

BEAUFORT WEST MUNICIPALITY

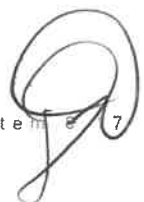


POLICY	ABSENCE OF LEAVE POLICY
Approved	26th June 2023
Author(s)	Human Resources
Consultation	Policy Workshop: 18 – 19 May 2023

A handwritten signature in black ink, appearing to be 'D' or 'D.' with a flourish.

Table of Contents

1. INTRODUCTION	2
2. PURPOSE	2
3. POLICY STATEMENT	2
4. LEGAL MANDATE	2
5. LEAVE	2
7. UNPAID SICK LEAVE	5
8. MATERNITY LEAVE	5
9. PARENTAL, ADOPTION AND COMMISSIONING PARENTAL LEAVE	5
9.2 Adoption Leave	6
9.3 Commissioning Parental Leave	6
10 FAMILY RESPONSIBILITY LEAVE	6
11. SPECIAL LEAVE	7
11.2 To attend a court of law to give evidence on being summonsed as a witness	8
11.3 Sports participation	8
11.4 Quarantine and isolation under medical instructions	9
11.5 Compensation for occupational injuries and disease:	9
12. LEAVE WITHOUT PAY (UNPAID VACATION LEAVE)	9
13. CLOSING OF OFFICES DUE TO SPECIAL EVENT OF PUBLIC HOLIDAYS	10
14. APPLICATION FOR SPECIAL LEAVE	10
15. PROCEDURES	10
16. POLICY APPROVAL	11



1. INTRODUCTION

- 1.1 This policy prescribes the procedure that Employees of this Employer need to follow when leave of absence is requested or required.
- 1.2 Absence refers to both authorized and unauthorized absence from work and includes, *inter alia*, sick leave, annual leave, maternity leave, shop steward training leave, family responsibility leave, and leave without pay and absence without permission.
- 1.3 It is the duty of Supervisor/Superintendents to complete leave for the employee on the system.
- 1.4 Leave applications must be completed for authorized and unauthorized absence.

2. PURPOSE

- 2.1 The purpose of this policy is to:
 - i) Stipulate the various leave provisions applicable to this Employer.
 - ii) Ensure that Employees and Supervisors have a sound understanding of what is expected of them to manage the utilization of various kinds of leave in harmony with the operational requirements of the Employer.

3. POLICY STATEMENT

- 3.1 The Employer recognizes the need to utilize the leave of absence in accordance with the various legally prescribed provisions and strives to balance the needs and interests of individual employees with the operational requirements of the Employer.

4. LEGAL MANDATE

- 4.1 This policy framework draws its legal and general mandate from the following prescripts, including but not limited to the:
 - Labour Relations Act, 1995.
 - Basic Conditions of Employment Act, 1997.
 - Occupational Health and Safety Act, 1993.

5. LEAVE

5.1 Vacation leave

- 5.1.1 Every Employee who works five (5) days per week is entitled to 24 working days annual leave per annum.
- 5.1.2 Every Employee who works six (6) days per week is entitled to 27 working days annual leave per annum.
- 5.1.3 An employer must grant annual leave not later than six months after the end of the annual leave cycle



5.1.4 An Employee is required to take leave within each leave cycle as follows.

5.1.4.1 A five-(5) day worker shall take a minimum of sixteen (16) days leave;

5.1.4.2 A six-(6) day worker shall take a minimum of nineteen (19) days leave.

5.1.5 Any leave in excess of forty-eight (48) days may be encased should the Employee be unable to take such leave, despite applying and because the Employer refused to grant him/ her such leave, as a result of the Employer's operational requirements. If, despite, being afforded an opportunity to take leave, an Employee fails, refuses or neglects to take the remaining leave due to him/ she during his period, such remaining leave shall fall away.

5.1.6 Within six months of the end of a leave cycle, an Employee may not have more than 48 days accumulated leave to his/ her credit.

