

# **CHEMICAL INDUSTRIES EDUCATION AND TRAINING AUTHORITY (CHIETA)**

## **Conditions of Service Policy**

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## 1 PURPOSE

- 1.1 The purpose of the Conditions of Service Policy is to provide a broad framework within which the conditions of service between the Chemical Industries Education and Training Authority (CHIETA) as the employer and its employees are regulated. This document contains the conditions of service of the CHIETA. The basic principles are that there should be co-operation between all individuals, divisions, and groups within the CHIETA, that a positive environment should prevail, and that the rights of all parties should be protected and acknowledged.

## 2 OBJECTIVE

- 2.1 The objective of the Conditions of Service Policy is to detail the conditions governing the employment relationship between the CHIETA and its employees. While the rules, regulations, policies, and procedures issued by CHIETA from time to time, including but not limited to this Conditions of Service, are not fixed contractual terms and conditions of service, and may be amended by CHIETA in its discretion from time to time as it is integral to the employment relationship.
- 2.2 Employees remain subject to their provisions and are obliged to conform with them and familiarise themselves with these documents, including this Conditions of Service Policy.
- 2.3 CHIETA considers this Conditions of Service to be confidential information of CHIETA. Accordingly, it is to be used for internal purposes only and cannot be disclosed to persons outside of CHIETA without CHIETA's prior written consent, unless it is required by law to be disclosed.

## 3 SCOPE

- 3.1 All employees appointed by the CHIETA should accept the Conditions of Service which is attached to the relevant offer of employment where applicable unless an agreement to the contrary is concluded between the CHIETA and the employee.

## 4 DEFINITIONS AND TERMS

- 4.1 **BCEA** means the Basic Conditions of Employment Act (Act 75 of 1997).
- 4.2 **CHIETA** means the Chemical Industries Education and Training Authority.
- 4.3 **CEO** means the CHIETA Chief Executive Officer.

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- 4.4 **Conditions of Service** means conditions governing the employment relationship between the CHIETA and its employees as approved by the CHIETA and to which all employees appointed by the CHIETA are bound to during their term of service to the CHIETA.
- 4.5 **Employee** means Full-Time employees and employees on a fixed term contract.
- 4.6 **Employer** means the CHIETA.
- 4.7 **HR** means the CHIETA Human Resources unit.
- 4.8 **LRA** means the Labour Relations Act, NO 66 of 1995 as amended.
- 4.9 **Total Cost to Company (CTC)** means the total annual guaranteed cost to a company for employing an employee. The cost includes the total annual salary, plus non-cash fringe benefits. This excludes any form of variable pay.
- 4.10 **Manager** means a Manager responsible for the review and assessment of an employee. This includes the allocation of work, monitoring activities and discussing performance and development progress.
- 4.11 **MANCO** means the CHIETA Management Committee.

## 5 POLICY STATEMENT

### 5.1 HOURS OF WORK

5.1.1 Ordinary hours of work at CHIETA are as follows:

- Not more than **40** hours in any week; and
- Not more than **8** hours in any day if the employee works for 5 days or fewer in a week:  
or
- Not more than 8 hours in any day if the employee works on more than 5 days in a week.

5.1.2 Without in any way detracting from the above hours of work, CHIETA's normal office hours are 08:00 to 16:30 on Monday to Thursday, and 08:00 to 16:00 on Fridays with 30 minutes break usually taken between 13:00 to 14:00.

5.1.3 Flexitime can be structured and agreed with the respective Executive Manager and the Human Resources Manager. This is based on the understanding that continuity and service delivery of a Business Unit should be functional during the official working hours. Employees will work a maximum of forty (40) hours per week from Monday to Friday of each week, including a 30 minute break.

5.1.4 The normal working hours and the working hours of individual employees contained in 5.1.2 to 5.1.3 above do not apply to the CEO, Executives, Unit Managers and travelling employees who regulate their own working hours. Pressure of work, emergencies and the nature of the duties may from time to time require these employees to work beyond the normal working hours in response to the requirements of the CHIETA.

