



**FIRST TECHNOLOGY INVESTMENTS (PTY) LTD AND ALL OF ITS  
AFFILIATES**

**LEAVE POLICY**

LEAVE-POL

Revision 1

Effective Date: September 2020

This document (including but not limited to manuals, policies, procedures, forms referenced or included herein) applies to all Affiliated Companies of First Technology Investments (Pty) Ltd (hereinafter referred to as the “Employer”).

“Employee(s)” means an employee and/or any member of staff and/or independent contract and/or subcontractor of the Employer and/or any individual or entity involved in the provision of services on behalf of the Employer.

Revision History

VERSION NUMBER	REVISION DATE	EFFECTIVE DATE	COMPILED BY	DESCRIPTION OF CHANGE
01	09/2020	09/2020	Tanya Boer	First version

Quality Records Table- Retention Table

Department: Human Recourses and Payroll

IDENTIFICATION	STORAGE	PROTECTION	RETENTION TIME	VERSION IN PROCESS	DISPOSITION
Leave Policy	Electronic	Back-up	N/A		N/A

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## 1. Purpose

The purpose of this policy is to provide a framework and fair procedure for the granting and administration of all leave types.

## 2. Annual Leave

2.1 The Employee shall be entitled to 1 days paid annual leave in respect of every 17 days worked accruing to a maximum of 15 working days annual leave for each completed year of service during the first 5 years of employment with the Employer, thereafter increasing to 20 working days paid annual leave for each completed year of service.

2.2 Annual leave is allocated on a pro rata basis, by way of example: An Employee with an annual leave entitlement of 15 (fifteen) days will be allocated 1.25 days of leave for every calendar month of service completed.

2.3 This annual leave entitlement is to be taken as and when directed and/or authorised by the Employer.

2.3.1 The Employer currently observes an annual shut-down period determined by management (usually one to two weeks in December), where Employees are required to take annual leave.

2.3.2 The Employer may request the Employee to work during such shutdown period, as required.

2.3.3 It is the responsibility of the Employee to ensure that he or she has sufficient leave days available to cover the full annual shutdown period. If the Employee does not have sufficient annual leave days available, any shortfall in the number of annual leave days available will be treated as unpaid leave.

2.4 The annual leave entitlement is to be taken within the annual leave cycle or the first 6 months after the end of that applicable annual leave cycle.

2.4.1 Any annual leave not taken within the required period will automatically lapse and is not capable of being accumulated or sold.



- 2.5 The Employee is prohibited from undertaking any remunerative work while on leave, whether in his individual capacity or with any other employer or company.
- 2.6 Annual leave will only be granted to the Employee when the operational requirements of the Employer can accommodate the absence of the Employee.
- 2.7 Annual leave may not run concurrently with any other period of leave (excluding unpaid leave) or a period during which notice has been given by either party to terminate the Employee's contract of employment.
- 2.8 The Employee is prohibited from taking any form of leave during any period of notice.
- 2.8.1 On termination of the Employee's contract of employment, the cash value in respect to the unused annual leave entitlement shall be payable to the Employee, up to a maximum of 15 days in accordance with the Basic Conditions of Employment Act.
- 2.9 The Employer will be entitled to deduct any annual leave taken in excess of the days allowed, from any remuneration payable to the Employee during his employment or on termination thereof.

### 3. Sick Leave

- 3.1 The Employee will be entitled to 30 working days sick leave during each completed cycle of 36 months worked. However, during the first 6 months of employment an Employee is only entitled to sick leave at a rate of 1 days paid sick leave for every 26 days worked.
- 3.2 The Employee is obliged to submit to the Employer as soon as is reasonably possible, but by no later than the return day to work, a valid medical certificate covering the duration of the absence, if the absence:
- 3.2.1 Is for more than one consecutive day,
- 3.2.2 Is for more than two days in an eight-week period,
- 3.2.3 Is on a Monday or Friday,

- 3.2.4 Is on a day preceding or following a public holiday, and/or
- 3.2.5 Is requested by management.
- 3.2.6 Failing which the Employer may decline to pay for the sick leave taken.
  
- 3.3 Should the Employee be unable to attend work for any reason whatsoever, it is imperative that the Employee's immediate line manager be informed before 08h00 on the first day of any absenteeism as a result of ill health incapacity, failure to do so could lead to disciplinary action.
  
- 3.4 Following a return to work as normal, the Employee will be required to sign a sick leave form for the number of working days he was absent from work as a result of ill health incapacity.
  
- 3.5 The Employee's absence will be deemed as desertion if no communication has been received within 3 days.
  
