



**Bojanala Platinum District Municipality**

## **LEAVE POLICY**

**2005**

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## 1. ANNUAL LEAVE

Leave is regulated by the **Collective Agreement on Conditions of Service, Government Gazette 7928**

- 1.1 Bojanala Platinum District Municipality employees are entitled to **24 working days for 5 days worker or twenty seven days for a 6 days worker per annual leave cycle.**
- 1.2 A “leave cycle” is the 12-month period of continuous employment from the date of commencement of employment or following the completion of the prior leave cycle.
- 1.3 Annual leave may only be taken on completion of the employee’s probationary period **and after 12 months in service of BPDM**, unless the Municipal Manager/ Director agrees otherwise.
- 1.4 Leave may be taken as consecutive days or as separate days.
- 1.5 **A 5 day worker is required to take a minimum of 16 days within each leave cycle**
- 1.6 **A 6 days worker is required to take a minimum of 19 days within each leave cycle**
- 1.7 Employees may take leave only if agreed by the line manager of the Directorate, which will not be unreasonably withheld.

- 1.8 Employees are responsible for completing the Leave Request Form (available from your line manager or the Corporate Support Services Directorate), getting it authorised by the relevant Manager and submitting it to the HR Manager, at least one week prior to their going on leave.
- 1.9 **All leave must be recommended by line Managers and approved by the Director**
- 1.10 Employees may accrue no more than 48 (forty eight) working days' paid leave per 12month annual leave cycle. Accrued leave must be taken within one year of the year in which it accrued otherwise it will be forfeited.
- 1.11 Encashment of unutilised leave will only be permitted once in year or on termination of employment.
- 1.12 The Municipal Manager or his/her immediate delegates may use their discretion to grant 'free' occasional leave to employees who are not paid overtime, in recognition of long hours or weekend work. ("Occasional Leave" refers to a day or two taken at a time, rather than a longer leave period). Where an employee is paid overtime, or where the Municipal Manager chooses not to grant 'free' occasional leave, the days taken will be deducted from the annual leave entitlement.
- 1.13 The Municipal Manager and his/her immediate delegates are entitled to set a cut off date for employees to submit leave forms during the Easter and Christmas holidays. This is to ensure that decisions regarding leave are fair and take current workload into account.

## 2. SICK LEAVE

- 2.1 BPDM employees are entitled to eighty (80) days' paid sick leave during each sick leave cycle of 36 continuous months.
- 2.2 Where an employee takes two or more consecutive day's sick leave, the employee must produce a certificate signed by a registered medical practitioner stating the nature and duration of the employee's illness.
- 2.3 Where the Municipal Manager or his/her immediate delegates suspects that an employee may be abusing the sick leave system, s/he may, with due warning, request that employee to produce a certificate signed by a registered medical practitioner stating the nature and duration of the employee's illness, even where only one days sick leave has been taken.
- 2.4 It is the employee's responsibility to inform their Line Manager and the HR Officer that they are taking sick leave **on the day(s) that they are away from the office**. (i.e. if you are ill, you need to phone the office before 10H00 on your day of absence), and tell your line manager that you are taking sick leave. The HR Officer will maintain a sick leave register after having been informed by the line manager.
- 2.5 Where employees choose to use traditional or alternative practitioners, certificates from said practitioners, who are registered with the appropriate professional body, will be accepted for a maximum of four days continuous sick leave, after which a certificate from a registered medical practitioner will be required.
- 2.6 **All leave of absence due to illness/ sickness must be recorded in a leave register**

### 3. MATERNITY LEAVE

#### Application of this policy

- 3.1 This policy applies to all **full time** female employees regarding **payment** for maternity leave, subject to the conditions below, but does not detract from the right of all other female employees to four months **unpaid** maternity leave. **All** employees are required to comply with the requirements set out in 3.1.1 to 3.1.5 below when applying for maternity leave:
- 3.1.1 The employee is required to notify the Bojanala Platinum District Municipality in writing, at least four weeks before proceeding on maternity leave, of the date on which the employee intends to commence maternity leave, and to return to work after maternity leave.
- 3.1.2 No employee may work for six weeks after the birth of her child, unless a medical practitioner or midwife certifies that she is fit to do so.
- 3.1.3 An employee who has a miscarriage during the third trimester of pregnancy or bears a stillborn child, will be entitled to maternity leave of six (6) weeks after the miscarriage or stillbirth, irrespective of whether or not the employee had already commenced maternity leave at the time of the miscarriage or stillbirth.
- 3.1.4 During the pregnancy of an employee and for a period of 3 months after the birth of a child, the Bojanala Platinum District Municipality will, as far as is reasonably practicable, offer suitable alternative employment on terms and conditions not less favourable than the

terms and conditions of employment normally applicable to that employee if —

- 3.1.4.1 The employee's work involves work between 18h00 and 23h00, or
- 3.1.4.2 The employee's work poses a danger to the health or safety of the employee or the health or safety of the child.
- 3.1.5 Employees, who have legally adopted a child up to the age of one year, will be entitled to two months maternity leave for the reception of the child. The employee is required to notify the Bojanala Platinum District Municipality as soon as reasonably possible that she has applied to adopt a baby<sup>1</sup>.