## 5.2 OVERTIME

5.2.1 Employees earning below the threshold (R211 596.30 per annum) stipulated in the BCEA qualifies and is entitled to be paid for overtime. CHIETA will pay an employee who qualifies to be paid overtime as per the Income Threshold (determined by the Employment and Labour Minister) at one and half (1.5) times the normal hourly wage, for overtime worked on weekdays and Saturdays. CHIETA will pay an employee who works overtime on a Sunday at double (2.0) the normal hourly wage, unless an employee ordinarily works on a Sunday, in which case the employer will pay an employee at one and half (1.5) times the normal hourly wage.

5.2.2 For the sake of clarity, it is recorded that the following employees are not subject to the above maximum ordinary hours of work and are not entitled to payment for overtime, Public Holiday's (to which section 18(3) of the BCEA applies) and Sunday work that they are required to work:

- Senior Managerial employees - i.e., employees who have the authority to hire, discipline and dismiss employees and to represent CHIETA internally and externally.
- Employees who work less than 24 hours a month for CHIETA (if any).
- Employees earning above the threshold stipulated in the BCEA; and
- Any other employees excluded under the BCEA from the application of the BCEA chapter on the regulation of working time.

5.2.3 The above employees are expected to devote their time, attention, and abilities to the affairs of CHIETA both during office hours and outside office hours from time to time and whenever reasonably necessary and work overtime whenever required to do so by CHIETA, without any additional compensation. This applies equally to work that CHIETA may require them to do on Public Holidays or Sundays from time to time.

- 5.2.4 Employees may be required to work overtime based on the business needs of CHIETA. CHIETA may require or permit an employee to work overtime that does not exceed ten (10) hours per week, and which does not exceed three (3) hours a day. In terms of the law, employees can be expected to work up to 40 hours per week or 8 hours per day before overtime comes into effect.
- 5.2.5 Only in instances where an employee has been expressly instructed to work overtime by Management will an employee be remunerated for such overtime. Overtime must be pre-approved by the Unit Manager and the HR Manager prior to working the overtime.
- 5.2.6 Employees working remotely must follow all applicable policies including, but not limited to, meal and rest breaks, requesting prior approval for overtime, and timekeeping.
- 5.2.7 Employees referred to in clause 5.2.5 above cannot demand to be paid for overtime worked, these employees can request to be granted paid time off in leu of overtime worked. Employees may be granted time off as agreed with the Unit Manager and the HR Manager and in these instances, overtime must be pre-approved by the Unit Manager and the HR Manager prior to working the overtime.

### 5.3 WORKING FROM HOME

Since our company culture promotes autonomy, innovation, and flexibility, we have an open work from home policy.

- i. CHIETA may, by mutual agreement, make arrangements with an employee to work from home, provided the nature of the employee's work and CHIETA's operational requirements allows for it.
- ii. Applications in these regards shall be considered in the same manner as in flexible working arrangements, as well as the following:
  - (i) Employees working from home are compelled to attend scheduled meetings including but not limited to regular staff meetings, management meetings, committee meetings and board meetings.
  - (ii) Employees are expected to honour requests to report to the office.
  - (iii) Employees are expected to be accessible via emails and telephonically.
  - (iv) Managers are expected to approve specific work-from-home days in order to optimize the right people being in the office together at the right times.

- (v) Certain categories of work may require frequent attendance at the office for which employees are expected to comply. Rotation of staff will be considered
- (vi) All roles would be determined for suitability for utilisation of the work from home model.
- (vii) The work-life balance implemented should be done in a responsible, accountable and performance driven manner.
- (viii) The employee's permanent workstation at the office shall be maintained.
- iii. Absence due to Sickness
  - (i) Leave of absence shall apply to working from home in the same manner that it applies to working normally from office.
- iv. Deliverables
  - (i) Working from home does not allow direct, full-time supervision, and therefore the management of deliverables shall apply through use of project schedules, key milestones, regular status reports, and team reviews in order to evaluate the employee's performance.
  - (ii) Management has the right to end an employee's work-from-home arrangement should the employee's performance decline.
- v. Qualifying criteria to work from home
  - (i) Employees are expected to be at the office for a minimum of 2 days in a week, which will be discussed and approved by the line manager.
  - (ii) If an employee does not have the capability and resources to work from home, attendance at the office is necessary to conduct work.
  - (iii) Work that does not require frequent input from other colleagues
  - (iv) Ability to cope with additional pressures or working at home where the demands of family life are hard to ignore
  - (v) Self-motivated
  - (vi) Self-reliance and discipline to work towards deadlines
  - (vii) Initiative, flexibility time management skills
  - (viii) Ability to deal with reduced social contact and isolation
  - (ix) A high degree of written rather than manual work

