

FORT COX AGRICULTURE AND FORESTRY TRAINING INSTITUTE

Fort Cox Agricultural Training Institute policies will be recorded on the institutional policy catalogue, will be available at the library and on the institute’s website (<http://www.fortcox.ac.za/policies/>) which will be regularly updated. As it is important to provide critical information such as when the policy was introduced, what it aims to achieve and who has a responsibility for its implementation and review, the council meeting of [Date] agreed that all new institution-wide policies be presented in a standardised format as follows:

TITLE: LEAVE POLICY

POLICY PARTICULARS

DATE OF APPROVAL BY CHAIRPERSON OF COUNCIL:

COMMENCEMENT DATE: 01 January 2018

REVIEW DATE: At least every three years; the next review is on 31 December 2020

RESPONSIBILITY:

- IMPLEMENTATION & MONITORING: Principal, Human Resources together with Managers/Supervisors
- REVIEW AND REVISION: Human Resources in consultation with the Unions and Managers/Supervisors

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1. Introduction

- (a) The effective regulation of leave is underpinned in the Basic Conditions of Employment Act.
- (b) In line with the above, the Institute's leave arrangements aim to support effective and efficient service delivery whilst as far as possible, being accommodative of employees' needs to recuperate/ rest/take time off from work to attend to personal matters. In addition, its leave arrangements aim to manage employee attendance and absenteeism accountably.
- (c) The introduction of this policy aims to emphasise the Institute's commitment to sound HR Management principles as well as service delivery continuity towards achievement of its overall strategic objectives.

2. Purpose

- (a) The purpose of this policy is to give effect to and clarify the following:
 - (i) Types of leave and circumstances under which the employer may consider authorizing an employee's absence from work; and
 - (ii) An employee's leave entitlement and conditions that the employee must adhere to so as to access the said entitlement.

3. Scope

- (a) This policy is applicable to all those who are employed either on full-time, part-time, permanent or temporary basis within Fort Cox Institute.

4. Definitions

- (a) "Annual leave cycle" or "calendar year" means from 1 January to 31 December of each year.
- (b) "Calendar month" means a period extending from a day in one month to a day preceding the day corresponding numerically to that day in the following month, both days inclusive;
- (c) "Casual worker" means a person employed on a day-to-day basis who is paid a daily wage and who does not work more than 24 hours a month.
- (d) "Child" means the employee's son or daughter, and where applicable, son- or daughter-in-law, of any age.
- (e) "Child with severe special needs" is a child who has a mental, emotional or physical disability, certified by a medical practitioner, which requires health and related services of a type or amount beyond that required by children generally.
- (f) "Contract worker" means a person employed on a temporary basis on a fixed term contract.
- (g) "Immediate family member" means the employee's parent, adoptive parent, step-parent, parents-in-law, sister- and brother-in-law, grandparent, child, adopted child, stepchild, grandchild or sibling.
- (h) "Month" means a period extending from the first to the last day, both days inclusive, of any one of the 12 months of a year;
- (i) "Principal" means the Principal or his/her delegated authority or his/her designated office responsible for leave related matters and/or investigations.
- (j) "Work day" equates to the employee's number of daily official working hours.

5. Legislative framework

This policy is informed by the following legislative and policy frameworks:

- (a) The Constitution of the Republic of South Africa, 1996;
- (b) The Labour Relations Act 66 of 1995;
- (c) The Employment Equity Act 55 of 1998;
- (d) The Basic Conditions of Employment Act 75 of 1997;
- (e) The Skills Development Act 97 of 1998; and
- (f) The Compensation for Occupational Injuries and Diseases Act of 1993.

6. Classification of leave and leave provisions

6.1.1. Annual leave

- (a) Employees are entitled to annual leave with full pay during each leave cycle of 12 months, commencing on 1 January of each year, except if appointed after 1 January of each year.
- (b) The annual leave entitlement of an employee appointed after 1 January of each year shall be calculated proportionally in relation to each full month of service at a rate applicable to the employee category, as follows:

6.1.1.1. Support staff

- (a) 30 working days annual leave in a leave cycle, at a rate of 2,5 working days per month.
- (b) The employee category that qualifies for the above leave entitlement includes [employees attached to Administrative units of the institute, Nursery, Facilities management, Rural Development Centre, Farm, Kitchen].

6.1.1.2. Academic and Student Services staff:

- (a) 12 working days annual leave in a leave cycle, at a rate of 1 working day per month.
- (b) The employee category that qualifies for the above leave entitlement includes [Academic, Student Welfare and Library Employees].