5.1.7 In the event of operational requirements preventing an Employee from timeously utilizing the balance of his/her accrued leave the Employer must liaise with the Employee to agree to a time period within which the balance of accrued leave must be utilized or encased. The payment of such leave will only be on mutual agreement between the relevant Director and the Employee.

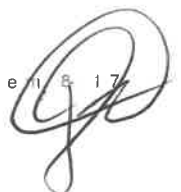
5.1.8 The utilization of annual leave shall be subject to a time which is mutually convenient to the Employee and the Employer. The Employee must apply well in advance for the approval of annual leave. Employees are expected to indicate at the start of every year, how they intend to utilize vacation leave for that specific year. This indication is merely for planning purposes and no approval is applicable at this stage and an Employee is entitled to change his/her intended leave.

5.1.9 Employees with children who attend school shall not necessarily enjoy preference to take leave during school holidays above those not married or without children. Fairness towards all Employees will be the yardstick.

5.1.10 Should the Employer decide to close business during a specified time, Employees may be required to utilize their annual leave during this period.

5.1.11 In event of emergency a shorter period can be granted at the discretion of the relevant Director. A leave application must be completed and submitted in advance of the intended leave period, in such a manner that the period preceding the leave corresponds with the leave period as such to a maximum notice period of 21 days.

5.1.12 The Employer shall not pay the Employee instead of granting paid annual leave, except where an Employee is denied leave due to operational requirements as specified in 5.1.7 above.



5.1.13 In the event of termination of services, a maximum of 48 days accumulated leave may be paid out. The balance of annual leave earned during the current leave cycle shall be paid to the employee calculated in terms of the relevant provisions of the Basic Conditions of Employment Act 75 of 1997, as amended.

5.1.14 The Employer may at any stage, cancel approval of an earlier approved leave application if operation requirements justify such action. The employee will not be entitled to rely on the earlier approved leave application not to report for duty.

5.1.15 Leave applications on short notice may be requested for any personal reason, but if operational requirements may be at stake, the Employer may request the employee to provide reasons why the application on short notice, should be approved. Approval falls completely within the discretion and prerogative of the Employer.

6. SICK LEAVE

6.1 Every Employee is entitled to 80 days paid sick leave during a three-year leave cycle (36 months).

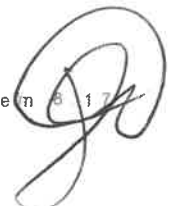
6.2 Employees who have not taken more than 20 days' sick leave at the end of a three year cycle shall receive an additional ten working days' paid sick leave to which they will be entitled in the ensuing cycle, provided that in respect of any sick leave cycle no employee shall become entitled to more than 120 working days' sick leave on full pay in a sick leave cycle.

6.3 Sick leave is for absence due to illness and any abuse of sick leave could lead to disciplinary action.

6.4 The Employer is not required to pay an employee if the Employee is absent from work for more than two consecutive days or on more than two occasions during an eight-week period and, fail to produce a medical certificate stating that the Employee was unable to work for the duration of the Employee's absence on account of sickness or injury.

6.5 For the purpose of medical certificates, only certificates issued and signed by a medical practitioner or any other person who is certified to diagnose and treat patients and who is registered with a professional council established by an Act of Parliament is acceptable to the Employer. A certificate issued by a clinical nurse practitioner, to a maximum of two days, will be accepted as proof of incapacity. Certificates issued by Traditional Healer/Traditional Health Practitioner will not be accepted for any periods longer than two days or for more than two occasions during an eight-week period.

6.6 Should an Employee fall ill during his/her vacation leave such leave may be converted to sick leave on condition that the Employer is notified immediately thereof together with proof of a medical certificate even for one (1) day, failing which, sick leave will not be granted. The Employer, however, reserves the right to call for a second medical opinion.