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(x) work is to be performed on an individual basis or with clearly defined areas of individual work, which has clearly defined objectives and can be measured.

vi. Equipment

CHIETA shall provide employees working from home with the following tools and/or resources to enable them to execute their tasks effectively:

(i) Laptop/Notebook

(ii) Token or any technological device providing them legal remote access to the CHIETA server.

**Notes**

Employees should have the capacity for proper internet connectivity to work from home, these costs should be offset from the cost of travel.

Employees should also take care of electricity costs.

vii. The organisation will support insurance of the equipment in possession of the employee.

viii. Hours of work

(i) Working hours for employees working from home shall remain the same.

(ii) Employees working from home shall not be eligible for overtime pay.

## 5.4 ANNUAL LEAVE

5.4.1 Leave calculation commences from the date of employment.

5.4.2 Annual leave must be taken at a pre-approved time convenient to the employee and the CHIETA.

5.4.3 An employee is entitled to 1.75 working days leave at full pay for every month of completed service.

5.4.4 All employees of the CHIETA are entitled to twenty-one (21) ordinary days' annual leave (twenty-one (21) annual leave days' excluding weekends and public holidays) on full remuneration in respect of each annual leave cycle.

5.4.5 Annual leave is linked to the employee's start date, e.g., if an employee was employed in the month of June 2014 the leave accrual will run from June 2014- June 2015 making it twenty-one (21) annual leave days per annual leave cycle.



- 5.4.6 A maximum of fifteen (15) annual leave days may be carried over from one leave cycle to the next. The carried over leave must be taken within six (6) months after the end of each twelve-month leave cycle. Carry over leave will be forfeited if it is not taken within the six (6) months after the end of each twelve-month leave cycle.
- 5.4.7 Should an employee not be able to take leave due to operational requirements, further six (6) months extension will be granted upon approval by the Unit Manager and the HR Manager. After which an automatic forfeiture of the carried-over annual leave will be implemented. It is in the interest of an employee to take at least twelve (12) days leave consecutively at least once in every twelve (12) months leave cycle. Annual leave may not be taken during the employee's notice period.
- 5.4.8 Upon termination of service, an employee will only be paid out in respect of leave accrued that has not been forfeited in accordance with the above. If an employee has taken leave in excess of his/her entitlement as at the date of termination of his/her employment, CHIETA may deduct the value of such excess leave from any monies due to such an employee.
- 5.4.9 The CHIETA Office closes every year as per Board approved Corporate Calendar. The working days that fall within the closure period are not deducted from the annual leave of any staff member.
- 5.4.10 Leave must be applied for on the CHIETA leave system and approved prior to the leave being taken. Leave must be taken at a time that is agreed between CHIETA and the employee but failing such agreement, CHIETA shall determine in its discretion when leave is to be taken.
- 5.4.11 Absence from work without prior approval or a valid reason shall be regarded as misconduct and will be dealt with in terms of the CHIETA Disciplinary procedure.

## 5.5 SICK LEAVE

- 5.5.1 Each individual employee's sick leave cycle commences on his/her specific date of employment.
- 5.5.2 Full-time employees of the CHIETA are entitled to thirty-two (32) days paid sick leave in each period of thirty-six (36) months (three-year cycle) of employment.
- 5.5.3 Fixed term (maximum six (6) months) employees of the CHIETA are entitled to one (1) day for every twenty-six (26) days worked.