6.1.1.3. Annual leave utilisation:

- (a) Annual leave should be planned and scheduled at least at the start of a leave cycle, i.e. January of each year.
- (b) For the purpose of granting annual leave, working days shall mean Monday to Friday except for a shift worker for whom a working day means the day(s) she/he is scheduled for a shift in terms of their shift roster inclusive of public holidays, Saturdays and Sundays.
- (c) At least 10 working days must be taken as leave days during the annual leave cycle.
- (d) Utilization of this leave must take the service delivery requirements of the Institute into account.
- (e) Annual leave should, as far as possible, be taken as consecutive working days.
- (f) The remaining leave days, if any, must be taken no later than 6 months after the expiry of the relevant leave cycle, where-after, unused leave credits shall be forfeited.
- (g) An employee must submit his/her application for annual leave in advance [5 working days before assumption of annual leave], unless unforeseen circumstances prevent him/her from doing so.
- (h) If confronted with unforeseen circumstances which necessitate the utilization of annual leave, the employee must personally notify his/her supervisor/manager immediately.
- (i) A verbal message to the supervisor/manager by a relative, fellow employee or friend is only acceptable if the nature and/or extent of the unforeseen circumstances prevents the employee from informing the supervisor/manager personally.
- (j) An employee must submit an application for annual leave personally or through a relative, fellow employee within 3 working days after the first day of absence.
- (k) If the employee fails to submit the application on time or compelling reasons why an application cannot be submitted, the supervisor/manager must immediately:
 - (i) Notify the employee that if such application is not received within 2 working days, the leave period will be regarded as unpaid leave; and
 - (ii) Inform the human resource section, should the employee default on the notification referred to above, and the relevant authority shall approve such absence as unpaid leave.
- (l) The employee's supervisor/manager/ Principal and/or his/her delegate must, within 2 working days from receipt of the leave application form, recommend/not recommend and/or approve/disapprove this leave application and submit to the relevant human resource section in the Institute.
- (m) Failure by the employee to submit his/her application form within the stated periods, or failure by the supervisor/manager to properly manage it, must be viewed in a serious light, and disciplinary steps against the employee and/or supervisor/manager should be taken.

- (n) Employees must be cautioned timeously if, at the end of the relevant leave cycle, they have not utilised their leave entitlements.
- (o) An employee's application for annual leave should not be unreasonably refused, unless the refusal is based on operational grounds.
- (p) An application for annual leave should take the service delivery requirements of the Institute into account.
- (q) Any refusal of annual leave must be confirmed in writing, stating the reasons and arrangements for rescheduling of the annual leave.
- (r) If, due to the employer's service delivery requirements, an employee's application for leave is denied and not rescheduled, such leave must, upon request, be paid out to the employee at the end of the 6 months' period referred to in paragraph 6.1.1.3 (f).
- (s) Employee requests for payment of unused leave credits must be:
 - (i) In writing; and
 - (ii) Accompanied by written proof of refusal of leave by the Section Head/ Manager/ Principal.
- (t) The HR Manager of the Institute shall, at the end of the relevant 18 months' period, report to the Principal and relevant Council on the number of employees denied annual leave, reasons for such denial and the amount paid in this regard, where applicable.

6.1.1.4. Granting of annual leave on a *pro rata* basis

- (a) Employees who are appointed after the commencement of an annual leave cycle shall be entitled to annual leave on a *pro rata* basis determined as a fraction of the entitlement as per paragraph 6.1.1.1 and 6.1.1.2.

6.1.1.5. Management of annual leave for shift workers

- (a) The provisions contained in the paragraphs above apply *mutatis mutandis* to shift workers, suffice to indicate that specific provisions are required to enable Sections employing shift workers to manage their annual leave more efficiently and effectively given their peculiar working hour arrangements.
- (b) Annual leave should be planned and scheduled, as far as possible, at the beginning of a leave cycle, i.e. January of each year in conjunction with the shift roster.
- (c) As in the case of other employees, utilising annual leave counts towards the completion of an employee's prescribed work week.
- (d) If an employee takes unplanned annual leave for a day(s) in which he/she was scheduled for a shift:
 - (i) The employee's annual leave is counted according to the work days the employee is scheduled for shifts; and
 - (ii) He/she does not forfeit the off duty periods (conversely referred to as off days) that result from the design of the shift roster.
- (e) If the employee applies for annual leave in advance in accordance with the leave schedule, such leave must be taken into account in the scheduling of shifts.
- (f) The employee must not be scheduled for (a) shift(s) for the duration of the period of annual leave in which case the granting of annual leave will be counted as working days which shall mean Monday to Friday.

6.1.1.6. Annual leave and pay-outs

- (a) Employees shall be paid a cash value in respect of unused leave credit upon termination of service.
- (b) The payment will be limited to a maximum number of days, not exceeding one annual leave cycle and/or equivalent to annual leave entitlements in paragraph 6.1.1.1 and 6.1.1.2.
- (c) The leave cycle remains unchanged; therefore, requests and motivations for leave payments in respect of leave credits mentioned in 6.1.1.3 (f) above shall be lodged by no later than 31 July in respect of each year. If an employee failed to apply for the payment of such unused leave credits at the aforementioned due date, such unused leave credits shall be forfeited.

- (d) Payment of annual leave credits shall be calculated using the employee's remuneration.

6.1.1.7. Annual leave accrued prior to 1 January 2018 [capped leave]

- (a) All leave credits accumulated prior to 1 January 2018 shall be referred to as capped / historical leave.
- (b) Employees shall retain all audited leave credits accrued prior to 1 January 2018 [capped leave].
- (c) The payouts in respect of such leave credits shall be made in the event of:
 - (i) Death;
 - (ii) Retirement; or
 - (iii) Medical boarding.
- (d) The leave pay-out, in respect of personnel with capped/ historical and audited leave credits, shall be limited to a maximum of one leave cycle applicable to the employee category [i.e. 12 working days and/or 30 working days].
- (e) The Principal shall determine procedures and measures in keeping with service delivery needs on how employees will be allowed to utilise their leave credits accrued prior to 1 January 2018 over and above the normal annual leave entitlement.

6.1.1.8. Nomination of beneficiaries and leave pay-outs

- (a) Employees may, if they so desire, designate one or more beneficiaries to whom their leave pay-out may be paid in the event of their death.
- (b) The Institute should actively promote the nomination of beneficiaries in order to avoid any hardship of such beneficiaries.
- (c) If an employee dies and has not nominated a beneficiary, the leave pay-out may be paid:
 - i) In full to the spouse/life partner of that employee; or
 - ii) If there is no spouse/life partner, in equal shares for the benefit of minor and other children (including legally adopted children) of the deceased who, at the time of his/her death, were fully dependent on the employee; or
 - iii) If there are no children, to the employee's estate.