- 3.6 If the Employee is absent during a period of 8 weeks on 2 or more occasions, the Employee will be obliged to produce a medical certificate from a registered Medical Practitioner, as proof of illness for any number of days of absence and will also be obliged to submit such a medical certificate to the Employer for record purposes failing which, he will not be entitled to payment in respect of any of the days of absence as a result of ill health incapacity during that period.
  
- 3.7 The Employee will not be allowed to start work before the return date stated on a valid medical certificate.
  
- 3.8 If sick leave appears excessive or shows a pattern that could represent a concern even while the Employee is within the sick leave entitlement, management will approach the Employee to discuss the issues.
  
- 3.9 Should the Employee use sick leave for purposes other than that for which it is specifically designed he will be subject to disciplinary action.
  
- 3.10 On termination of employment the Employer will be entitled to deduct any sick leave taken in excess of the days allowed from the final payment due to the Employee.

#### 4. Family Responsibility Leave

- 4.1 Provided the Employee has completed 4 consecutive months employment with the Employer, the Employee will during every annual leave cycle, be entitled to 3 days paid leave in order to attend to family responsibilities.
- 4.1.1 “*Family responsibilities*” refer to the serious illness of the Employee’s child and the death of the Employee’s spouse, life partner, parent, adoptive parent, grandparent, child, adopted child or sibling.
- 4.2 The Employee will be required to submit reasonable proof of the event for which family responsibility leave is required to the Employer failing which, the Employee will not be entitled to any payment in respect of the days of absence from work as a result of family responsibility leave.
- 4.3 The Employee may take family responsibility leave for the whole or part of a day.
- 4.4 Should the Employee have circumstances that require family responsibility leave in excess of 3 days per annum then either annual or unpaid leave may be considered.
- 4.5 Family responsibility leave does not accrue and lapses at the end of each annual leave cycle in which it occurs.

#### 5. Maternity Leave

- 5.1 Any female Employee is entitled to 4 consecutive month’s maternity leave, the duration of which is unpaid and will commence:
- 5.1.1 At any time from 4 weeks prior to the expected date of birth, but no less than 2 weeks prior to the expected date of birth (unless otherwise agreed to between the parties in writing); or
- 5.1.2 On a date from which a medical practitioner or midwife certifies that it is necessary for the Employee’s health or that of her unborn child.
- 5.2 The Employee will be required to notify the Employer in writing:

- 5.2.1 Of confirmation of the pregnancy by a registered medical practitioner;
  - 5.2.2 Of the date on which she intends to commence maternity leave; and
  - 5.2.3 Of the date on which she intends to return to work after the expiry of her maternity leave.
- 5.3 Written notification in terms of this clause must be given to the Employer representative at least 4 weeks before the Employee intends to commence maternity leave or, as soon as it is reasonably practical to do so.
- 5.4 Employees who are eligible for compensation from the Unemployment Insurance Fund (UIF) must claim the maximum allowed portion of their remuneration directly from the office of the UIF Commissioner.
- 5.5 The Employee shall remain a member of the Employer's Group Life Scheme and Group Retirement Annuity Fund if already a member.
- 5.6 Annual leave will accrue as usual during this maternity leave period.
- 5.7 The duration of the absence will count towards qualifying years of service with regard to changes in the annual leave entitlement.
- 5.8 Should the Employee form part of the Employer's medical aid scheme, for the duration of her maternity leave, she must make these contributions in her private capacity.
- 5.9 The Employee will be required to produce the relevant birth certificate no later than 15 working days after her return to work (this is to ensure medical aid cover, should she be a member of the medical aid scheme and for record purposes).
- 5.10 Maternity leave is not cumulative or transferable.
- 5.11 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.

5.12 The Employee is guaranteed their job at the same remuneration on her return from maternity leave.

5.12.1 In the event that the Employee chooses not to return to work after the fourth month of maternity leave (i.e. taking additional unpaid leave) then the Employee cannot be guaranteed her job or remuneration.

5.12.2 Any additional (unpaid) leave must be authorised by the immediate line manager in advance, considering any operational circumstances and/or requirements of the Employer.

5.12.3 Leave without prior authorisation will be seen as absence without permission.

5.13 An Employee who has a miscarriage during the third trimester of the pregnancy or gives birth to a still born child is entitled to six (6) weeks maternity leave after the miscarriage or birth of a stillborn child.

## **6. Parental Leave**

6.1 Any full-time Employee qualifies for parental leave in terms of this policy, and as per the Basic Conditions of Employment Act, 1997 as amended (“BCEA”) stipulation, this includes fathers, adopting parents, and surrogates.