- 5.5.4 Sick leave may not be accumulated for any purpose. Any leave left at the end of the thirty-six (36) month cycle is automatically forfeited.
- 5.5.5 Employees who are absent from work due to illness must inform the Unit Manager at least one (1) hour before work starting time on the same day. The Employee should inform the Manager as to when he/she is likely to be back at work. In a case of hospitalisation, employees must provide confirmation of admission.
- 5.5.6 Employees must submit a medical certificate for sick leave in excess of two days as well as for sick leave taken on a Monday, Friday or the day preceding or following a public holiday. The medical certificate must be issued and signed by medical practitioner or any other person who is certified to diagnose and treat patients and who is registered with a professional council.
- 5.5.7 In the event of sick leave being abused, CHIETA reserves the right to ask for a valid medical certificate when only a day's sick leave is taken.
- 5.5.8 After a long period of illness, notification must also be given at least 3 days prior to returning to work, in order that work-schedules can be planned accordingly.
- 5.5.9 For any number of days taken as sick leave, over and above the normal sick leave cycle allocation of 6 weeks over a 36-month cycle, the employee's annual leave will be debited and, when the annual leave entitlement is exhausted, the leave will be unpaid.

## 5.6 MATERNITY LEAVE

- 5.6.1 Female employees are entitled to four months paid maternity leave, and thereafter an additional two (2) months unpaid leave. This will be applicable to female staff who has been in the employ of CHIETA for a minimum period of twelve (12) months and for a maximum of two (2) confinements or female employees who miscarry during the third trimester of pregnancy or who bear a stillborn child whether maternity leave had commenced at the time of the miscarriage or stillbirth.
- 5.6.2 After the second confinement, the employee will qualify for four (4) months unpaid maternity leave. An employee shall apply for maternity leave at least eight (8) weeks in advance of the expected date of confinement. A certificate signed by a registered medical practitioner or midwife, confirming pregnancy and the expected date of confinement, must be uploaded to the electronic leave system. This includes the birth of an adopted child.

- 5.6.3 An employee, who is a parent of a child, is entitled to at least ten (10) consecutive days (paid) parental leave, when the employee's child is born, or adoption is granted; or the child is placed in the care of a prospective adoptive parent by a competent court, pending the finalization of an adoption order. This will be applicable to employees who have been in the employ of CHIETA for a minimum of 12 months and for a maximum of two confinements. After the second confinement, the employee will qualify for 10 days unpaid Parental Leave. Proof will be required and uploaded to the electronic leave system. This includes the birth of an adopted child.
- 5.6.4 Maternity leave may be taken:
- at any time up to four weeks before the expected date of birth, unless otherwise agreed; or
  - on a date from which a medical practitioner or midwife provides medical proof that it is necessary for the employee's health or that of her unborn child; and
  - for a period of six weeks after the birth of her child or after a miscarriage of stillbirth, unless a medical practitioner or midwife certifies that she is fit to return to work before that time.
- 5.6.5 Pregnant employees may not be compelled to work during the four weeks prior to the expected date of birth (i.e., at 36 weeks). Pregnant women, who do heavy physical work, will be expected to take maternity leave at no later than eight (8) weeks prior to the expected date of birth (i.e., at thirty-two (32) weeks). No employee may work for six (6) weeks after the birth of her child, unless a medical practitioner or midwife certifies that she is fit to do so. This leave may be extended by a further two (2) months prior to confinement in relation to women in occupational categories involving heavy physical work. Accrued annual leave may be taken immediately before and/or after a period of maternity leave.
- 5.6.6 Employees that take maternity leave shall continue employment with the CHIETA after such maternity leave has been completed.
- 5.6.7 During an employee's pregnancy, and for a period of six (6) months after the birth of her child, the CHIETA shall offer the employee suitable, alternative employment should this be prescribed by a medical practitioner. This will be on terms and conditions that are no less favourable than her ordinary terms and conditions of employment.
- 5.6.8 The CHIETA shall not require or permit a pregnant employee or an employee who is nursing

her child to perform work that is hazardous to her health or the health of her child.

5.6.9 During the period of maternity leave employees will continue to contribute to the medical aid and provident fund.

5.6.10 Maternity leave should be applied for on the electronic leave system at least two months in advance to allow for the Unit to plan. The employee needs to inform the Unit Manager of the expected date of return.

5.6.11 Upon the employee's return to work, a birth certificate needs to be submitted to the HR Unit.

5.6.12 Failure to return to work on the agreed date, without valid reason may be regarded as misconduct and will be dealt with in terms of the CHIETA disciplinary procedure.

## 5.7 PARENTAL LEAVE

5.7.1 Once an employee has been in employment with CHIETA for more than four (4) months, he/she will be entitled to parental leave of ten (10) working days paid leave in respect of each annual leave cycle.