6.1.1.9. Annual leave with full pay granted in excess

- (a) This policy provides that if due to a *bona fide* error, an employee had been granted annual leave with full pay in excess of that which stood to his/her credit at that time, such over-grant must be deducted from the subsequent leave cycle.
- (b) An employee may not be granted annual leave with full pay in excess of that which the employee is entitled to in terms of paragraph 6.1.1.1 and 6.1.1.2. plus capped/ historical leave in respect of persons who were in service prior to 1 January 2017.
- (c) If due to a *bona fide* error, an employee had been granted annual leave with full pay in excess of that which stood to his/her credit at that time, such over-grant must be deducted from the subsequent leave cycle.
- (d) If an employee who has been over-granted annual leave with full pay exits the institute, that portion of the over-grant, which exceeded his/her normal annual, leave credit on his/her last day of duty must be regarded as an overpayment that must be recovered from him or her.

6.1.1.10. Annual Leave: General Provisions

- (a) An employee retains all his/her annual leave credit when he/she is transferred within the Institutes, due to him/her at that point in time.
- (b) The employee retains likewise the leave category.
- (c) The utilisation of these leave credits are subject to the provisions of this policy.
- (d) If an employee transfers to an occupational class/ category to which a different leave category applies, he/she adopts the new leave category for that occupational class/ category.
- (e) The employee will retain the leave credit due to him/her of the old occupational class/ category.

- (f) The utilisation of these leave credits is subject to the provisions of this policy.
- (g) The above leave provisions in paragraphs 6.1.1.1.(a) and (b) apply *mutatis mutandis* in the case of employees who are appointed on contract and who secure permanent appointment in the institute and vice versa.

6.1.2. Normal sick leave

- (a) An employee is entitled to 36 working days sick leave with full pay over a three-year cycle.

6.1.2.1. Normal sick leave utilisation

- (a) Any unused sick leave credits shall lapse at the expiry of the three-year cycle.
- (b) It is incumbent on the employee to utilise and manage his/her normal sick leave responsibly and with circumspect.
- (c) An employee must submit his/her application for sick leave in respect of clinical procedures in advance, unless the treating practitioner certifies that such procedures have to be conducted as an emergency.
- (d) If overcome by a sudden illness or injury, the employee must personally notify his/her supervisor/manager immediately.
- (e) A verbal message to the supervisor/manager by a relative, fellow employee or friend is only acceptable if the nature and/or extent of the illness/injury prevents the employee to inform the supervisor/manager personally.
- (f) An employee must submit an application for sick leave personally or through a relative, fellow employee within 3 working days after the first day of absence.
- (g) The employee's Supervisor/Manager/ Principal and/or his/her delegate/must, within 2 working days from receipt of the leave application form, recommend/not recommend and/or approve/disapprove the application and submit to the relevant human resource section in the Institute.
- (h) If the employee fails to submit an application within the period indicated in paragraph 6.1.2.1.(f) above, the following arrangements apply:
 - i) The employee's manager/supervisor must immediately notify the employee that if such application is not received within 2 working days, the leave period will be regarded as unpaid leave or annual leave.
- (i) If the employee fails to submit the application on time or with compelling reasons why an application cannot be submitted, the supervisor/manager must immediately inform the human resource section, and the relevant authority shall approve such absence as unpaid leave or annual leave if the employee consents.
- (j) The employee's supervisor/manager/ Principals and/or his/her delegate must, within 2 working days from receipt of the leave application form, recommend/not recommend and/or approve/disapprove this leave application and submit to the relevant human resource section in the Institute.
- (k) Failure by the employee to submit his/her application form within the stated periods, or failure by the supervisor/manager to properly manage it, must be viewed in a serious light, and disciplinary steps against the employee and/or supervisor/manager should be taken.
- (l) An employee must submit a medical certificate in respect of his/her sick absence for every occasion of 3 or more sick leave days, issued and signed by a practitioner or person listed in paragraph 6.1.4 hereunder.
- (m) If the employer establishes a pattern/trend in the employee's utilisation of normal sick leave, the employer must require the employee to submit a medical certificate from a practitioner or person listed in paragraph 6.1.4 hereunder, for periods of sick absences of less than 3 days.

6.1.2.2. The 8-week rule

- (a) An employee during his/her normal sick leave period, who has been absent from work on more than two occasions during an eight-week period, must, regardless of the duration of the sickness or injury, submit 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.
- (b) The 8-week period shall be a calendar period and commences on the first day of an employee's absence due to sickness or injury.
- (c) Any subsequent day of absence due to sickness or injury after the above-mentioned period must then be regarded as the first day of the next 8-week period.
- (d) If the employee fails to submit the required medical certificate, the employee's supervisor/manager/ Principals and/or his/her delegate must notify the employee that if the prescribed medical certificate is not received within 2 working days, the sick leave period will be regarded as unpaid leave or annual leave.
- (e) If the employee fails to submit the medical certificate on time, the relevant absence must be covered by annual leave (with the employee's consent) and/or unpaid leave if insufficient annual leave credits are available or if the employee failed to notify the employee's supervisor/manager/ Principals and/or his/her delegate of his/her choice. Failure by the employee to submit his/her medical certificate within the stated period must be viewed in a serious light and disciplinary steps against the employee should be taken.
- (f) Sick leave may also be granted in respect of periods where an employee must be quarantined or isolated for at least 10 consecutive days.
- (g) If an employee falls ill while on annual leave with full pay, such leave may be converted to sick leave provided that a certificate from a registered medical practitioner or person listed in paragraph 6.1.4 hereunder is submitted to substantiate that he/she is ill.

