

**National Sea Rescue Institute of South Africa "NPC"**

**Registration No 1967/013618/08**

**"the Institute"**

**Leave Policy**

**Approved: 2018**



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## **1. NORMAL LEAVE:**

### **1.1. ENTITLEMENT**

- a) All staff will be entitled to 18 working days normal leave from first year of employment.
- b) After 5 years of service, this increases to 20 working days per annum.
- c) The Directors are entitled to 25 days per annum.
- d) The CEO is entitled to 30 days per annum.
- e) Employees employed by the Institute before January 1996 will not have leave deducted for the annual festive season shutdown.

### **1.2. ACCRUAL**

- a) Leave will accrue to staff members at a rate of 1.5 days per month worked.
- b) In exceptional circumstance the CEO may approve leave without accrual. The reason must be indicated on the leave form and the leave form signed and dated by the CEO.

### **1.3. WORKING DAYS**

- a) Working days are Monday to Fridays excluding public holidays as defined in these regulations.

### **1.4. PUBLIC HOLIDAYS**

- a) NSRI will recognize public holidays as prescribed by the government each year.
- b) The Institute also acknowledges each individual's right to differing religious or political beliefs and will thus be sympathetic to applications to exchange public holidays.

- c) These exceptions are at the discretion of management and may not cause a staff member to exceed the official number of public holidays for the year.

### **1.5. APPLICATION**

- a) Staff must apply on the prescribed form furnishing the required details giving as much advance notice as possible.
- b) All leave applications are to be authorized by the Executive Director responsible for Human Capital Management.

### **1.6. RIGHT OF REFUSAL**

- a) Management has the right to defer leave if it clashes with absence of other key staff members or in any way jeopardizes the Institutes normal operations.
- b) Early notice of leave plans will obviously reduce the chances of such event.

### **1.7. ACCUMULATION OF LEAVE**

- a) The Institute firmly believes that all staff should take a well-earned break annually.
- b) Staff may accumulate leave but will on resignation or retirement only be paid for a maximum of 25 days (1.8.b)

### **1.8. PAYMENT IN LIEU OF LEAVE**

- a) People leaving the employ of the Institute may choose to receive cash payment for any annual leave due.
- b) This payment will never exceed 25 days accumulated leave.

## **1.9. CONVERSION OF LEAVE TO CASH**

- a) Leave will only be paid out in cash when a staff member leaves the employ of NSRI as per paragraph 1.8. Under no circumstances will an employee be able to convert accrued leave to cash whilst employed.

## **2. STUDY LEAVE**

- a) As a rule, 2 days per examination written will be granted for studies approved by the CEO.
- b) Any exceptions to this rule will be at the discretion of the CEO.

## **3. UNPAID LEAVE**

- a) Unpaid leave may be granted in special circumstances at the discretion of the CEO.

## **4. SICK LEAVE**

### **4.1. SICK LEAVE ENTITLEMENT**

- a) All staff members will be entitled to 30 days sick leave over a three-year period.
- b) "Unused" sick leave from one three-year circle does not carry forward to the following period.
- c) If an employee is absent on more than two occasions (even if only for one day) during the same eight-week period, then for further absence, the employer is entitled to insist on a medical certificate, even if the absence is for only one day, and if it is not produced, then the employer is entitled to treat that absence as unpaid leave. (the eight-week rule)

## 4.2. ADMINISTRATION

- a) It is the duty of the staff member to notify the Institute as soon as reasonably possible of any absence due to illness as well as completing a leave form immediately upon return.
- b) A doctor's certificate must be provided for any absence of 2 days or longer OR in respect of the eight-week rule.

## 5. MATERNITY LEAVE

- a) Four months maternity leave will be granted.
- b) During such period, the employee will receive 100% of their total benefit (i.e. total cost to company).
- c) Where, however the staff member is entitled to claim UIF the benefit paid will be appropriately adjusted to allow the UIF claim. The member may take a further two months unpaid leave funded by UIF during which time the employer will not augment UIF funded leave.
- d) Leave does accrue during absent months.
- e) Maternity leave taken will not affect the 15-year continuous service leave bonus.
- f) Prior to going on maternity leave, the staff member must indicate, in writing her intention to return to work at NSRI.

## 6. FAMILY RESPONSIBILITY LEAVE

- a) Employees are entitled to Family Responsibility Leave in accordance with the Basic Conditions of Employment Act.
- b) The Act states an employee who has been employed with NSRI for more than 4 months is entitled to 3 days leave for the following:
  - o their child is sick, or

- in the event of death of a spouse, life partner, parent, adopted parent, grandparent, child, adopted child, grandchild or sibling.
- c) Proof of the above events may be required.
- d) Section 25 of the BCE Act makes provision for Parental Leave, Adoption Leave and Commissioning Parental Leave.
- Fathers may have 10 consecutive days starting on the day the child is born
  - Adoptive parents are entitled to 10 weeks adoption leave if the child is less than 2 years old.
  - One adoptive parent may have 10 weeks leave and the other 10 days leave.
  - The same rule applies to Commissioning Parents in a surrogate motherhood agreement.
  - There is a 1 month notice period for the above.