5.7.2 Employees are entitled to ten (10) days paid Parental Leave per annum under the following circumstances:

- when the employee's child or adopted child is sick; or
- in the event of the death or serious illness of:
  - the employee's spouse or life partner; or
  - the employee's parent, adoptive parent, immediate grandparent, child, adopted child, grandchild or sibling.

5.7.3 Employees must submit a medical certificate should the parental leave be due to illness for two (2) days or longer. CHIETA may require reasonable proof of the event for which the family responsibility leave is requested before granting such leave and any unused entitlement to family responsibility leave lapses at the end of the annual leave cycle in which it accrues.

## 5.8 UNPAID LEAVE

5.8.1 Unpaid leave may be granted to employees at the sole discretion of the CEO and then only once all annual leave and or sick leave have been exhausted and then only in exceptional circumstances. The employee is required to write a motivation for the request and needs to get authorisation from the Unit Manager, HR Manager and CEO before taking the unpaid leave.

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## 5.9 STUDY LEAVE

5.9.1 Employees qualify for up to ten (10) working days study leave per annum. Employees are eligible for one (1) day study leave before an exam and one (1) day study leave on the day of the exam. Study leave may however also be utilised for attending compulsory tuition sessions, compilation of a thesis etc. Study leave needs to be pre-approved by the Unit Manager and the HR Manager.

5.9.2 The following conditions apply in terms of study leave:

- Granting of study leave is at the discretion of the Manager and HR Manager.
- the course must be job or career related.
- study leave may only be taken twice for the same course of study or subject.
- all study leave is recommended and authorized by the employee's immediate supervisor.
- study leave must be applied for on the electronic leave system and must be accompanied by timetables for examinations or other supporting documentation substantiating the study leave.

5.9.3 Study Leave cycle will run from January to December. Study Leave may not be accumulated for any purpose. Any leave left at the end of the 12-month cycle is automatically forfeited.

## 5.10 TIME OFF

5.10.1 Time off during working hours to attend to personal matters is not encouraged but shall be granted at the discretion of the Manager of the employee. It is the responsibility of the employee to make arrangements prior to the intended time off and to make such arrangements with the Manager.

## 5.11 HOLIDAYS

5.11.1 Employees will receive full pay in respect of all Statutory Public Holidays stated in the Government Gazette.

5.11.2 Employees are entitled to take annual leave when religious holidays are not designated as national public holidays.

## 5.12 DRESS CODE

5.12.1 Employees are expected to present a professional image to stakeholders and the general public. Our appearance reflects on ourselves and CHIETA. The goal is to be sure that we

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maintain a positive appearance and not to offend customers, clients, or colleagues.

5.12.2 Employees are expected to maintain a professional standard of cleanliness and personal hygiene. Everyone is expected to be well-groomed and wear clean clothing. Clothing with offensive or inappropriate designs or stamps are not allowed.

5.12.3 CHIETA believes that all employees should be appropriately dressed to project the professional image required for the specific business environment. It is expected that employees will apply common sense approach to the dress code and dress in an appropriate manner befitting their role, audience, and purpose.

5.12.4 Employees are responsible for their own appearance and should consider how others may perceive their general presentation. Employees should follow the standards set out in this policy.

5.12.5 CHIETA respects religious diversity and individuals who, because of religious practice, wish to wear clothes or insignia on religious days. Although consideration is given to religious practices, e.g., hairstyle, head coverings, jewelry etc., employees should always do this within reasonable boundaries.

5.12.6 Employees may dress casually but professional on Fridays. This is only applicable to staff working at the office and who will not engage with stakeholders on the day.

5.12.7 Employees will be informed when they are violating the dress code. Employees in violation are expected to immediately correct the issue. This may include having to leave work to change clothes. Repeated violations or violations that have major repercussions may result in disciplinary action being taken up to and including termination of employment.

## 5.13 TERMINATION OF SERVICE

5.13.1 An employee's employment at the CHIETA may be terminated for the following reasons:

## 5.14 VOLUNTARY RESIGNATION

5.14.1 An employee may voluntarily resign from the CHIETA by giving written notice of not less than:

- One (1) weeks' notice if the employee has been employed for six months or less.
- Two (2) weeks' notice if the employee has been employed for more than six months but not more than one (1) year.
- Four (4) weeks, if the employee has been employed for one (1) year, or more.