6.2 Employees are entitled to a maximum of ten (10) days unpaid parental leave as set out in the BCEA.

6.3 The Employee is required to notify the Employer in writing, and provide a valid medical certificate at least one (1) month before proceeding on parental leave, of the date on which the Employee intends to:

6.3.1 Commence parental leave, and

6.3.2 Return to work after parental leave.

## **7. Adoption Leave**

7.1 Any full-time female/male Employee qualifies for adoptive leave, if they are an Employee who is an adoptive parent of a child who is below the age of two (2) years, as per the BCEA. Employees are entitled to a maximum of ten (10) weeks unpaid adoption leave as set out in

the BCEA. The Employee is required to notify the Employer in writing, and provide a valid adoption order at least one (1) month before proceeding on adoption leave, of the date on which the Employee intends to:

7.1.1 Commence adoption leave, and

7.1.2 Return to work after adoption leave.

7.2 If an adoption order is made in respect of two (2) adoptive parents, one (1) of the adoptive parents may apply for adoption leave and the other adoptive parent may apply for the parental leave.

7.3 If a competent court orders that a child is placed in the care of two (2) prospective adoptive parents, pending the finalisation of an adoption order in respect of that child, one (1) of the prospective adoptive parents may apply for adoption leave and the other prospective adoptive parent may apply for the parental leave.

## **8. Commissioning Parental Leave**

8.1 Any full-time female/male Employee qualifies for commissioning parental leave, if they are a commissioning parent in a surrogate motherhood agreement.

8.2 Employees are entitled to a maximum of ten (10) weeks unpaid commissioning parental leave as set out in the BCEA.

8.2.1 A doctor's certificate estimating the date of birth must be supplied one (1) month prior to the expected date of birth.

8.3 The Employee is required to notify the Employer in writing, and provide the Employer with a valid medical certificate at least one (1) month before proceeding on commissioning parental leave, of the date on which the Employee intends to:

8.3.1 Commence commissioning parental leave, and

8.3.2 Return to work after commissioning parental leave.

8.4 If a surrogate motherhood agreement has two (2) commissioning parents, one (1) of the commissioning parents may apply for commissioning parental leave and the other commissioning parent may apply for the parental leave.

## **9. Study Leave**

- 9.1 The Employer may grant study leave for specific, approved study courses. In assessing applications for study leave the Employer will take into consideration, the benefit such studies may directly or indirectly have on the ability of the Employee to perform his/her job functions more effectively.
- 9.2 The Employee is entitled to a maximum of six (6) days study leave per annum.
- 9.2.1 Study leave may either be paid or unpaid depending on the assessment by management.
- 9.2.2 Management will require reasonable proof/justification of the need for study leave.
- 9.2.3 Study leave must be planned and organised fourteen (14) days in advance and in consultation with the relevant line manager, failing which, the study leave may not be approved by the line manager.
- 9.3 The Employee may take one (1) working day's study leave for the day on which the actual examination or test is written, and one (1) working day's study leave to prepare for the examination.
- 9.4 The Employee will not be granted study leave should he have failed and wishes to repeat courses and/or examinations.
- 9.5 Any additional study leave required must be taken as annual leave or as unpaid leave.

## **10. Special Leave**

- 10.1 The Employer may grant special leave at its sole discretion and after consideration of all the available facts and reserves the right to treat each application on its merits.
- 10.2 Any previous decisions regarding granted leave made by the Employer will not be construed as a precedent, which the Employer is obliged to follow.

## **11. Religious Holidays**

11.1 Employees who wish to take leave for religious holidays, other than those gazetted in terms of the Public Holidays Act No. 36 of 1994 as amended, are required to apply for occasional leave from their annual leave entitlement.

11.2 Such leave forms must be duly completed by the Employee and thereafter authorised by the Employer at least 14 days prior to the date on which such leave is set to commence.

## **12. Leave Application Procedure**

12.1 The Employee is required to formally apply for all leave using the Employee Self Service (ESS) system and must obtain the necessary permission from the Employer to do so prior to going on leave.

12.2 The relevant hard copy leave application form must be completed and submitted to their immediate line manager/manager for processing ONLY in circumstances where the ESS process is not be available to an Employee who wishes to apply for leave.

12.3 Manual leave forms need to be signed by both the Employee and manager and submitted to HR or Payroll for the following leave:

12.3.1 Unpaid leave

12.3.2 Maternity leave

12.3.3 Parental leave

12.3.4 Adoption leave

12.3.5 Commissioning paternal leave