## **7. LONG LEAVE**

- a) At 15 years of service,
- a once-off extra 10 working days long leave is granted in that year
- b) At 20 years, 25 years, 30 years, 35 years and so on (every 5 years)
- a once-off extra 10 working days long leave is granted in that year
- c) This was implemented from 1st January 2009 and not on an arrear basis
- d) Long leave cannot be accumulated and must be taken in the year it becomes due.
- e) Long leave will not be paid out on resignation.

## 8. TEMPORARY DISABILITY

- a) An employee who has exhausted his/her sick leave credit in a three-year cycle and who, according to the relevant medical practitioner, requires to be absent due to disability that is not permanent, may, at the discretion of the CEO or his/her delegate be granted additional sick leave on full pay, in the event of a serious illness.
- b) Such a condition must be certified in advance by the medical practitioner as a temporary disability except where conditions do not permit.
- c) The CEO or his/her delegate may request that an employee obtain a second opinion before granting approval for the additional sick leave. The cost for the subsequent medical examination must be met from the NSRI budget.
- d) Applications for Temporary Disability Leave should be supported by strong medical evidence and which may a medical report from a specialist/ physician clearing indicating the nature, severity, symptoms as well as prognosis for the future of the illness. Written evidence of hospitalization may also be submitted. An indication of the expected period of sick leave required for the purpose of recovery must also be furnished.
- e) A maximum of 30 consecutive working days sick leave with full pay may be granted provided that during this period an investigation into the nature and extent of the disability is conducted. This investigation must be conducted in accordance with the provisions of paragraph 10(1) of Schedule 8 of the Labour Relations Act, 1995 as amended. Following the investigation, the CEO, or his/her delegate may:
  - Extend the temporary disability leave that may be necessary; or
  - With reasonable cause regard the disability as a permanent disability and deal with the matter according to the measures applicable to employees with such disability.
- f) Should the CEO or his/her delegate be satisfied from the available medical evidence as to the nature and extent of the disability, he/she may:
  - grant or extend temporary disability leave.
  - decide that the matter must be handled according to the measures applicable to employees with a permanent disability. The CEO or his/her delegate may also, without further investigation but subject to appropriate medical evidence approve subsequent applications for temporary disability leave in respect of absences related to any serious illnesses or disability that an employee is known to have (e.g. cardiological, cancer or vertebral illnesses).
- g) In instances where the employee utilized the 30 days normal sick leave entitlement due to a serious illness and such an employee contracts a less



serious illness, eg. Flu, the granting of sick leave to such an employee must be considered on its own merit and with due regard to that employee's trend of utilizing sick leave. However, the granting of such additional sick leave must not exceed the number of days sick leave granted for a serious illness and must be restricted to a maximum of 30 days within the sick leave cycle.

- h) If employees are of the opinion that they have been unfairly treated with regard to their application for additional sick leave, they have the right to follow the grievance procedure and the relevant dispute resolution procedures in order to settle the matter.

## **9. PERMANENT DISABILITY**

- a) Employees whose degree of disability has been certified by a registered medical practitioner, as permanent must, with the approval of the CEO or his/her delegate, be (NSRI Staff Leave Policy - 2017 Page 9 of 10 2017) granted a maximum of 30 working days paid sick leave or such additional number of days required by the employer to finalize the feasibility of: 9.1 Alternative employment; or 9.2 Adapting duties or work circumstances to accommodate the employee
- b) An employee, whose degree of disability has been certified as permanent but who can still render a service, may be redeployed horizontally with retention of his or her benefits.
- c) If the redeployment necessitates reallocation to a job of a lower grading, such should be explained well in advance and the continued utilization of such an employee should, in this regard, be with her or his consent.
- d) In instances where the employee's redeployment entails retraining or retooling, the employer shall take requisite resources (time and financial) and potential returns into consideration before approving redeployment.
- e) The redeployment of an employee's services should ensure the optimal utilization of her or his competencies and should not compromise service delivery.
- f) If the employer or the employee is convinced that the employee will never be able to render an effective service at her or his level or rank, the employee may proceed with an application for termination of service due to ill health.

## 10. LEAVE FOR OCCUPATIONAL INJURIES AND DISEASES

- a) Employees who, as a result of their work suffer occupational injuries or contract occupational diseases, shall be granted occupational injury and diseases leave for the duration of the period that they cannot work provided that the employee:
- i. Submits to her/ his supervisor medical certificates as well as the duly completed medical forms as prescribed in the Occupational Injuries and Diseases Act of 1993;
  - ii. Undertakes to apply for compensation in terms of the Compensation for Occupational Injuries and Diseases Act, 1993 so as to, as far as possible compensate him/her for the cost arising from the accident.
  - iii. If an employee suffers a work-related injury as a result of an accident involving a third party, the CEO or his/her delegate shall grant her/him occupational injury leave provided that the employee:
    - (a) Submits to her/his supervisor medical certificates as well as the duly completed medical forms as prescribed in the Occupational Injuries and Diseases Act, 1993.
    - (b) Brings a claim for compensation against the third party. NSRI Staff Leave Policy - 2017 Page 10 of 10 2017
    - (c) Undertakes to apply for compensation in terms of the Compensation for Occupational Injuries and Diseases Act 1993 so as to, as far as possible, compensate him/ her for the cost arising from the accident.

## 11. AMENDMENT OF LEAVE POLICY

The Institute reserves the right to exercise its discretion in individual cases.