

LEAVE POLICY AND PROCEDURE

TT-FOA-08

Standard Operating Policy and Procedure –
Finance, Operations & Administration

Effective Date 24 August 2021

1. DOCUMENT CONTROL

1.1. Document Information

Property	Description
Document Title	Leave Policy and Procedure
Document No.	TT-F0A-08
Document Author	Khethelo Zulu
Change details	
Active Date	24 August 2021

Author Signature: *kezulu*

Date: 15/09/2021

Author signature confirms the contents of this document.

1.2. Approvals

The signatures below confirm that the reviewers agree with the content of the document and that this document is approved for implementation within Tshiamiso Trust.

Name	Position	Signature	Date
Dr May Hermanus	Chairman of the Board		
Kgomotso Molebatsi	Chairperson: HR, Remuneration and Governance Committee		
Daniel Kotton	Chief Executive Officer	<i>Daniel Kotton</i>	05/10/2021

This document is effective from the date of the last approval signature.

1.3. Change Record

Date	Effective Date	Author	Version	Change Reference

1.4. Document Location

The fully executed document is held by: The Trust
When printed this document is uncontrolled.

2. POLICY SCOPE

2.1. Purpose of the Policy

The Trust subscribes to the Basic Conditions of Employment Act 75 of 1997, and as such believes that for its employees to perform to the best of their ability, they should take vacation leave as and when it is due to them. The purpose of this policy is to regulate the application, procedure, and use of Annual, Sick, Maternity, Paternity Family Responsibility and Study leave, etc.

2.2. Objective of the Policy

The purpose of this policy is to regulate the application, procedure, and use of Annual, Sick, Maternity, Paternity, Family Responsibility and Study leave, in accordance with the Basic Conditions of Employment Act 75 of 1997.

3. POLICY GOVERNANCE

3.1. Policy Review

The Policy will be reviewed in 2024 taking into account any changes in legislation and the Trust's operational requirements.

3.2. Ownership of Policy

Ownership of the Policy will be vested in the Human Resources scope of accountability.

3.3. Approval of Policy

The Policy and any amendments from time to time must be approved by Chief Executive Officer and approval by the Board.

3.4. Legal Context

This Policy is informed by the:

- The Constitution of the Republic of South Africa, 1996
- Labour Relations Act, 1995, as amended
- The Basic Conditions of Employment Act, 1997, as amended
- Unemployment Insurance Act, 2001, as amended

3.5. Related Group Policies

The Policy is supported by and should be read in conjunction with the following policies:

- Contract of Employment
- Employment Equity
- Disciplinary Policy

4. POLICY STATEMENT

The Trust encourages all its employees to enjoy a good quality life in keeping with the Basic Conditions of Employment confinements.

5. LEAVE POLICY

5.1. Annual Leave

- Annual leave will be considered as paid leave unless an employee has a negative leave balance.
- A Permanent employee is entitled to 21 (twenty-one) days leave per annum.

- A permanent employee and an employee employed in terms of a fixed term contract for a minimum period of 12 (twelve) months, will be entitled to at least 21 (twenty-one) days per annum.
- Where an employee is employed on a contractual basis for less than 1 (one) year on a fixed term contract, the employee shall accumulate one day of annual leave for every 17 days worked.
- The Chief Executive Officer and Members of the Executive Committee shall be entitled to twenty-five (21) days annual leave.
- Any leave accrued in excess of an employee's annual entitlement will be forfeited by the employee.
- An employee is not eligible to take annual leave whilst serving a notice period.
- In the event that an employee falls sick whilst on annual leave, the leave will not be considered as sick leave.
- All accrued leave will be paid out upon termination of employment.

5.2. Sick Leave

The sick leave policy is guided by the Basic Conditions of Employment Act, 1997, (BCEA) as amended from time to time.

A "sick leave cycle" means a period of 36 (thirty-six) months' employment with the same employer.

Sick Leave accumulates to an employee on the first day of a new sick leave cycle and may be effective on the 1st (first) day of that new leave cycle.

Should it be suspected that the employee is abusing his/her sick leave entitlement, a medical certificate for each absence will be requested from that employee, any abuse of sick leave is subject to a disciplinary action.

The Employee may, be requested to produce a doctor's / medical certificate stating the duration of incapacity, in respect of:

- a) Absence for more than two (2) consecutive workdays.
- b) If an employee has, during any period of up to eight (8) weeks, received payment for sick leave on more than two (2) occasions without producing a valid doctor's note, the employee may be requested to produce a doctor's certificate for their absence during the subsequent eight weeks.