7. UNPAID SICK LEAVE

- 7.1 In the case of unpaid sick leave, such leave will only be considered once all the sick leave entitlement has been exhausted. If an Employee has exhausted his/her sick leave provision, such Employee will be granted an opportunity to elect whether paid vacation leave should be awarded, provided that the Employee still have paid vacation leave available.
- 7.2 In the event of an Employee that fails to follow the prescribed communication or medical certificates requirements, sick leave without pay will be allocated.
- 7.3 The allocation of sick leave without pay will not disallow the Employer to institute appropriate disciplinary action for the Employee's failure to follow prescribed procedures.
- 7.4 For the period of sick leave without pay the Employer shall continue to make Employer's contributions only to the Employee's group life insurance scheme, pension and medical aid fund, provided that the Employee also makes his contributions to the said funds, as well as any payment in terms of a collective agreement.

8. MATERNITY LEAVE

- 8.1 An Employee, including an Employee adopting a child under three (3) months, shall be entitled to receive three (3) months paid maternity leave and one (1) month unpaid maternity leave, with no limit to the number of confinements or adoptions. This leave provision shall also apply to an Employee whose child is still born.
- 8.2 Maternity leave may commence four (4) weeks before confinement
- 8.3 To qualify for paid maternity leave, an Employee must have one (1) years' service with the Employer.
- 8.4 The determinations of Section 25 of the Basic Conditions of Employment Act will also form part of this contract of employment.

9. PARENTAL, ADOPTION AND COMMISSIONING PARENTAL LEAVE

9.1 Parental Leave

- 9.1.1 An employee who is a parent of a child is entitled to 10 consecutive days unpaid parental leave
- 9.1.2 An employee may commence parental leave on
 - 9.1.2.1 The day that the employee's child is born; or
 - 9.1.2.2 The date that the adoption order is granted; or
 - 9.1.2.3 The date that a child is placed in the care of a prospective adoptive parent by a competent court, pending the finalization of an adoption order in respect of that child



- Whichever date occurs first

9.1.3 An employee must follow the normal leave application process and provide supporting documentation to support application

9.2 Adoption Leave

9.2.1 An employee who is an adoptive parent of a child who is below the age of two, is entitled to 10 consecutive days unpaid adoption or unpaid parental leave

9.2.2 An employee may commence adoption leave on the date that the adoption order is granted; or

9.2.3 The date that a child is placed in the care of a prospective adoptive parent by a competent court, pending the finalization of an adoption order in respect of that child

- Whichever date occurs first

9.2.4 An employee must follow the normal leave application process and provide supporting documentation to support application

9.3 Commissioning Parental Leave

9.3.1 An employee, who is a commissioning parent in a surrogate motherhood agreement, is entitled to 10 consecutive weeks unpaid commissioning parental or unpaid parental leave

9.3.2 An employee may commence commissioning parental leave on the date that the child is born as a result of a surrogate motherhood agreement

9.3.3 An employee must follow the normal leave application process and provide supporting documentation to support application

9.3.4 The payment of parental, adoption and commissioning parental leave benefits will be determined by the Minister, subject to the provisions of the Unemployment Insurance Act, 2—1 (Act No 63 of 2001)

10 FAMILY RESPONSIBILITY LEAVE

10.1 Family responsibility leave applies to an Employee who has been in the employment with an Employer for longer than four (4) months and who works for at least four days a week for the Employer.

10.2 An Employer, upon receipt of reasonable proof, shall grant an Employee during each annual leave cycle at the request of an Employee, a total of five (5) working days paid leave, which the Employee is entitled to take as in 10.4 below.

10.3 Unused family responsibility leave shall fall away at the end of the annual leave cycle and does not accrue.

10.4 Family responsibility leave will be granted when:



- The Employee's child is born;
- The Employee's child is sick;
- The Employee's spouse or life partner is sick;
- In the event of death of:
 - The Employee's spouse or life partner; or
 - The Employee's parent, adoptive parent, parents-in-law, grandparent, child, adopted child, grandchild or sibling.