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5.14.2 It is at the sole discretion of the CHIETA to decide whether an employee must work the notice period or whether the employee will be paid in lieu of notice.

5.14.3 Interns are not required to serve notice period, as stated on their employment contract.

## 5.15 RETIREMENT

5.15.1 CHIETA believes that it is unfair to discriminate against employees directly or indirectly on any arbitrary ground including age. CHIETA further recognises that it is fair and acceptable to terminate the employee's services if the employee has reached the normal retirement age. An employee shall normally retire on reaching the age of 65 or such earlier age as may be permitted by the Provident Fund of which he or she is a member.

5.15.2 An employee is not dismissed if that person is retired by his/her employer on attaining the agreed or normal retirement age of retirement. Whilst consultation is normally not necessary when the retirement age is reached, it may well be necessary to determine the personal circumstance of an employee who has/is requested to extend his/her services beyond the age of retirement before a decision not to extend her employment can be taken.

5.15.3 Where an employee's services are terminated because of an employee having reached his/her agreed retirement age and/or the normal retirement age, the termination of the employee's services does not constitute a dismissal in terms of the Labour Relations Act.

5.15.4 The company's normal retirement age is sixty-five (65) years. An employee's service shall terminate at the end of the calendar year in which that employee reaches the age of sixty-five (65) unless the employee wishes to retire at the end of the month in which he/she reaches the age of sixty-five (65) years.

5.15.5 Early retirement may, under exceptional circumstances, be exercised within the rules of the Provident Fund of which the employee is a member. All employees reaching the age of fifty-five (55) years may apply for early retirement and such application may be considered and approved by the CEO. The principles governing early retirement shall be as follows:

- Early retirement is voluntary, i.e., no staff member will be forced to retire early.
- Early retirement must not be perceived to be a right or privilege and is entirely subject to the sole discretion of MANCO and the CEO. This means that MANCO and the CEO shall be entitled to withhold or refuse granting early retirement to an applicant until an alternate and suitable replacement has been found.



- An employee that has left the company's service on early retirement shall not be contracted back after he/she has left the company's service, save in exceptional circumstances, with MANCO prior approval.

5.15.6 Prior to notifying the employee of his termination of services upon reaching normal retirement age, a consultation meeting must be convened between HR and the affected employee wherein HR must confirm their intentions to retire the employee and must further offer any assistance that may be required by the affected employee. The employee must be invited to the meeting, such invite must be in writing. The employee must be given an opportunity to be assisted by a co-employee of his own choice. The parties must attempt to reach consensus on the following issues:

- Whether or not the employee has reached retirement age
- Whether the employee prefers to retire at the end of the calendar year on which the employee reaches normal retirement age or at the end of the month in which the employee reaches normal retirement age.
- Whether or not grounds exist in respect of which management may re-appoint the employee beyond the retirement age. The grounds for re-appointing the employee beyond retirement include, but are not limited to, the need to train a new recruit, facilitate succession, compassionate grounds, etc.
- Should the grounds referred to above exist, management shall, at its sole discretion, re-appoint the employee beyond the normal retirement age on a fixed term basis.

## 5.16 ABSCONDING

5.16.1 After three (3) days of uncommunicated absence from work by an employee, it will be accepted that an employee has absconded from his/her employment and that he/she has repudiated his/her employment contract. The CHIETA may terminate an employee's contract if it is satisfied on a balance of probabilities, that the employee has absconded and has no intention of returning to their employ.

5.16.2 The Company will however endeavour to determine whether the employee has an intention to return to work. The employee will be issued with an ultimatum and an instruction to return to work by a certain date, failure which, it will be accepted that the employee has absconded from his/her employment and has in fact repudiated his/her employment.



5.16.3 All communication to the employee will be done via contact details provided by the employee to the Company. It is the employee's responsibilities to keep all his/her contact details up to date and to inform his/her employer should it change. All correspondence sent via the contact details provided by the employee, will be accepted to have been received by the employee.