6.1.3. Incapacity Leave – due to Ill-Health

6.1.3.1. Temporary incapacity leave

- (a) Incapacity leave is not an unlimited number of additional sick leave days at an employee's disposal.
- (b) Incapacity leave is additional sick leave granted conditionally at the employer's discretion, limited to a maximum of 30 consecutive working days' temporary Incapacity leave with full pay subject to the outcome of the Incapacity Leave Application.

6.1.3.1.1. Application process or accessing temporary incapacity leave

- (a) An employee who has exhausted his/her normal sick leave, referred to in paragraph 6.1.2 above, during the prescribed sick leave cycle and who according to the treating medical practitioner requires to be absent from work due to temporary incapacity, may apply for temporary incapacity leave with full pay in writing.
- (b) For an employee's application for temporary incapacity leave to be considered, the:
 - i) Employee must submit sufficient proof that she/he is too ill or injured to perform his/her work satisfactorily;
 - ii) An application form must, regardless of the period of absence, be accompanied by a medical certificate issued and signed by a medical practitioner that certifies his/her condition as temporary incapacity if the employee has consented the nature and extent of the illness or injury. Please also refer to paragraph 6.1.4. in respect of the acceptance of medical certificates;
 - iii) An employee is, in accordance with item 10(1) of schedule 8 to the labour relations act, 1995, afforded the opportunity to submit together with his/her application form:
 - Any medical evidence related to the medical condition of the employee, such as (a) medical report(s) from a specialist, blood tests results, x-ray results or scan results, obtained at the employee's expense; and
 - Any additional written motivation supporting his/her application; and
 - An employee is requested to give his/her consent that medical information/records be disclosed to the employers' independent medical specialists/ practitioner and to undergo further medical examinations in terms of the assessment process that maybe required.

- (c) An employee must submit his/her application for temporary incapacity leave in respect of clinical procedures in advance, unless the treating medical practitioner certifies that such procedures have to be conducted as an emergency.
- (d) If overcome by a sudden illness or injury, the employee must personally notify his/her supervisor/manager immediately. A verbal message to the supervisor/manager by a relative, fellow employee or friend is only acceptable if the nature and/or extent of the illness or injury prevents the employee to inform the supervisor/manager personally.
- (e) An employee must submit an application for temporary incapacity leave personally or through a relative, fellow employee or friend within 5 working days after the first day of absence. The employee's supervisor or delegate must, within 2 working days from receipt of the leave application form, recommend/ not recommend the application and submit to the relevant human resource section in the Institute.
- (f) If the employee fails to submit an application within the period indicated in paragraph 6.1.3.1.(e), the following arrangements apply:
 - i) The employee's manager/supervisor must immediately notify the employee that if such an application is not received within 2 working days, the sick leave period will be regarded as unpaid leave or annual leave;
 - ii) If the employee fails to submit the application on time or gives compelling reasons why an application cannot be submitted, the supervisor/manager must immediately inform the human resource section and the relevant authority shall approve such absence as unpaid leave or annual leave if the employee consents;
 - iii) The employee's supervisor/manager/ Principal and/or his/her delegate must, within two working days from receipt of the leave application form, recommend/not recommend and/or approve or disapprove this leave application and submit to the relevant human resource section in the Institute; and
 - iv) Failure by the employee to provide his/her application form within the stated periods, or failure by the supervisor/manager to properly manage it, must be viewed in a serious light, and disciplinary steps should be taken.
- (g) The Principal, must within 5 working days from the receipt of the employee's application for temporary incapacity leave:
 - i) **Conditionally** grant a maximum of 30 consecutive working days temporary Incapacity leave with full pay subject to the outcome of his/her investigation into the nature and extent of the employee's illness/injury; and
 - ii) Refer the application with all the supporting evidence for an independent second medical opinion and advice:
 - On whether the employee's illness or injury justifies the granting of incapacity leave;
 - Which steps, if any, in accordance with the procedures contained in item 10(1) of schedule 8 to the Labour Relations Act, 1995, are necessary; and
 - The Principal may request the employee, if s/he has consented thereto in his/her application form, to subject him/herself for one or more medical examinations by medical practitioners of the employer's choice and for the employer's account.
- (h) If the employee fails to honour the appointments for such medical examinations, the employee shall be held responsible for any fruitless expenses incurred;
- (i) The Principal must, within 30 working days after receipt of both the application form and medical certificate, approve or refuse the temporary incapacity leave granted conditionally.
- (j) In making a decision, the Principal must apply his/her mind to the medical certificate (with or without describing the nature and extent of the illness or injury), medical information/records (if the employee consented to disclosure), the second medical opinion report, finding, advice, any other information supplied by the employee including all other relevant information available to the Principal and based thereon approve or refuse the temporary incapacity leave granted conditionally, on conditions that the Principal may determine (e.g. to return to work, etc).