10.5 Before paying an Employee for leave in terms of this policy, the Employer may require reasonable proof of an event for which the leave is required. The following is required:

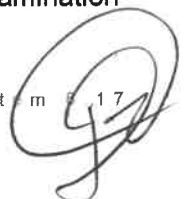
EVENT	DOCUMENTARY PROOF
<ul style="list-style-type: none"> - Illness of child - Illness of spouse or life partner 	<ul style="list-style-type: none"> - Proof parenthood - Medical certificate specifying name of the
<ul style="list-style-type: none"> - Birth of child 	<ul style="list-style-type: none"> - Birth certificate - Proof of paternity
<ul style="list-style-type: none"> - Death of immediate family member 	<ul style="list-style-type: none"> - Death certificate - Proof that deceased is an immediate family member

10.6 If an Employee needs family responsibility leave during his/ her leave period, it may be converted as such.

11. SPECIAL LEAVE

11.1 Study Leave

- 11.1.1 For the purpose of this policy, examinations will mean any intervention, be it, moderated exams, tests, orals or practical examinations which are undertaken, and which will contribute directly to the final result of the qualification the learner is aspiring towards.
- 11.1.2 Where an approval for study leave is sought (including exam time), staff may have their normal time or workload reduced by negotiation with management. Options to be negotiated can include leave with pay, leave without pay or a mix of these. In an event that no leave is available there can be negotiated for leave without pay.
- 11.1.3 Study leave proposals must be discussed by Employees with their supervisors as part of their annual work plan or work program.
- 11.1.4 Study leave is granted on the basis on one days' leave for examination purposes and one days' leave for study purposes.



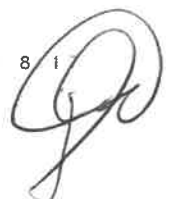
- 11.1.5 When an Employee is required to write only one examination on one day in a calendar year, he/she shall be entitled to three days' special paid leave which include the day of the examination
- 11.1.6 If the examination is scheduled after working hours or on a weekend, the principle of one days' leave for study purposes only, will be followed i.e. no leave is thus required for examination purposes
- 11.1.7 The granting of study leave for examination and obligatory course/study requirements will be limited to a maximum of twice per subject/module to allow for supplementary examinations.
- 11.1.8 An Employee attending a work-related training or study course shall be granted paid special leave for the full duration of the obligatory attendance requirements.
- 11.1.9 An Employee attending a voluntary training or study course shall be granted up to ten (10) days paid special leave and thereafter one day's paid special leave for every day's leave taken by the employee.
- 11.1.10 All study leave applications must be accompanied by the relevant documentary proof of the examination timetable/intervention
- 11.1.11 All applications will only be noted as study leave once documentary proof has been submitted by the Employee indicating that he/she partook in the examination/intervention (see point 11.1.1)

11.2 To attend a court of law to give evidence on being summonsed as a witness

- 11.2.1 On receipt of a written subpoena, an Employee who is summonsed to attend a Court of Law as a witness shall be granted paid special leave for the period of absence from duty, provided that any witness fee received, excluding a travel and subsistence allowance, shall be reimbursed or recovered from the Employee whatever the case may be.
- 11.2.2 Any Employee who is arrested and appears in court as a result of charges laid by his Employer and who is later acquitted shall be granted special leave for the period of incarceration.

11.3 Sports participation

- 11.3.1 An Employee who is elected by a recognized sport association, which sporting association must be recognized by the South African Sport Confederation and Olympic Committee (SASCOC), to:
 - 11.3.2 Represent South Africa or the Province as participant in SASCOC recognized international or national sports competitions inside as well as outside the Republic of South Africa;
 - 11.3.3 Accompany teams that will represent South Africa at SASCOC recognized international sports competitions inside as well as outside the Republic of South Africa as coach or manager;



11.3.4 Officiate at SASCOC recognized national or international sporting event where the Employee represents South African and a National South African sports team participate;

Shall be granted paid special leave for the duration of the event for these purposes, subject to clause 11.6.

11.4 Quarantine and isolation under medical instructions

Where a registered medical practitioner has placed an Employee under quarantine/ in isolation in terms of relevant legislation or regulations in force there under, such an Employee shall be granted paid special leave, provided that the medical certificate issued details the period of absence and the reason, therefore.