5.16.4 Should the employee report for work at a later stage, the employee will be charged with the relevant misconduct and placed in a compulsory disciplinary enquiry. Prior to terminating the employee's contract, the CHIETA shall ensure that guidelines in Schedule 8 of the Labour Relations Act (No. 66 of 1995) have been followed.

## 5.17 OPERATIONAL REQUIREMENTS

5.17.1 The CHIETA shall always endeavour to avoid or minimize the need for retrenchment and shall always consider alternatives to retrenchments where possible.

5.17.2 When the CHIETA contemplates discharging one or more employees for reasons based on the CHIETA's operational requirements, the CHIETA shall consult the employees likely to be affected by the proposed discharge or their representatives nominated for that purpose as contemplated in (Section 189(2) of the LRA).

5.17.3 The consulting parties shall attempt to reach consensus on appropriate measures:

- to avoid the retrenchment.
- to minimise the number of retrenchments.
- to change the timing of the retrenchments.
- to mitigate the adverse effects of the retrenchments.
- to select the employees to be retrenched; and
- to determine the severance pay for retrenched employees.

5.17.4 The CHIETA shall disclose in writing to the other consulting party all relevant information, including, but not limited to:

- the reasons for the proposed retrenchments.
- the alternatives that the CHIETA considered before proposing the retrenchment, and the reasons for rejecting each of those alternatives.
- the number of employees likely to be affected and the job categories in which they are employed.

- the proposed method for selecting which employees to be retrenched.
- the time when, or the period during which, the retrenchment is likely to take effect.
- the severance pay proposed;
- any assistance that the CHIETA proposes to offer to the employees likely to be retrenched; and
- the possibility of the future re-employment of the employees who are retrenched.

5.17.5 The CHIETA shall select the employees to be retrenched according to selection criteria that have been agreed by the consulting parties.

5.17.6 The CHIETA shall pay an employee who is retrenched for reasons based on the employer's operational requirements, severance pay of 3 week's cost to company salary for each completed year of continuous service. Employees in the employ of the CHIETA for less than a year will receive a severance pay of 2 weeks basic salary.

#### 5.18 INCAPACITY DUE TO ILL HEALTH OR INJURY

5.18.1 The CHIETA shall affect dismissals for incapacity due to ill health in accordance with Schedule 8 of the Labour Relations Act (Code of Good Practice: Dismissals) and the CHIETA Disciplinary Policy and Procedures.

#### 5.19 DISMISSAL BASED ON POOR PERFORMANCE.

5.19.1 The CHIETA shall affect dismissals for poor work performance in accordance with Schedule 8 of the Labour Relations Act (Code of Good Practice: Dismissals) and the CHIETA Disciplinary Policy and Procedures.

#### 5.20 DISMISSAL FOR DISCIPLINARY REASONS

5.20.1 The CHIETA shall affect dismissals for disciplinary reasons in accordance with the CHIETA Disciplinary Policy and in line with Schedule 8 of the Labour Relations Act and the CHIETA Disciplinary Policy and Procedures.

#### 5.21 PAYMENT ON TERMINATION OF EMPLOYMENT

5.21.1 On termination of employment monies owed will be paid to the employee.

5.21.2 Payment will be staggered in the notice month.

5.21.3 Should the employee have signed an acknowledgement of debt and payments are outstanding, the balance of the debt will be recovered from the notice period payment. Such deductions could include but is not limited to study assistance etc.

5.21.4 Leave may not be taken in the final month of employment unless approved by the CEO.

## 5.22 EXIT INTERVIEW

5.22.1 In the event of a permanent employee's services being terminated for whatever reasons, an exit interview shall be conducted with the employee wherever possible to ascertain the reasons for the resignation. Unwillingness to attend an exit interview must be recorded by the HR Manager.

## 6 ASSOCIATED POLICIES

6.1 The Conditions of Service Policy must be read in conjunction with the following:

- CHIETA Recruitment and Selection Policy
- CHIETA Learning and Development Policy
- CHIETA Grievance Policy and Procedure
- CHIETA Disciplinary Policy and Procedure

## 7 EFFECTIVE DATE, DATE OF APPROVAL, VERSION CONTROL AND QUALITY ASSURANCE

Approved by CHIETA Governing Board on:
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