- (k) The Principal may, on the basis of medical evidence gathered during his/her investigation, approve the granting of additional incapacity leave days on conditions that he or she shall determine.
- (l) The Principal may, for this purpose, grant conditionally further temporary incapacity leave.
- (m) The Principal, if applicable and as soon as possible, must after receipt of the second medical opinion report and advice, decide on the possibility of securing alternative employment for the employee, or adapting his/her duties or work circumstances to accommodate his/her incapacity or alternative employment and, as soon as possible, approve and implement an action plan for this purpose.
- (n) If the Principal approves the temporary incapacity leave granted conditionally, such leave must be converted into temporary incapacity leave; or refuses the temporary incapacity leave granted conditionally, he or she must notify the employee in writing:
 - i) Of the refusal;
 - ii) Of the reasons for the refusal;
 - iii) That he or she must notify the Principal in writing within 5 working days of the date of the notice to him/her, whether or not the period of conditional incapacity leave must be covered by annual leave (to the extent of the available annual leave credits) or unpaid leave and that, if he or she fails to notify the Principal of his/her choice, the period will be covered by unpaid leave; and
 - iv) The employee may, if he/she is not satisfied with the Principal's decision, lodge a grievance in terms of the relevant applicable process.
- (o) The Principal must cover the period of absence, in accordance with the employee's written notification or, if the employee fails to notify the Principal or the annual leave credits are insufficient, the relevant period of absence must be covered by unpaid leave.
- (p) As regards the management of shift workers pertaining to normal sick leave and temporary incapacity leave the provisions contained and listed above apply ***mutatis mutandis***.
- (q) If an employee passes away after submitting an application for temporary incapacity leave a decision on such application must be made where the information provided is sufficient. However, where a decision cannot be made due to a lack of information the Principal or his/her delegate must approve such application for temporary incapacity leave and close the application.

6.1.3.2. Permanent incapacity leave

- (a) An employee shall not directly access or apply for permanent incapacity leave.
- (b) The Principal may grant an employee up to a maximum of 30 working days' permanent incapacity leave once she/he has, following the assessment and investigations, determined that the employee's condition is of a permanent nature.
- (c) The Principal must in accordance with the advice from his/her second medical opinion report and advice ascertain the feasibility of and implement a plan of action in respect of:
 - i) Alternative employment; or
 - ii) Adapting duties or work circumstances to accommodate the employee.
- (d) An employee, whose degree of incapacity has been certified as permanent but who can still render a service, may be transferred to an alternate appropriate vacant post without a reduction in benefits.
- (e) In instances where the employee's transfer entails retraining or retooling, the employer must take requisite resources (time and financial) and potential returns into consideration before approving transfer.
- (f) The transfer of an employee should ensure optimal utilisation of his/her competencies and must not compromise service delivery.
- (g) If both the Principal and employee are convinced that the employee will never be able to render an effective service, the employee/employer may proceed with the process of termination of service on account of continued ill-health in terms of the labour relations act, as amended.

6.1.4. Acceptance of medical certificates

- (a) For purposes of normal sick leave, medical certificates issued and signed by the practitioners and persons who are certified to diagnose and treat patients and who are registered with the following professional councils established by an act of parliament shall be accepted:
 - i) The Health Professions Council of South Africa.
 - ii) The Allied Health Professions Council of South Africa.
 - iii) The South African Nursing Council.
- (b) The registration details of service providers could be confirmed with the above-mentioned councils.
- (c) A medical certificate must contain the following information:
 - i) The name, address and qualifications of the practitioner or person.
 - ii) The name of the patient.
 - iii) The employment number of the patient (if applicable).
 - iv) The date and time of examination.
 - v) Whether the practitioner is issuing the certificate as a result of personal observations during an examination or as the result of information received from the patient and which is based upon acceptable medical grounds.
 - vi) If the patient has given informed consent for it to be disclosed, a description of the nature and extent of the illness or injury in layperson's language.
 - vii) Whether the patient is totally indisposed for duty or whether the patient will be able to perform less strenuous duties in the work situation.
 - viii) The exact period of recommended sick leave.
 - ix) The date of issue of the certificate of illness.
 - x) A clear indication of the identity of the practitioner or person who issued the certificate.
 - xi) The initial and surname in block letters, and the registration or practice number of the practitioner who issued the certificate.
- (d) If the practitioner or person uses pre-printed medical certificates, wording not applicable to the patient must be deleted.
- (e) The Principal must accept medical certificates that do not describe the nature and extent of an employee's illness for sick leave taken during the normal sick leave cycle, i.e. 36 working days in a 3-year cycle.
- (f) The employer may request from the employee a medical certificate describing the nature and extent of the illness before granting sick leave, if the employee abuses the system during the normal sick leave period of 36 working days (e.g. a pattern of regular sick leave on Mondays or Fridays).
- (g) If the employee fails to submit the required medical certificate, the Principal must notify the employee that if the prescribed medical certificate is not received within 2 working days, the sick leave period will be either regarded as unpaid leave or annual leave.
- (h) If the employee fails to submit the medical certificate on time, the relevant absence must be covered by annual leave (with the employee's consent) and/or unpaid leave if insufficient annual leave credits are available and if the employee failed to notify the Principal of his/her choice.
- (i) Failure by the employee to submit his/her medical certificate within the stated period must be viewed in serious light and disciplinary steps against the employee should be taken.
- (j) For purposes of temporary incapacity leave, the employer only accepts medical certificates issued and signed by practitioners registered with the health professional council of South Africa and who are legally certified to diagnose and treat patients.
- (k) Such medical certificates must describe that the illness or injury is temporary and, if the employee has given his/her informed consent, the nature and extent of the employee's illness or injury. The provisions contained in paragraph 6.1.4 above applies ***mutatis mutandis*** in respect of such medical certificates.
- (l) The employer must, in accordance with the constitutional rights to privacy, the code of conduct in the public service regulations treat at all times any information regarding the medical condition of an employee with the necessary respect and confidentiality.

