



POLICY

– LEAVE

document information

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Document number :	POL_HR_013
Version number :	1.0
Date approved :	2023/05/11



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1. PURPOSE / SCOPE

The purpose of this policy is to provide a set of rules that will govern the application and provision of all leave types within Rand Refinery (Pty) Ltd.

This policy deals with the annual leave entitlement for all associates, encashment and forfeiture of annual leave. The policy also deals with:

- Sick leave
- Accident Leave
- Maternity Leave (Covered in a separate policy)
- Parental Leave
- Family Responsibility Leave
- Compassionate Leave
- Unpaid Leave
- Study Leave.

2. POLICY STATEMENT

- i. To ensure that all associates receive equitable associate benefits pertaining to leave.
- ii. To ensure compliance to legislation and for the well-being of the associate, Rand Refinery requires an associate to take fifteen (15) days whereby a minimum of ten (10) annual leave days within a leave cycle must be taken consecutively. The statutory annual requirement is linked to the payment of the 13th cheque.
- iii. To treat associates in a consistent and fair manner in regard to Rand Refinery practice and current Basic Conditions of Employment Act 75 of 1997.
- iv. To standardise the application and practice of leave within Rand Refinery.

3. RELATED POLICIES AND REFERENCES

For the purpose of this procedure the following references are valid:

- ESS/MSS System
- Form_Leave Application
- Policy_Flexi Hours



4. TERMS AND DEFINITIONS

For the purpose of this policy the following terms and definitions apply.

- **Leave Cycles** - Leave cycles are periods of twelve consecutive month's with effect from the date of engagement.
- **Leave Provision** - This is the number of days an associate is entitled to in a full leave cycle and is based on the Paterson grade that the associate is employed in.
- **Annual Leave** - A type of leave that is granted to an associate in terms of the Basic Conditions of Employment act (or any legislation replacing the act).
 - Annual leave is calculated on working days and is accrued in a specific leave cycle. This type of leave must be taken based on operational requirements and based on approval from line management.
- **Accrued Leave** - Annual leave shall accrue in respect of each completed month of service. The rate of leave accrual is calculated in line with annual leaves day determined by the Paterson grade applicable to an associate. For the purposes of annual leave accrual, the associate engagement date serves as the determinant of days accrued.
- **Available Leave** - Where an associate is unable to take the annual leave due to operational requirements, the EXCO member should motivate why the associate is not able to take leave in that applicable cycle.
- **Resignation** - Leave may not be taken during a notice period or be paid out in lieu of notice. Any deviations will be subject to approval by the chief executive.

5. POLICY SECTIONS

5.1. Annual Leave

- a) All associates employed by the company for a period longer than 24 hours per month shall be entitled to annual leave.
- b) An associate's full leave entitlement shall only become due in the anniversary month that the associate commenced employment.
- c) The company shall encourage all associates to take annual leave as and when the associate's annual leave is due.
- d) Payment for annual leave accrued shall only take place upon resignation, retirement and termination of employment or after the associate has taken ten (10) consecutive annual leave days as per clause 5.3. Exceptions to this rule must be signed by the Executive Head and/or the Chief Executive

5.1.1. Annual Leave Entitlement

The leave entitlements for all associates are as hereunder stipulated in the table below:



GRADE	NUMBER OF WORKING DAYS
PATERSON BL	21
PATERSON BU	27
PATERSON CL	27 for currently employed CL associates, all new appointments and promotions will be appointed on 25 annual leave days effective from 01 June 2022.
PATERSON CU	30 for currently employed CU associates, all new appointments and promotions will be appointed on 25 annual leave days effective from 01 September 2019.
PATERSON D TO F	25

5.2. Leave In Lieu Of Time Worked In

- a) This clause will only apply to associates employed within Paterson DL and above.
- b) Associates will be entitled to leave in lieu of overtime worked if the following conditions are fulfilled:
 - i. Work performed on weekends and public holidays,
 - ii. Work performed in excess of (4) four hours above normal time.
- c) Leave in lieu of time worked relating to business travel shall be managed in line with the provisions of the Business Travel policy.

