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EDUCATION LABOUR
RELATIONS COUNCIL

Leave Management Policy






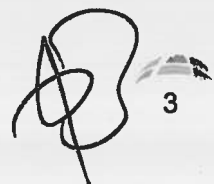
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1. POLICY STATEMENT

- 1.1 The Council recognises the importance of supporting its employees in a way that promotes and sustains a positive, productive and safe working environment. Directly linked to this, is the provision of leave where the Council complies with the legislation.
- 1.2 The objective of this policy is to ensure that all employees receive equitable employee benefits pertaining to leave. Furthermore, the aim is to treat employees in a consistent and fair manner, as per the Basic Conditions of Employment Act 75 of 1997

2. SCOPE

- 2.1 This policy is applicable to all permanent employees, fixed term contractors, temporary staff and interns.

The following principles will apply to this policy:

- 2.1.1 All employees will be informed of their contractual entitlement to all leave.
- 2.1.2 Managers are expected to understand their responsibilities in managing leave with their subordinates and assist their employees to achieve a positive work-life balance.

3. DIFFERENT TYPES OF LEAVE

3.1 GENERAL MEASURES

- 3.1.1.1 Employees are entitled to annual leave with full pay during each leave cycle of 12 (twelve) months, commencing on 01 January each year.
- 3.1.2 Unless indicated otherwise in these measures, days of leave granted in respect of any category of leave, other than annual leave, shall not be deducted from an employee's annual leave provision in respect of annual leave.
- 3.1.3 All leave applications should be submitted timeously on the appropriate form.
- 3.1.4 An employee shall not be considered to be on leave if he/she:
- 3.1.4.1 Must appear as a witness
- 3.1.4.1.1 In a court
- 3.1.4.1.2 In misconduct proceedings or in a misconduct investigation in terms of any law
- 3.1.4.1.3 At inquest proceedings, or



- 3.1.4.1.4 Before a commission or committee appointed by the state or before any committee or institution instituted by or in terms of any act
- 3.1.4.2 Is taken into custody or must appear in any court or criminal charge and the offence he or she is charged with is withdrawn or if he or she is acquitted of such offence; or
- 3.1.4.3 Attends or participates in a training programme required by Council.
- 3.1.5 An employee may not be absent from the place where he/she is working without the permission of the General Secretary or his/her delegated authority.
- 3.1.6 In the case of absence because of indisposition or unforeseen circumstances, an employee shall inform the General Secretary or his delegated authority at or before (08H30).

3.2 ANNUAL LEAVE

- 3.2.1 For the purpose of granting annual leave, working days means Monday to Friday, excluding public holidays.
- 3.2.2 Permanent employees who have five years' service and more with the Council, accumulate 2.5 calendar days per completed month, to a maximum of 30 calendar days per annum.
- 3.2.3 Permanent employees, who have less than five years of service with the Council, accumulate 2.17 calendar days per completed month, to a maximum of 26 calendar days per annum.
- 3.2.4 Temporary staff, fixed term contractors and interns accumulate 1.25 calendar days per completed month.
- 3.2.5 The Council's leave cycle commences in January of each year and runs for twelve months.
- 3.2.6 Requests for leave should be made through the line manager, who will recommend to the Senior Manager to approve the leave.
- 3.2.7 Leave approval will be subject to business needs. This means there may be occasions where requests will not be granted due to operational requirements.
- 3.2.8 Managers should encourage employees to take their leave within the current leave year. Where an employee has outstanding leave at the end of a leave year, a period of six months in the next year will be allowed for the employee to take their annual leave.

- 3.2.9 In exceptional circumstances, employees may be able to bank not more than five annual leave days with the consent of the line manager and this would be resulting from operational requirements.
- 3.2.10 Following approval of a request for annual leave, employees may choose to cancel their period of leave for a variety of reasons. Managers can allow for the leave to be cancelled.
- 3.2.11 There may be occasions where managers need to instruct employees to take their annual leave on specific dates. This could include situations where the employee has not taken all of their annual leave entitlement.
- 3.2.12 Where an employee has three days and above of authorised annual leave, but subsequently falls ill during that period, the days on which they are ill will be regarded as sick leave provided the employee submits the required documentation when on sick leave.
- 3.2.13 Employees who are serving notice for resignation or retirement purposes may not take annual leave during that month.
- 3.2.14 Accumulated leave credits shall be paid out to the employee at retirement, resignation or death based on the employee's current basic annual salary.
- 3.2.15 The offices of Council close annually on the last working day before the 23rd December and re-opens on the first working day of the following year. This period is counted as vacation leave.