The medical certificate must be issued and signed by a medical practitioner or any other person (sangoma / traditional healer) who is certified to diagnose and treat patients and is registered with a professional council established by an Act of Parliament. According to the rule of the HPCSA a medical certificate of illness must contain:

- c) Full details and qualification of the practitioner
- d) Patient's details
- e) Examination date
- f) Reasons for the issuing of medical certificate
- g) Recommended period of sick leave
- h) Date medical certificate issued
- i) Producing a false doctor's certificate is serious offence and offenders will be subject to disciplinary action.

In the event that an employee's leave is found to be depleted, days taken will be considered as unpaid leave.

Leave not taken within a specific leave cycle period will lapse upon commencement of a new leave cycle period.

5.3. Maternity Leave

A female employee is entitled to 4 (four) consecutive months of unpaid maternity leave in accordance with the Basic Conditions of Employment Act, such an employee must have been in the employ of the Trust for a period of at least 12 (twelve) months from date of commencement.

Annual leave may be taken where an employee has exhausted all maternity leave benefits.

Whilst on maternity leave employees may claim from the UIF Fund which will pay 38% to 58% of the employee's gross salary.

The Trust will not be held liable for any shortfall in the payment by the UIF.

The employee must commence her maternity leave 4 (four) weeks prior to her confinement period, unless a medical certificate by a medical practitioner that grants the employee permission to engage in work related activities for a longer period is produced.

The employee must advise the Trust in writing at least 4 (four) weeks prior to the date of commencement of maternity leave and must also indicate the date that they intend to return to from maternity leave.

5.4. Study Leave

Employees who have been in the employ of the Trust for longer than four (4) months may apply for study leave.

Study leave may be granted for the day preceding and the day of the examination.

In the event that an employee is required to submit dissertations, theses in respect of Honours, Masters, and Doctorate degrees a maximum of 10 (ten) working days may be granted.

The employee may not take study leave whilst serving their notice.

5.5. Paternity Leave

In accordance with the Basic Conditions of Employment Act, employees are entitled to 10 (ten) day's paternity leave as follows:

- After the employee's child is born
- An adoption order has been granted by a competent court, or
- A child has been placed in the care of perspective adoptive parents.

Furthermore, the Basic Conditions of Employment Act, includes provision for 10 (ten) weeks parental adoption leave if the baby is under the age of 2 (two) years (applicable to one employee only), and surrogacy leave.

5.6. Family Responsibility Leave

Once the employee has worked for 4 (four) months or longer, they shall be entitled to 4 (four) days family responsibility leave per annum.

Family responsibility leave does not accumulate.

Family responsibility leave is payable in the following instances:

- When the employee's child is born.
- When the employee's dependent child is sick.
- In the event of the death of:
 - The employee's spouse or life partner.
 - The employee's parent, adoptive parent, grandparent, child, adopted child, grandchild, or sibling.

In event of a death the employee is required to produce a death certificate.

5.7. Study Leave

Employees studying through the Trust are entitled to a maximum of six (6) days study leave per annum. Employees are eligible to apply for a Study Leave benefit, to a maximum of 6 days per annum if they are studying at their own expense and the learning intervention meets the criteria requirements of the Trust.

Two (2) days study leave (one study day and one day for examination) per final examination written for courses approved by Management will be granted, to a maximum of six (6) days study leave per year. Proof of the number of examinations to be written must be handed in on applying for study leave. The direct Manager will approve the study leave in line with the Training and Development Policy guidelines.

5.8. Public Holidays

Employees are not required to work on public holidays unless by previous agreement with the employee. Employees will be remunerated as if they had worked on that day. Where an employee works on a public holiday, by prior agreement with management, he/she shall receive

double pay for that day on the usual payday. Managerial employees are not entitled to pay for having worked on public holidays.

5.9. Religious Holidays

- Leave for religious purposes will be considered as annual leave.

5.10. Absence of duty

An employee is regarded as being on duty when he / she must appear as a witness, excluding those instances when the employee himself / herself is a party to the matter or is the accused, at the following:

- In a criminal court case
- In a civil case (including a divorce)
- In a misconduct case in terms of law
- Before a commission of enquiry appointed by state
- An employee is also regarded as being on duty when he / she appears as the respondent or defendant in a civil court case arising out of his duties and in which, in the Company's opinion, The Trust has a direct interest.

An employee is also regarded as being on duty when he / she is nominated by The Trust to attend internal or external courses, lectures, seminars, or conferences.