5.3. Annual Leave Encashment

In accordance with the clause 5.1 (d) of this policy, all Associates must take a minimum of 10 days accrued leave per leave cycle. Associates will however be given an opportunity to apply for encashment up to a maximum of 10 annual leave days. This will be subject to the following conditions:

- i. Leave encashment shall be at the discretion of the GM: Human Resources and the relevant Executive Head.
- ii. Associates are required to have taken or booked a minimum of 10 annual leave days prior to applying for leave encashment within a leave cycle.
- iii. In instances where the associates' annual leave applications were declined due to operational requirements, an associate's leave encashment may be approved.
- iv. Associates eligible for leave encashment are those in the job grade B Lower, B Upper, C Lower, C Upper and D Lower.
- v. The GM: Human Resources and the responsible Executive Head may approve the encashment of leave having reviewed the following:
 - o The annual leave balance and history of annual leave taken in the previous years.
 - o The record of sick leave and absenteeism for the associate.
- vi. The encashment of leave in terms of this section is not an automatic right.
- vii. Exco may decide to withdraw the encashment of leave due to other business requirements e.g. cost reduction.



5.3.1. Qualifying Criteria

- a) Associates who qualify will need to have been in the employ of Rand Refinery for a minimum of 18 months and they must have taken or booked the statutory 10 annual leave days.
- b) Only associates falling within Patterson B-Lower, B-Upper, C-Lower and C-Upper are eligible for leave encashment.
- c) All applications must comply with the conditions stipulated in 5.3.

5.3.2. Application Process

- a) Associates must complete the leave form and tick the option of leave encashment option in the form. This form can be obtained at the Payroll Department.
- b) The applications must be submitted to the Human Resources Department for review (submissions must be made to the Manager: Recruitment & Compensation and Benefits).
- c) All applications will be reviewed by HR and presented to the relevant Executive Head for consideration and approval if they meet the conditions stipulated in 5.3.1.

5.4. Leave Forfeiture

- a) With effect from 01 September 2022, excess leave accumulated beyond the permitted maximum of 30 days entitlement will be forfeited as at the end of February of each year. It is therefore in the Associates' interest to ensure that his/her leave does not exceed the maximum permitted balance.
- b) If an associate with excess leave days (more than the permitted 30 days) is declined an opportunity to take annual leave due to operational requirements, that associates leave days may not be forfeited if they book that leave for a future date or if they submit an encashment request (assuming they meet the requirements of encashment).
- c) Management must monitor the excess accumulation of leave by ensuring that all associates take regular leave in accordance with the company policy.
- d) It is the responsibility of the human resources department to highlight and inform associates' potential leave forfeiture to line management and the affected associates in order that arrangements can be made for such excess leave to be taken.
- e) Records must be kept where associates request leave and due to operational requirements, the leave is not granted.
- f) Where associates request leave to be postponed for personal reasons, records must be kept by payroll.

5.5. Procedure to follow when Applying for Leave

- a) The line manager shall refer to the monthly annual leave balances to ensure that prior to approving a leave application that associate has sufficient annual leave days.
- b) The associate shall complete an application form and/or use EDUCOS for annual leave applications. The signed leave form and/or approved EDUCOS application must be forwarded to payroll for processing.



5.6. Sick Leave

- a) An associate shall be entitled to twelve (12) days sick leave per annum and/or thirty-six (36) days sick leave over a three (03) year cycle.
- b) During the first six months of employment an associate is entitled to 1 day paid sick leave for every 26 days worked.
- c) In the event that an associate is absent from work due to illness for more than two consecutive days or more than two occasions during an eight-week period, the associate will be required to produce a medical certificate from a medical practitioner and or registered traditional healer.
- d) If an associate is sick the day prior to or after a weekend or a public holiday a medical certificate must be produced.
- e) If an associate has been granted the maximum sick leave, for which provision is made and, due to health reasons, is still not able to assume duty, then the temporary disability income benefit process should apply.