### **Paid maternity leave**

- 3.2 This section of the policy applies to full-time employees, who will be entitled to three months maternity leave, part of which will be paid subject to all the conditions below.
- 3.3 Provided that the employee has been employed by the Bojanala Platinum District Municipality for at least one year, the Bojanala Platinum District Municipality will pay the employee:
  - 3.3.1 100% of the employee's normal monthly remuneration calculated at the date on which her maternity leave commences for any period of maternity leave taken, subject to a maximum period of:-
    - 3.3.1.1 three months for the purposes of confinement, birth, and post-natal care;

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<sup>1</sup> This provision (in conjunction with 3.4.3, 3.5, 3.7.3, 3.7.4, 3.8.2 and 3.8.3 below), will also apply. In the case of a same sex relationship whereby the couple adopt a child.

- 3.3.1.2 six weeks in the event of a miscarriage in the third trimester or stillbirth; and
- 3.3.1.3 two months for the purposes of adoption.
- 3.4 The employee will be required to continue to work for the Bojanala Platinum District Municipality for at least:
  - 3.4.1 two months after her maternity leave which was taken for the purposes of ordinary maternity leave (confinement, birth and post-natal care);
  - 3.4.2 three weeks after maternity leave taken in the event of a miscarriage during the third trimester, or stillbirth; and
  - 3.4.3 one month after maternity leave used in the case of adoption.
- 3.5 Should the employee not comply with the provisions of clause 3.4 above, she will be required to repay any moneys received from the Bojanala Platinum District Municipality during maternity leave, on a pro rata basis.
- 3.6 Nothing in this policy affects the employee's right to claim any maternity benefits in terms of the Unemployment Insurance Fund Act.
- 3.7 Where the employee has been employed by the Bojanala Platinum District Municipality for more than one year but less than three years, the Bojanala Platinum District Municipality will pay the employee 75% of her normal monthly remuneration calculated at the date on which her maternity leave commences, subject to a maximum period of:

- 3.7.1 eight weeks of ordinary maternity leave taken, in which event she will be required to work back a period of no less than four weeks;
  - 3.7.2 three weeks in the event of a miscarriage in the third trimester, or stillbirth, in which event she will be required to work back a period of no less than ten days;
  - 3.7.3 One month for the purposes of adoption, in which event she will be required to work back a period of no less than two weeks;
  - 3.7.4 Should the employee fail to comply with the provisions of 3.7 above, she will be obliged to repay any moneys to the Bojanala Platinum District Municipality received during maternity leave, on a pro rata basis.
- 3.8 Where the employee has been employed by the Bojanala Platinum District Municipality for more than three years, the Bojanala Platinum District Municipality will pay the employee 75% of her normal monthly remuneration calculated at the date on which her maternity leave commences, subject to a maximum period of:
- 3.8.1 twelve weeks of ordinary maternity leave taken, in which event she will be required to work back at least six weeks;
  - 3.8.2 four weeks in the event of a miscarriage in the third trimester, or stillbirth, in which event she will be required to work back at least two weeks;
  - 3.8.3 Six weeks for the purposes of adoption, in which event she will be required to work back at least three weeks.

- 3.8.4 Should the employee fail to comply with the provisions of 3.8 above, she will be required to repay to the Bojanala Platinum District Municipality any moneys received during maternity leave, on a pro rata basis.
- 3.9 Nothing in this policy affects the employee's right to take the remainder of her maternity leave entitlement as unpaid maternity leave.

### **Maternity leave arrangements**

- 3.10 Employees are encouraged to come to a mutually acceptable arrangement, within the parameters of this policy, with their Line Manager and in consultation with the Corporate Support Directorate regarding maternity leave. Such arrangements may include, but are not limited to:
- 3.10.1 Flexi-time work for a defined period after the birth of the child.
  - 3.10.2 Reduction of ordinary working hours for a defined period after returning to work.
  - 3.10.3 "Banking" additional hours prior to the birth of the child (as calculated against the targets set for each employee).
  - 3.10.4 Use of annual leave.
- 3.11 In reaching arrangements of the nature set out in clause 3.10 above, the following factors must be taken into account:
- 3.11.1 The financial and staffing situation of the Bojanala Platinum District Municipality at the time when maternity leave is sought to be taken.

- 3.11.2 The timing of the maternity leave.
- 3.11.3 The volume of work the Bojanala Platinum District Municipality is likely to experience during the maternity leave period.
- 3.11.4 The period to which an employee will agree to “work back” maternity leave taken.
- 3.11.5 Whether or not the employee is required to make UIF contributions.
- 3.11.6 The ability or capacity of the specific employee to manage flexi-time working schedules.