- (m) Such information may, therefore, not be disclosed to any other person(s) not authorised to receive such information. If an employee discloses such confidential information of one employee to any other unauthorized person, it must be viewed in a serious light and disciplinary steps against the transgressing employee should be taken.

6.1.5. Leave for occupational injuries and diseases

- (a) An employee who, as a result of his/her work, suffers an occupational injury or contracts an occupational disease, shall be granted occupational and disease leave for the duration of the period they cannot work.
- (b) If an employee suffers a work-related injury as a result of an accident involving a third party, the Principal shall grant him or her occupational injury leave provided that the employee:
 - (i) Brings a claim for compensation against the third party.
 - (ii) Undertakes to use compensation (in terms of the compensation for occupational injuries and diseases act of 1993) received to recompense as far as possible for the cost arising from the accident.
 - (iii) The Principal shall take reasonable steps to assist an employee to claim compensation.
 - (iv) When an employee is injured on duty or contracts an occupational disease, the employer must pay the employee's medical expenses in terms of the provisions of the compensation on occupational and injury and disease act, the employer may, depending on the circumstances, recover certain expenses in the event where a third party was involved in the accident.

6.1.6. Pre-natal leave

- (a) A pregnant employee will be entitled to 8 working days pre-natal leave, per pregnancy, allowing the employee to attend medical examination by a medical practitioner or midwife, and tests related to the pregnancy.
- (b) An employee must submit her application for pre-natal leave in advance, unless unforeseen circumstances prevent her from doing so.
- (c) An application for pre-natal leave should be supported by reasonable proof that the employee attended a doctor's appointment and/or went for tests related to the pregnancy.
- (d) An employee who has used all her pre-natal leave may, subject to the approval of the Principal, apply to use available annual leave and/or unpaid leave.
- (e) Absence related to medical complications during the pregnancy will be covered by sick leave.
- (f) All other maternity leave provisions, as defined in this policy on leave of absence, remain applicable.

6.1.7. Maternity leave

- (a) Employees are entitled to 4 consecutive calendar months' maternity leave to commence:
 - i) At any time from 4 weeks before the expected date of birth; or
 - ii) On a date from which the attending medical practitioner certifies that it is necessary for the employee's health or that of the unborn child.
- (b) It is preferable that an employee commences her maternity leave at least 2 weeks prior to the expected date of birth.
- (c) However, the service delivery requirements of a particular sector/section may require different arrangements with regard to the period and stage at which maternity leave, with due consideration of the employee and her unborn child's health and safety, should commence.
- (d) For at least 6 weeks after the birth, no employee may commence with normal official duty unless the attending practitioner certifies that the employee is fit to do so.
- (e) Maternity leave may only be interrupted if:
 - i) The baby is born prematurely and is hospitalised during maternity leave; or
 - ii) The baby becomes ill and is hospitalised for a period longer than a month during the maternity leave.

- (f) The provisions contained in paragraph 6.1.7(e) are only applicable to an employee, who chooses to interrupt her maternity leave in these circumstances.
- (g) If an employee chose to interrupt her maternity leave and failed to return to work after the 6 weeks mentioned in paragraph 6.1.7 (d) above, such a period must be covered with annual leave or unpaid leave if she does not have enough annual leave available.
- (h) Maternity leave may be extended upon application by:
 - i) The granting of sick leave as a result of a medical complication;
 - ii) The granting of up to 184 calendar days unpaid leave; or
 - iii) The granting of annual leave.
- (i) Employees, who, during the third trimester of their pregnancy, experience a miscarriage, still birth or termination of the pregnancy on medical grounds, shall be eligible for six consecutive week's maternity leave.
- (j) Provisions in paragraph 6.1.7(i) above shall also apply to an employee who experiences a miscarriage, stillbirth or termination of pregnancy on medical grounds after the commencement of maternity leave.
- (k) The period prior to the miscarriage, stillbirth or termination of pregnancy shall be regarded as special leave with full pay.

6.1.8. Adoption and surrogacy leave

- (a) An employee who adopts a child that is younger than two years shall qualify for adoption leave to a maximum of 45 working days per annum.
- (b) If both spouses or life partners are employed in the Institute, both partners will qualify for adoption leave provided that the combined leave taken does not exceed the 45 working days per annum.
- (c) The above provisions apply *mutatis mutandis* to an employee who, in terms of a surrogacy arrangement, is the committing parent.

6.1.9. Family responsibility leave

- (a) Employees shall be granted and be entitled to the following family responsibility leave benefits:
 - (i) 5 working days family responsibility leave per annual leave cycle for utilisation if the employee's spouse or life partner gives birth to a child; or the employee's child, spouse or life partner is sick; and
 - (ii) 5 working days leave per annual leave cycle for utilisation if the employee's child, spouse or life partner or an employee's immediate family member dies.
- (b) Immediate family member for purposes of paragraph 6.1.9 (a)(ii) means the employee's parent, adoptive parent, step-parent, parents-in-law, sister- and brother-in-law, grandparent, child, adopted child, stepchild, grandchild or sibling.
- (c) For the purposes of this provision "child" means the employee's son or daughter, and where applicable son- or daughter-in-law, of any age.
- (d) The granting of family responsibility leave must be taken with due consideration of the employee's cultural responsibilities.
- (e) Furthermore, an employee who has a child(ren) with severe special needs shall be granted five (5) working days family responsibility leave per calendar year.
- (f) For the purposes of paragraph 6.1.9(e), a child with severe special needs is a child who has a mental, emotional or physical disability, certified by a medical practitioner, which requires health and related services of a type or amount beyond that required by children generally. For the purposes of this provision, "child" means the employee's son or daughter of any age.
- (g) An application for family responsibility leave should be supported by reasonable proof to demonstrate the severe special needs of the employee's child.
- (h) Employees who have used all their family responsibility leave may, subject to the approval of the Principal, apply to:
 - (i) Use available annual leave; or
 - (ii) Use up to 184 calendar days of unpaid leave.