3.3 SICK LEAVE

- 3.3.1 Permanent employees are entitled to 60 working days sick leave with full pay over a three year cycle. Unused sick leave will be forfeited after the expiry period of the three year cycle.
- 3.3.2 If an employee joined the Council after the three year cycle commenced, their sick leave will be calculated on a pro-rata basis.
- 3.3.3 Temporary staff, fixed term contractors and interns accumulate one working day per completed month.
- 3.3.4 If an employee is unable to report for duty due to an illness, the employee is expected to report to the respective line manager or Senior Manager before 08h30.
- 3.3.5 An employee who is off sick for three consecutive days or more must submit an original medical certificate from a registered or recognised medical practitioner as defined by the Health Professions Council of South Africa.

- 3.3.6 An employee is expected to submit a sick leave form within two working days upon returning from sick leave.
- 3.3.7 In an event where a pattern in the utilisation of sick-leave has been established, a certificate may be required for absences of less than three working days.
- 3.3.8 Unused sick leave at the end of a three year cycle will not be accumulative in the next cycle.

3.4 LEAVE FOR OCCUPATIONAL INJURIES AND DISEASES

- 3.4.1 Employees who, as a result of their work, suffer occupational injuries shall be granted occupational and diseases leave for the duration of the period they cannot work for.
- 3.4.2 If an employee suffers a work related injury as a result of an accident involving a third party, the Council shall grant the employee occupational injury leave provided that the employee:
 - 3.4.2.1 Brings a claim for compensation against the third party
 - 3.4.2.2 Undertakes to use compensation (in terms of the Compensation for Occupational Injuries and Diseases Act of 1993) received to compensate as far as possible for the Council's contribution to the cost arising from the accident.

3.5 TEMPORARY INCAPACITY

- 3.5.1 An employee who has exhausted their sick leave credit in a three year cycle and who, according to the relevant medical practitioner, requires to be absent due to incapacity that is not permanent, may be granted additional sick leave with full pay.
- 3.5.2 Such a condition must be certified by the attending medical practitioner as temporary incapacity.
- 3.5.3 The Council may require the employee to obtain a second opinion before granting approval for additional sick leave. Expenditure in this regard will be met from the departmental budget.
- 3.5.4 The Council may grant an employee a maximum of 30 consecutive working days leave with full pay during which an investigation must be conducted into the nature and extent of the incapacity.
- 3.5.5 If the employee is of the view that he/she has been unfairly treated regarding the granting of additional sick leave, he/she has the right to follow the grievance procedure and the relevant dispute resolution procedures in order to settle the matter.

3.6 PERMANENT INCAPACITY LEAVE

- 3.6.1 Employees whose degree of incapacity has been certified by a competent medical practitioner as permanent shall, with the approval of the employer, be granted a maximum of 30 working days paid sick leave, or such additional number of days required by the employer to finalise processes mentioned below.
- 3.6.2 The employer shall, within 30 working days, ascertain the feasibility of:
- 3.6.2.1 Alternative employment
 - 3.6.2.2 Adapting duties or work circumstances to accommodate the Employee.
- 3.6.3 An employee whose degree of incapacity has been certified as permanent but who can still render a service, may in terms of the applicable measures, be redeployed horizontally with retention of their benefits.
- 3.6.4 If the redeployment necessitates reallocation to a job of a lower grading, such action should be explained well in advance and the continued utilisation of such an employee should, in this regard, be with their consent.
- 3.6.5 In instances where the employee's redeployment entails retraining, the employer shall take requisite resources (time and financial) and potential returns into consideration before approving redeployment.
- 3.6.6 The redeployment of an employee's services should ensure the optimal utilisation of his/her competencies and should not compromise service delivery.
- 3.6.7 If the employer is convinced that the employee will never be able to render an effective service at his/her level or rank, the employee may proceed with an application for termination of service due to ill health.
- 3.6.8 An employee will provide their medical certificate/opinion from their medical practitioner.
- 3.6.9 An employer will appoint a medical practitioner for a second opinion, at own cost.
- 3.6.10 The Pension Fund will also appoint their medical practitioner to assess the situation, prior to medical boarding.
- 3.6.11 If medical boarding is accepted, the employee will be paid his/her disability grant from the pension.