Should a pandemic or any infectious disease necessitate quarantine of an Employee not placed under quarantine by a registered medical practitioner, eg close contact of a person tested positive for an infectious disease, quarantine leave will be granted in terms of relevant legislation or regulations.

11.5 Compensation for occupational injuries and disease:

11.5.1 Employee who sustains an injury or contracts an illness in the course of his official duties such as to entitle the Employee to compensation in terms of the Compensation for Occupational Injuries and Disease Act, 1993, shall be granted paid special leave for the period of incapacitation.

11.5.2 In the case of an illness or injury sustained in the execution of the Employee's duties or in the case of disability, the Employer will exercise reasonable accommodation of the illness/injury.

11.5.3 Special leave shall not exceed 20 working days in a leave cycle this limitation does not apply to clause 11.4 and 11.5

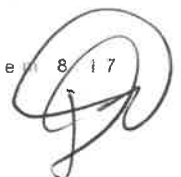
12. LEAVE WITHOUT PAY (UNPAID VACATION LEAVE)

Leave without pay as approved by the Municipal Manager or his assignee, which approval shall not be unreasonably withheld, shall be subject to the following conditions:

12.1 In the case of leave without pay, such leave will only be granted once all accumulated and annual leave has been utilized and the Employee convince the Employer that a justified reason exists why the Employee need to utilize leave without pay.

12.2 The following will be taken into consideration whether to grant an employee leave without pay –

- The reason for the request
- Length of service
- Work performance



- Attendance history
- Operational requirements of the Employer.

12.3 As in the case of leave without pay, the prescribed leave application must be completed and a letter/memo outlining the request must be attached. This must be done, as far as circumstances permit it, well in advance of the date or event for which the leave is required for.

12.4 For the period of leave without pay the Employer shall continue to make Employer's contributions only to the Employee's group life insurance scheme, pension and medical aid fund, provided that the Employee also makes his contributions to the said funds, as well as any payment in terms of a collective agreement.

12.5 Leave without pay does not refer to unauthorized leave.

13. CLOSING OF OFFICES DUE TO SPECIAL EVENT OF PUBLIC HOLIDAYS

13.1 In the event of the closure of the Municipal Offices at 13h00 due to public holidays or specific events (year-end functions), officials that are required to work after 13h00, will be granted time off. This will not apply to officials who refused to attend year-end functions

13.2 That in the event of the closure of the Municipal Offices at 13h00 due to public holidays or specific events (year-end functions) that fall on a Friday, libraries be allowed to be closed on the Saturday

13.3 Employees who require leave for the day of the closure of the offices at 13h00 only, shall apply for the specific hours until closure of offices. If the day of the office closure falls within a continuous leave period, a full day leave shall be applicable

14. APPLICATION FOR SPECIAL LEAVE

14.1 Exigencies of the service must be taken into consideration.

14.2 Supporting documents, where required, must be provided with the application.

14.2 Application for special leave which must be approved by the Municipal Manager or his/her assignee shall be considered in a bona fide manner and shall not be unreasonably refused.

15. PROCEDURES

15.1 Requests for authorization of any of the above-mentioned leave of absence must be submitted in writing on the Employer's leave application before utilizing any of the leave provisions.

15.2 The Employee must ensure that his/her application for leave was authorized by the Supervisor and that any leave credit for payment purposes was verified with the Human Resources division.



15.3 Only in extra-ordinary circumstances will Employees be entitled to utilize leave without a leave application timeously been completed and duly authorized.

15.4 In the event of any extra-ordinary circumstances or sickness/injury, the Employee shall notify the Employer of the event which necessitates the Employee's absence.

15.5 Records, for insurance purposes, should be kept of employees who go on official trips since it is not vacation leave or sick leave, it is absence on official business therefore a leave application for authorized absence must be completed accordingly.

15.6 Any deviation from the prescribed procedures may result in the withholding of payment for the period of such absence and in disciplinary measures been taken as a result of such non-compliances.

16. POLICY APPROVAL

This policy was formulated by HR Management, and went through consultation in the Local Labour Forum.

Authorized by Municipal Manager:

Signature: _____ **Date:** _____