6.1.10. Paternity leave

- (a) An employee shall be granted three (3) working days paternity leave per calendar year for utilisation if the employee's spouse or life partner gives birth to a child or adopts a child not older than two (2) years.
- (b) An employee who has used all his/her paternity leave may, subject to the approval of the Principal, apply to:
 - i) Use his/her part or all of 5 working days family responsibility leave provided for in paragraph 6.1.9 (i), above; or
 - ii) Use available annual leave; or
 - iii) Use up to 184 calendar days of unpaid leave.
- (c) An application for paternity leave shall be supported by reasonable proof.

6.1.11. Special leave

6.1.11.1. Examination purposes

- (a) Employees shall be granted 1 working day special leave with full pay on the day which he/she sits for an examination (maximum of 6 working days per annum), and
- (b) Employees shall be granted 1 working day special leave with full pay to prepare for examinations for studies which in the opinion of the Principal and/or delegated authority:
 - i) Has the objective to better equip the person concerned for a career in the Institute;
 - ii) Is in the field of study which is in full or part of the interest of the Institute; or
 - iii) Is related to a study programme for which the Institute granted financial assistance.
- (c) Special leave may only be granted for *bona fide* final examinations and not for class tests.
- (d) Application for study leave must be made at least 1 month in advance, supported by examination timetables.
- (e) Applications not supported by examination timetables will be regarded as annual leave with full pay. If no annual leave is available, it will be regarded as annual leave without pay.

6.1.11.2. Study purposes

- (a) The Institute is committed to training and development of its workforce to higher levels of knowledge and skills for the Institute's benefit. The Institute will, subject to operational requirements, assist its workforce as far as possible with study leave to obtain higher educational qualifications by means of part-time or correspondence study at recognised South African institutions. For this purpose, an employee may be granted up to a maximum of 10 working days special leave with full pay per annum.
- (b) Scope of applicability includes:
 - i) Research work and/or writing an essay or thesis for a postgraduate qualification;
 - ii) Study in a direction that requires the performance of a practical work for a period annually;
 - iii) Attendance of a preparatory course with the view to sit for a qualifying examination in order to obtain admission to a particular field of study [e.g. Accounting Board Exams];
 - Practical work required as a pre-requisite for registration in a particular professions;
 - Self-enrichment courses that are in the interest of the Institute, but not paid for by the Institute;
 - To attend classes, presentations and write tests as a package that substitute examination (block attendance);
 - For attendance of classes that are only scheduled during official hours, Supervisors/ Managers must keep record of the time away from office and ensure that the employee completes an application form for special leave for every 8 hours away from office;
- (c) Additionally, an employee may be granted leave for a continuous period not exceeding 12 months on the basis of one day special leave for every day of annual leave he/she has to his credit, taken for study purposes (hereinafter called the 50 - 50 basis), and on the expiry of such leave and continuous therewith, vacation leave without pay for a

continuous period not exceeding 12 months or not exceeding 24 months if he/she attends a recognised university overseas to study for a doctorate and a study extending over a period of three years. The granting of this leave is subject to the following conditions:

- (i) Leave granted in terms of this provision shall not again be granted to an employee prior to him/her having completed such further period of continuous full time service as shall be determined by the Principal.
- (ii) The Principal may require an employee to find a substitute, acceptable to the Principal to perform his/her duties during such study leave.
- (iii) The employee shall submit quarterly to the Principal a report on the work undertaken.

6.1.11.3. Sport purposes

- (a) 6 working days special leave with full pay per annum may be granted to an employee who is selected by a recognised amateur sports association to:
 - (i) Take part as a member of the organised sports group, in a sport tour outside the borders of South Africa whether as a competitor, coach or manager;
 - (ii) Represent South Africa as a competitor, coach or manager at international sports events within the borders of South Africa;
 - (iii) Accompany a foreign national team visiting South Africa as a representative of the South African sports associations organising the tour; and
 - (iv) Serves as a referee or an official or judge at an organised amateur sports meeting at international level inside or outside the boundaries of South Africa.
- (b) Special leave with full pay may also be granted if an employee is selected by a recognised amateur sports association to take part in sport within the borders of South Africa at inter-provincial level, or level between provincial and national level or a lower than national level, against an international.
- (c) Special leave also applies to an employee serving as a referee, official, judge, coach or manager.
- (d) The granting of the above leave is subject to the submission of valid documentary proof or evidence.

6.1.11.4. Rehabilitation purposes

- (a) An employee who has a problem with substance abuse may be granted once only a maximum of 20 working days special leave to undergo rehabilitation at a registered institution on condition that on completion of treatment a medical certificate and complete report by the relevant medical practitioner or a registered institution is submitted to the Institute.
- (b) An employee who has to undergo rehabilitation for a second time may be granted annual leave with full pay for the period of absence. If such an employee resigns or his/her service is terminated before sufficient annual leave credit has accrued, the portion of the over grant which exceeds vacation leave credit on the last day of service, shall be regarded as an overpayment of salary and will be recovered from the employees' pension, and
- (c) If an employee has no leave to his/her credit, the period of absence must be covered by unpaid leave.