3.6.12 An employee's employment is terminated and the matter referred to the Department of Labour for UIF.

3.7 SPECIAL LEAVE FOR QUARANTINE PURPOSES

3.7.1 Special leave with full pay may be granted to an employee who has been exposed to a medical condition that requires such person to be placed under quarantine.

3.7.2 A certificate, from a medical practitioner must accompany the application for such leave, stating the period of quarantine as well as the reasons necessitating such leave.

3.8 MATERNITY LEAVE

3.8.1 An employee is entitled to four consecutive month's maternity leave on full pay to commence at least 14 days prior to the expected date of birth, but no later than the actual date of birth in a case of a premature confinement.

3.8.2 Maternity leave may, upon application and approval, be extended in one or more of the following ways:

3.8.2.1 The granting of sick leave as a result of a medical complication;

3.8.2.2 The granting of unpaid leave; and

3.8.2.3 The granting of annual leave.

3.8.3 Employees, who during the third trimester of their pregnancy experience a miscarriage or still birth, shall be eligible for six consecutive weeks' maternity leave.

3.8.4 Provisions in 4.8.3 above shall also apply to an employee who experiences a miscarriage or stillborn after the commencement of maternity leave. The period prior to the miscarriage, stillborn or termination of pregnancy shall be regarded as special leave with full pay.

3.8.5 An employee is expected to submit an original medical certificate.

3.9 PATERNITY LEAVE

3.9.1 Any male ELRC employee is entitled to up to three working days paternity leave with full pay when his child is born.

3.9.2 An employee is expected to submit an original proof thereof i.e. medical certificate or birth certificate.

3.10 ADOPTION LEAVE

3.10.1 An employee who adopts a child that is younger than two years,

qualifies for adoption leave to a maximum of 45 working days per adoption.

3.10.2 An employee is expected to submit proof of adoption.

3.11 FAMILY RESPONSIBILITY LEAVE

3.11.1 An employee shall be granted three working days leave per annual leave cycle if:

3.11.1.1 The employee's child, spouse or life partner is sick.

3.11.2 An employee shall be granted five working days leave per annual leave cycle if:

3.11.2.1 The employee's child, spouse or life partner dies; or

3.11.2.2 The employee's immediate (spouse or life partner, parent or adoptive parent, grandparent, child or adopted child, grandchild or sibling) family member dies.

3.11.3 The number of leave days taken in terms of sub-paragraphs 5.10.1 and 5.10.2 shall not exceed five working days in an annual cycle.

3.11.4 An employee who has used all their leave in respect of the above may apply for available annual leave or leave without pay.

3.11.5 An employee must submit either an original medical certificate or death certificate for the above leave upon his/her return to work.

3.12 LEAVE FOR STUDY AND EXAMINATION PURPOSES

3.12.1 Study leave will be granted to an employee who is undertaking studies whilst in the Council's employment.

3.12.2 Special leave may be granted to an employee for an approved course of study and for a period approved by the employer, on conditions as approved by the employer, including leave with full or partial pay or without pay.

3.12.3 For repeat subject/modules, employees will not be granted paid leave.

3.12.4 Employees who have to attend compulsory study school or classes on an ad hoc basis should reflect this information in their application forms and a formal letter/document from the institution supporting this requirement should be attached.

3.12.5 An employee may not be granted more than ten days to attend study school in the same quarter. Should such cases arise, the employee will be expected to utilise their annual leave days.

3.12.6 An employee is expected to submit a timetable from the Institution when applying for leave for examination purposes.

3.12.7 An employee may be granted leave for a day before the examination and the day of the examination with full pay for which such employee sits as a candidate for an examination.

3.12.8 If an employee's examination is on a Monday, the employee will not be entitled to a Friday off.

3.12.9 If an employee's examination is on a day after a public holiday, the employee will not be entitled to a day before the holiday.

3.13 LEAVE FOR OFFICE-BEARERS OR SHOP STEWARDS OF RECOGNISED EMPLOYEE ORGANISATIONS

3.13.1 Office Bearers or Shop Stewards of recognised employee organisations shall receive up to five working days per annum for activities related to their union position.

3.13.2 All applications for this type of leave must be submitted in writing together with supporting documentation.

3.14 RECONCILIATION OF LEAVE

3.14.1 The HR Department is expected to reconcile all types of leave on a monthly basis and submit to payroll.

3.14.2 The HR Department will circulate the updated leave balances to all employees on a monthly basis by means of payslips.

4. AMENDMENT AND/OR ABOLITION OF THIS POLICY

4.1 This Policy may be amended or repealed by the Executive Committee.