**LEAVE POLICY**

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**PURPOSE:**

The purpose of this policy is to recognise that employees need to take leave to promote their well-being and that of their families and/or to attend to personal matters.

**SCOPE:**

This policy applies to all employees employed by ................................

**RESPONSIBLE PERSONS:**

1. Operations Manager - Implementation and facilitation.
2. Operations Director/All managers - Administration, monitoring and enforcement of this policy.
3. Employees - Adherence to this policy and procedures outlined in this policy.

**POLICY STATEMENT:**

It is agreed between management and employees that this policy is not a unilateral change in the employment conditions of the employees of this company; and that the implementation of this policy is as a result of the required alignment of policies within .......................................

The company recognises that leave may be taken under circumstances as outlined below but reserves the right to grant such leave under specific conditions.

**GENERAL OBLIGATIONS OF THE EMPLOYEE:**

In order to effectively manage this leave policy, all employees shall ensure;

* leave is not taken prior to approval unless in exceptional circumstances,
* leave applications are completed and submitted within the period required for approval.
* **LEAVE POLICY IN LINE WITH THE BASIC CONDITIONS OF EMPLOYMENT ACT:**

1. **Annual leave**

* 1. The entitlement is 15 working days per leave cycle (*i.e.* the 12 month period

starting from the date of engagement) for all permanent employees.

* 1. Annual leave begins to be earned from the date of appointment of an

employee.

* 1. Annual leave is broken down as follows:
     1. For Employees - 15 working days’ compulsory leave; and
     2. For Management – 21 Working days’s compulsory leave.

* 1. Employees are required to take at least the compulsory working days’ leave

during every 12 months of continued employment with the company or within 3 months after the end of the annual leave cycle. An employee must be granted annual leave not later than six months after the end of the annual leave cycle.

* 1. Annual leave must be taken at times convenient to the company. Two weeks notice of intention to take leave must be given to the company.
  2. Any unauthorised absence is always to be treated as unpaid leave,

irrespective of any action taken in terms of the Disciplinary Procedure.

* 1. Termination of service: On termination of employment employees shall be

paid for any compulsory leave accrued within the 12 month leave period and not yet taken.

1. **Prolonged Unpaid leave**

Unpaid leave may be granted by the Directors in exceptional circumstances only, provided that:

* + 1. All benefits will be reduced pro-rata for any period of unpaid leave longer than 10 working days in any calendar year.
    2. The employee concerned shall be responsible for full payment, where applicable, of contributions to UIF, the Pension Company, the medical scheme, the Provident Company and Group Life and Disability Scheme for the full period of absence.

1. **Sick leave**

* 1. Paid sick leave shall be granted to permanent staff on the following basis:
     1. The sick leave provision is 30 working days for every cycle of three years (36 months) of completed service, calculated from the employee’s date of engagement.
     2. Employees are only to take 10 days sick leave per annum.
     3. In case of emergencies, exceptional situations pertaining to life-threatening decease, illness or severe debilitating injuries and/ the like management reserve the right to deviate from clause 3.1.2 and allow an employee more than 10 days sick leave per annum.
     4. Sick leave shall accrue to a permanent member of staff on the first day of a cycle. However, during the first six months of employment, permanent staff members shall only be entitled to one day’s sick leave for every 26 days worked. Excess sick leave will be treated as unpaid leave. Sick leave taken during the first six months of employment will be deducted from the balance of sick leave due for the cycle.
     5. Any absence due to illness requires the submission of a leave form indicating the days of absence.
  2. Any application for sick leave for a period longer than 2 consecutive days

must be accompanied by a medical certificate issued by a registered medical practitioner specifying the nature and period of illness, subject to the proviso that the responsible manager may insist on a certificate in instances of sick leave for periods of 2 days or less if an absence due to illness has occurred in the previous 8 weeks, or if sick leave preceded or followed a Public Holiday, Saturday or Sunday.