6.1.11.5. Other purposes

- (a) Special leave on full pay (maximum of 5 working days per annum) may be granted to an employee when:
 - (i) An employee has been subpoenaed as a witness in a civil or criminal case;
 - (ii) An employee is arrested or has to appear before a court of law on a criminal charge and subsequently acquitted or the charge withdrawn (not guilty); and
 - (iii) An employee is absent from duty as a result of segregation/ isolation on medical instructions where he/she was in contact with a person who has contracted or is suspected of having contracted an infectious or contagious disease.
- (b) The granting of the above leave is subject to the submission of valid documentary proof or evidence.

6.1.12. Leave for office bearers or shop stewards of recognised employee organisations

- (a) Office bearers and shop stewards of recognised employee organisations shall receive 15 working days paid leave per annum for activities related to his/her union position.
- (b) The 15 working days shall be pooled per recognised trade union. Office bearers or shop stewards belonging to the same recognised trade union may apply for leave days from the pool.
- (c) The Principal shall appoint an administrator of the pool. The administrator should preferably be the HR Manager of the Institute. The Principal shall develop standard operating procedures to ensure that the utilisation of the pool is properly managed, recorded and monitored to ensure that the leave days available in the pool are not exceeded and/or abused.
- (d) A shop steward may apply for leave from the pool in respect of the recognised employee organisation she/he belongs to only. An individual shop steward may apply due to the union activities attached to his/her union position for either less than or more than 15 working days in a leave cycle. However, shop stewards accessing the same pool of leave may not exceed the total number of leave days available in the pool.
- (e) In other words, if there are 10 shop stewards in the Institute, 4 of which belong, for example, to the PSA and 6 to NEHAWU:
 - (i) The 15 working days of each of the 4 shop stewards belonging to the PSA will be pooled into a pool of 60 working days (4 x15); and
 - (ii) The 15 working days of each of the 6 shop stewards belonging to NEHAWU will be pooled into a pool of 90 working days (6x15).
- (f) Shop stewards' leave may only be utilised for activities related to the employee's union position. All applications for this type of leave must be submitted in writing on the prescribed leave application form together with supporting documentation.
- (g) The employee's supervisor shall liaise with the HR Manager to validate the employee's involvement in a union activity/business and whether sufficient credits are available in the leave pool.
- (h) Approved applications shall be captured on the VIP system in use in the Institute.

6.1.13. Unpaid leave

- (a) If an employee has utilised all his/her annual leave with full pay, the Principal may grant him or her unpaid leave.
- (b) Only in exceptional circumstances shall the Principal grant the employee more than 184 calendar days of unpaid leave in a period of 18 months. Unpaid leave should be regarded as calendar days.

6.1.14. Other General Leave Provisions

- (a) An employee must apply for annual and/or sick leave when confronted by unforeseen circumstances which necessitate them to leave their workplace after having reported for duty.
- (b) An employee who, due to unforeseen circumstances, has to respond to personal emergency cases, visit banks, municipal offices, etc must complete a leave form and apply for annual leave with full pay if such an employee leaves the employer premises before 1pm.
- (c) An employee who, due to unforeseen circumstances, has to leave the workplace due to medical related reasons, he/she must complete leave form and apply for sick leave with full pay if such an employee leaves the employer premises before 1pm.
- (d) An employee may only be released to respond to personal emergency cases or medical related appointments on full pay without having to complete and apply for annual and/or sick leave at the discretion of the Principal and/or his/her delegate, only if such employee leaves employer premises after 1pm.
- (e) The application and implementation of the above leave provisions is subject to the approval of the Principal and/or his/her delegate

7. Grievances and Disputes

- (a) The procedures for resolving grievances and disputes, which may arise as a result of implementation of the above policy provisions, shall be dealt with by following the Institute's dispute resolution procedures.

8. Monitoring and Evaluation

- (a) The HR representative, as well as any other person who becomes aware of any irregularities, in terms of the implementation of this policy must report such irregularities to the HR Manager, as soon as it occurs.
- (b) The person to whom such an incident is reported must immediately investigate the occurrence of such an irregularity and report the findings in writing to the Principal.

9. Reporting

- (a) HR must prepare a Leave Liability report which must be made available to Executive Management and Council for budgeting purposes, annually.

10. Conclusion

- (a) HR should communicate the policy, as well as all the related documentation to all employees of Fort Cox Institute.
- (b) HR must ensure, through training sessions, that all employees in the organisation are updated on the new policy.

11. Policy reviews

- (a) This policy will be reviewed every 3 (three) years in consultation with all relevant stakeholders, from the date of implementation to determine whether they will contribute to the achievement of the overall objectives of Fort Cox Institute, unless there are other valid reasons for an earlier review.

12. Approval

This policy has been developed through a consultative process, and the following stakeholders were represented:

Signed:

NEHAWU Chairperson: Fort Cox Branch _____
Date:

PSA Chairperson: Fort Cox Branch _____
Date:

Fort Cox Institute Representative _____
Date:

It is recommended that the Institute's Principal and Chairperson of Council approves this policy for implementation with effect from 01 January 2018.

Recommended/ Not Recommended

Dr PJ Masika
Principal: FCC
Date: _____

Policy Approved/ Not Approved

Dr F Lategan
Chairperson of Council: FCC
Date: _____