## 4. PATERNITY LEAVE

Refer to family responsibility leave on 6.

## 5. STUDY LEAVE

- 5.1 The Bojanala Platinum District Municipality values the personal development of all employees as a key to accomplish business objectives. Personal development is a shared responsibility and should be organised to maximise each employee’s potential.
- 5.2 Study leave must be arranged by agreement between the Bojanala Platinum District Municipality and the employee individually. Such

agreement will be reduced to writing and a signed copy shall be attached to a signed copy of the employee's conditions of service.

- 5.3 Leave will be granted for study purposes where an employee is enrolled for a course that has been approved by the line manager and the Corporate Support Directorate.
- 5.4 The employee's line manager must approve study leave applications (after approval of the Corporate Support Directorate, but such approval will not be unreasonably withheld.
- 5.5 One day per subject, plus the day of the examination, i.e. a total of two days' leave will be granted per subject.
- 5.6 A maximum of 10 days will be granted in any calendar year. 10 days may be granted only if the person is writing five or more subjects.
- 5.7 Employees are responsible for completing the Study Leave Request Form (available from the Corporate Support Directorate), getting it authorised by the line manager and Corporate Support Directorate and submitting it to the HR Manager, at least one week prior to their going on study leave.
- 5.8 If an employee is rewriting a failed subject, he/she may not apply for study leave, but may be granted annual leave.
- 5.9 Study leave may not be accrued or carried over to the next year.
- 5.10 The line manager and the Head of Human Resources must approve any additional study leave.

- 5.11 Study leave may not be taken whilst the employee is serving their notice, except with the approval of the Head Human Resources.

## 6. FAMILY RESPONSIBILITY LEAVE

- 6.1 Family responsibility leave applies to an employee who has been with the business for longer than four months; and who works at least 5 days a week.
- 6.2 Family Responsibility leave will be granted for a maximum of Five days per leave cycle and does not accumulate. Leave in excess of this amount can only be granted at the discretion of the Head Human Resources.
- 6.3 An employee may take family responsibility leave in respect of the whole or part of a day.
- 6.4 The Human Resource Directorate will require satisfactory proof before granting Family Responsibility Leave. Family Responsibility Leave will only be considered when an employee's:
- Child is born (only applies to male employees – paternity leave)
  - Child is sick
  - Immediate family member, **spouse, life partner, parent ,adoptive parent, grandparent, adopted child grandchild or sibling dies.**
  - **The employee spouse or life partner is sick**
- 6.5 Immediate family members refer to one's spouse/the person with whom one co-habits, parents, adoptive parents, grandparents, child, adopted child, grandchild and sibling.

## 7. PUBLIC HOLIDAYS

- 7.1 All public holidays as promulgated in the *Government Gazette* are recognised by the Bojanala Platinum District Municipality.
- 7.2 Public holidays are not taken into account in calculating annual, study, maternity or family responsibility leave.

## 8. UNPAID LEAVE

- 8.1 Unpaid leave is discouraged and will only be granted in exceptional circumstances at the discretion of the Manager Human Resources.
- 8.2 All annual leave should ideally be exhausted before unpaid leave may be taken.
- 8.3 Annual leave will not be accrued during unpaid leave, and any bonus or incentive on returning from unpaid leave, will be prorated to reflect the period of absence.

## 9. LEAVE OF ABSENCE

All leave of absence shall be recorded in the leave register under the control of the Director concerned and submitted to the Human Resources Management Unit. The leave record of an employee shall be available for inspection by the employee at all reasonable times during working hours.

Notwithstanding the provisions of any law, leave of absence, other than sick leave shall be granted with due consideration of the requirements of Councils commitment to service delivery.



## 9. LEAVE APPLICATION FORM

<b>Name (in full)</b>	
<b>Payroll No</b>	

### LEAVE REQUESTED

Dates from: \_\_\_\_\_ to: \_\_\_\_\_  
(Both days inclusive)

Number of working days applied for : \_\_\_\_\_

Date and Day of return to work: \_\_\_\_\_

Dates leave last taken : From: \_\_\_\_\_ To: \_\_\_\_\_ Days: \_\_\_\_\_

Days due at time of request: \_\_\_\_\_

### TYPE OF LEAVE REQUESTED

TYPE OF LEAVE		✓
Annual Leave		
Sick Leave		
Doctors Certificate attached	Yes	
	No	
Unpaid Leave		
Maternity Leave/ Paternity/ Adoption		
Compassionate Leave		
Study Leave		
Special Leave (specify)		

If any portion of the leave applied for is granted in advance (not accrued), I agree that it will be repayable to the Bojanala Platinum District Municipality should my contract of employment terminate before enough leave has been accumulated to clear the negative balance.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Approved / Signature

\_\_\_\_\_  
Date