5.7. COVID-19 Sick Leave Isolations and Quarantine Requirements

- a) An associate shall be entitled to twelve (12) days sick leave per annum and/or thirty-six (36) days sick leave over a three (03) year cycle.
- b) Isolating associates or associates with family members who test positive for COVID-19 are required to report for antigen testing prior to accessing site and all existing screening measures will be applied on an ongoing basis. If the test is negative, the associates will be required to report for duty. If the screening protocols flag a positive result, then the associate will be required to either work from home or submit sick leave until a negative result is received.
- c) During this process, a medical certificate must be provided and forwarded to the company clinic.
- d) Associates who display any symptoms must not come onto site but must seek medical assistance and notify his/her direct HOD and Medical Clinic and report for a COVID test.
- e) Associates who test positive for COVID-19 but exhibit no symptoms will be required to work from home (operational requirements permitting), only a negative COVID-19 test will enable them to return onto site. For associates who are asymptomatic and not able to work from home, will be required to stay home and return to work once they test negative for COVID-19. For the period that the associate is homebound, they will be required to submit a sick leave request.
- f) Associates who are unsure if they are experiencing symptoms, must present themselves for Antigen testing before access onto site.
- g) All associates, contractors and visitors are requested to present their proof of vaccination to the clinic so that it can be recorded in the Rand Refinery webtool.

5.8. Special and Approval of Ex-gratia Leave Days

- a) Associates who have exhausted their sick leave days must apply for an ex-gratia sick leave for approval by the Executive Head and the Chief Executive. Supporting documents will be required to substantiate the application for an ex-gratia leave.
- b) Leave days that are granted as ex-gratia shall be recovered from the associates' annual leave days once accumulated.



c) Ex-gratia leave applications shall be assessed on case-by-case basis. Applications for a lengthy period may not be approved unless there is a clear indication on how the days will be recovered.

5.9. Working from Home Approval

All associates are expected to fully work on-site as opposed to working from home. Exception may only be given by the relevant HOD and EXCO member to work from home. If a work from home request is approved as per policy, the associate will be required to be on-site for a minimum of 3 days a week.

5.10. Return to Work Process

- a) All associates returning to work from a personal trip from areas highlighted as high zone with regards to infectious and contagious disease, must declare and report to the clinic. This is to ensure that proper management can be afforded and thereafter proper actions taken. Failing to disclose may lead to other human resources processes being activated as it will compromise the health and safety environment of the workplace – especially with infectious and contagious diseases.
- b) It is the responsibility of the associates and those who have travelled for business purposes and or personal vacation, to report to the medical center to declare the area visited and any suspicious medical condition.
- c) If associates opt not to declare and as a result of that decision of this expose other associates to the contagious diseases, the company will institute disciplinary action which may result in dismissal of the associates.

5.11. Remuneration

- a) The sick leave, family responsibility and temporary disability procedure and policies and rules for each case with regards to payment will be applied.
- b) Quarterly incentive schemes rules will be applicable for sick leave, family responsibility and temporary disability payment and exceptional cases would require the approval by EXCO as per the current guidelines.

5.12. Associate Obligation

- a) Associates are required to provide a medical certificate in line the Basic Condition of Employment.
- b) The associates are required to and consent to COVID-19 screening protocols
- c) The associate must ensure to that they consult a medical practitioner and or visit a health center upon displaying symptoms of COVID-19.
- d) Failure to adhere and or comply with the abovementioned requirements may result in disciplinary process measures being instituted in line with disciplinary policy.



5.13. Extension of Sick Leave Day and Family Responsibility – COVID-19

- a) Associates must ensure that approval for all extended leave are approved by EXCO prior to going on leave.
- b) Associates cannot apply for family responsibility due to school and childcare centers closing and helpers not being available. Annual leave days may be approved in line with operational requirements.
- c) If associates leave is not approved due to operational requirements and associates disregards the instruction, the company reserves the right to institute disciplinary procedure.

5.14. Sick/Extended and Family Responsibility Leave Days Capturing (EDUCOS)

All days taken should be captured on EDUCOS system and approved in line with system requirements.

5.15. Hospitalisation Leave

- a) Hospital leave would be part of sick leave days and may be extended due to accident or occupational disease as defined by the Compensation for Occupational Injuries and Diseases Act (COIDA). This leave is not automatic and is subject to motivation being submitted and approved by Chief Executive.
- b) The above motivation for approval will be done in conjunction with the disability income benefit process.

5.16. Illness during Annual Leave

- a) Should an associate suffer illness during his/her annual leave, that period of illness will not be converted to sick leave.

5.17. Sick Leave Resulting from Occupational Injury or Illness

- a) If an associate is unable to work due to a workplace accident or occupational disease as defined by the Compensation for Occupational Injuries and Diseases Act, such period of absence will not be deducted from the associate's sick leave entitlement.
- b) The company will continue to pay the associate his/her normal remuneration for the period that the associate is absent from work through the disability income benefit process.