* 1. Failure to provide the requisite proof of illness will result in the absence being treated as unpaid leave or at the request of the employee as annual leave
  2. Unused sick leave for a specific cycle expires at the end of that cycle.

1. **Maternity leave**
   1. An employee is entitled to at least four consecutive months’ unpaid maternity leave according to the Basic Conditions of Employment Act.
   2. Maternity leave may be granted on the following conditions:
      1. The maternity leave request must be supported by the recommendation of a registered medical practitioner in writing, estimating the date of confinement.
      2. An employee may commence maternity leave at any time from four weeks before the expected date of birth, unless otherwise agreed; or on a date from which a medical practitioner or a midwife certifies that it is necessary for the employee’s health or that of her unborn child.
      3. No employee may return to work for six weeks after the birth of her child, unless a medical practitioner or midwife certifies that she is fit to do so.
   3. Applications for maternity leave must be submitted on standard leave forms,

accompanied by the required documentation.

* 1. Leave forms should be submitted as soon as possible but no later than 30

calendar days in advance of the beginning of the intended absence.

* 1. Absence on maternity leave will be treated as continued service and annual

leave shall continue to accrue during the period of absence.

* 1. On return to service, the employee will be placed in a similar position and

on the same conditions of service subject to any changes to terms and conditions of employment agreed with any representative employee body. This would include, for example, the right to any general salary increase awarded in her absence.

* 1. Payment during maternity leave
     1. Maternity leave will be unpaid if an employee has been employed for less than 12 months.
     2. If an employee has been employed for a period of more than 12 months maternity leave will be paid as follows:
        1. The first month of maternity leave will be unpaid;
        2. The 3 months thereafter an employee will receive 45% of the employee’s retirement funding salary for each month of approved absence.
  2. Normal deductions *in re*spect of appropriate monthly contributions will be continued for the period of maternity leave. However, at the employee’s request, the company will suspend all contributions on her behalf.

1. **Family Responsibility Leave**
   1. Family responsibility leave shall be granted to employees who have been in

employment for longer than four months and who work for at least four days a week.

* 1. The company grants employees, during each annual leave cycle, at the request of an employee, three days paid leave which the employee is entitled to take:
* when the employee’s child is born;
* when the employee’s child is ill;
* in the event of death of the employee’s spouse or life partner, parent, adoptive parent, grandparent, child, adopted child, grandchild or sibling.
  1. An employee may take family responsibility leave *in re*spect of the whole or

part of a day.

* 1. Before paying an employee for family responsibility leave, the company may

require reasonable proof of an event contemplated above for which the leave was required.

* 1. An employee’s unused entitlement to family responsibility leave, lapses at

the end of the accrued leave cycle in which it accrues

5.6 When family responsibility leave is granted for an employee’s child who is ill,

a medical certificate must be supplied (with the leave form).

1. **Study leave**

6.1 If an employee informed the company in writing of the intent to further his/her studies at the beginning of the calendar year (January) and study leave was authorised at that time; the company could grant an employee study leave on the day that the examination has to be written and the day before the examination.

1. **Injury on duty**

If an employee is injured on duty and the claim is recognised by the Compensation Commissioner, sick leave taken during this period will be treated as special leave and will not be deducted from sick leave or annual leave.

* **DOCUMENTS MENTIONED AND TO BE USED IN ENFORCING THIS POLICY**

LEAVE APPLICATION FORM

**EMPLOYEE POLICY CONFIRMATION:**

***I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (employee name and surname), declare that;***

1. Ihave been familiarised with and informed of the Leave policy.
2. I understand and agree to the contents of this policy and that;

* it may be amended from time to time,
* it forms part of my employment conditions,
* the implementation and contents of this policy are mutually agreed upon with the employer,
* I have been given the opportunity to question this policy and that my questions were satisfactorily answered

1. I agree to strictly adhere to this policy.

Signed at \_\_\_\_\_\_\_\_\_\_\_\_ (place) on the \_\_\_\_\_\_\_\_\_\_ of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ [YEAR].

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Signature Employee

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Signature Manager