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AT A GLANCE

- Minimum notice is **1, 2 or 4 weeks**, depending on length of service.
- A contract can give **more**, never less, and must be **equal both ways**.
- Notice must be **in writing**.
- An employer can **pay instead of notice** (section 38).

The minimum notice periods

LENGTH OF SERVICE	MINIMUM NOTICE
Six months or less	1 week
More than six months, up to one year	2 weeks
More than one year	4 weeks
Farm or domestic worker, more than six months	4 weeks

These are minimums. A contract can give more notice, and many professional and senior roles use one calendar month or longer. Chapter Five of the BCEA, which includes the notice rules, doesn't apply to employees who work fewer than 24 hours a month for the employer.

Contracts and collective agreements

- **Longer notice is allowed.** The contract can set a longer period than the minimum.
- **Shorter notice is not.** A contract can't give less than the minimums.
- **Equal both ways.** No agreement may require an employee to give longer notice than the employer must give.
- **Collective agreements** may reduce the four-week period to no less than two weeks, but can't reduce the other minimums.

How notice must be given

- **In writing,** unless it's given by an illiterate employee.
- **Explained if needed.** If the employee can't understand the written notice, the employer must explain it orally in a language they understand.
- **Not during leave.** An employer may not give notice during any period of leave under Chapter Three of the BCEA, such as annual, sick, maternity or family responsibility leave.

- **Not running with leave.** An employer's notice may not run at the same time as the employee's leave, except sick leave.
- **No annual leave during notice.** An employer may not require or allow annual leave during a notice period. Unused leave is paid out instead.

Payment instead of notice

Under section 38, an employer can choose to pay the employee what they would have earned during the notice period instead of having them work it. If the employee resigns and the employer waives some or all of the notice, the employer generally has to pay for the waived period unless the two agree otherwise.

What the employee is owed at the end

- Pay for the time worked, including during the notice period.
- Any unused annual leave.
- Severance pay if the dismissal is for operational requirements (retrenchment): at least one week's pay for each completed year of continuous service.
- A certificate of service.

Notice is not the same as a fair dismissal

> **Important.** Correct notice only deals with the contract. It doesn't make a dismissal fair. Under the Labour Relations Act, an employer still needs a fair reason (misconduct, incapacity or operational requirements) and a fair procedure. Dismissal without notice is only allowed for serious misconduct, after a fair process.

Five common notice mistakes

1. **Contract notice shorter than the BCEA minimum.** The BCEA minimum applies anyway.
2. **Longer notice for the employee than the employer.** That clause isn't allowed.
3. **Verbal notice.** Notice must be in writing.
4. **Giving notice while the employee is on leave.** Wait until they're back.
5. **Making staff use up annual leave during notice.** The BCEA prohibits it. Pay out the leave instead.

Frequently asked questions

Is one month's notice the same as four weeks?

Not exactly. A calendar month is usually a little longer than four weeks. If your contract says one month, that applies, as long as it's at least the BCEA minimum.

Can an employee resign with immediate effect?

The BCEA expects notice from both sides. An employee who leaves without proper notice may be in breach of contract, though the employer can choose to waive the notice.

Do notice periods apply during probation?

Yes. The minimums depend on length of service, so a probationary employee with under six months' service is entitled to at least one week.

Can I give notice by email or WhatsApp?

The BCEA requires notice in writing. Email is commonly used, but keep proof the employee received it and make sure the notice is clear.

Get notice terms right from the start

The ELS Employment Agreement sets out notice periods that meet the BCEA and apply equally to both sides. For a first hire, the Employer Starter Pack adds the POPIA documents you'll need for staff data. Not sure what you need? Take the free Legal Health Check.

VIEW THE EMPLOYMENT AGREEMENT

TAKE THE FREE LEGAL HEALTH CHECK

INFORMATION, NOT ADVICE

ELS provides legal information, not legal advice. Nothing in this guide creates an attorney-client relationship. For advice on your specific situation, consult a qualified attorney. The law is stated as at 27 October 2026.

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