5.18. Administration Procedures for Absenteeism

- a) On the first day of absence and or where practical, the associate is required to contact his/her supervisor/manager two (2) hours before the commencement of his/her shift in order for contingency arrangements to be made.
- b) Upon return to work the associate must complete an application and/or EDUCOS for sick leave and attach the medical certificate. The relevant manager must then approve the application.
- c) If the documentation in respect of the above is not submitted, the period of absence leave will be unpaid leave. If the absence was not communicated, disciplinary action may be taken in relation to failure to communicating the absence.

5.19. Family Responsibility / Compassionate Leave

- a) The company shall grant an associate three (3) working days paid leave during each calendar year and does not accrue and any unused leave days will lapse at the end of each calendar year.
- b) Family responsibility leave will apply in the following instances:
 - i. At the birth of the associate's child;
 - ii. When the associate's child is sick;
 - iii. When the associate's parent, adoptive parents, parents in law, grandparents, adopted child, grandchild, brother or sister (biological) passes away;
- c) Immediate family is defined as follows:
 - i. Spouse and or life partner
 - ii. Biological parents
 - iii. Legally adopted parents
 - iv. Grandparents
 - v. Biological children
 - vi. Legally adopted children
 - vii. Biological brother or sister and
 - viii. Grandchildren.
- d) The associate is required to provide a copy of the death certificate or a sick note from a registered medical practitioner or registered traditional healer when applying for this leave.

5.20. Study Leave

- a) Associates who are pursuing studies are entitled to 2 consecutive working days study leave (one day for preparation and one day for examination) per subject per annum up to a maximum of 12 days per annum.
- b) If an examination is written on a Monday or after a Public Holiday, the one day for preparation for the exam will not be granted.
- c) Applications for study leave must be made on a leave application form and must be authorised by the line manager.
- d) An examination timetable must be attached with the leave application form for approval.
- e) Leave for repeated subjects and supplementary examinations will be regarded as annual leave and the full period will be deducted from an associate's available annual leave credit.



5.21. Attendance of Training Leave

- a) A training leave category has been created on EDUCOS to ensure efficient time and attendance.
- b) The training leave is a separate provision and does not affect the associates leave balance.
- c) Associates who have been booked for training are required to apply for training leave on EDUCOS which is subject to approval by the relevant line manager.
- d) The training leave is to ensure that the associates time and attendance is reconciled with timesheets.
- e) Attendance registers will be sent to the line managers who booked associates for training and are to be attached to timesheets submitted to payroll.

5.22. Negative Leave

- a) The practice of negative leave is not encouraged. Authorisation of such leave is at management discretion and should only be allowed in exceptional circumstances.
- b) Examples where negative leave balances may be considered legitimate are as follows:
 - i. An associate is required to take leave due to operational shut down and has not accumulated sufficient leave or when the plant is on short time and the associate is required to take annual leave,
 - ii. Authorised negative leave balances must return to positive status within 3 months of the associate returning to work from leave.
 - iii. The associate will have to obtain prior approval from the functional EXCO member and then forward the approved application form to payroll department for processing.
 - iv. The approval of negative leave will be dealt with and approved based on a case-by-case basis.
 - v. In the event of an associate resigning or being dismissed from the company, he/she will be required to reimburse the company for all payments made to them. This process must be explained to the associate prior to his/her commencement of negative leave.
 - vi. HR department must ensure that the associate completes a negative leave and acknowledgement of dept. Form covering the amount of the negative leave balance prior to the associate proceeding on leave. This must be filed in the associate’s personnel file.

6. CHANGE CONTROL

UPDATED	DATE UPDATED	KEY CHANGES MADE	VERSION N°
M Motloug	2017/04/01	New Policy	1
M Motloug	2019/08/01	Alignment Of Terminology	2
F Ramiah	2020/05/01	COVID -19 Inclusion	3
F Ramiah	2021/04/01	New template	0



UPDATED	DATE UPDATED	KEY CHANGES MADE	VERSION N°
S Nombika	2021/09/01	Leave encashment and annual leave forfeiture amendments	1.0
S Nombika	2022/04/13	Policy Review	0

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