



**LEAVE POLICY**

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**Policy** : **Leave Policy**  
**Manual** : **Human Resources Policies and Procedures Manual**  
**Applicability** : **All Employees within the Digicall Group.**

	<b>NAME</b>	<b>SIGNATURE</b>	<b>DATE</b>
<b>PREPARED BY:</b>	Human Resources		July 2019
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## 1. INTRODUCTION AND PURPOSE

- 1.1. This leave policy sets out all the categories of leave for which Employees of Digicall are eligible as well as the qualifying criteria based on which Employees may apply for various leave categories.
- 1.2. It is expected of every Employee to take some time, on full pay, away from the working environment so that overall job performance can continue to be effective. It is also a legislative requirement that Employees be allowed minimum annual leave as regulated by the Basic Conditions of Employment Act.
- 1.3. The leave benefits as detailed in this policy, which are not contained in the contract of employment, are considered discretionary and should not be construed as being an entitlement in any way. Management, therefore, reserve the right to revoke the relevant benefits as and when deemed necessary to do so.
- 1.4. The policy objectives are to:
  - 1.4.1. To define the leave conditions applicable to all Employees.
  - 1.4.2. To provide employees with standardised procedures for taking time off work.
  - 1.4.3. To comply with the Basic Conditions of Employment Act.

## 2. DEFINITIONS

The definitions listed in Table 1-1 apply to this document.

A capitalised item within the text indicates the availability of a definition.

Item	Definition
Company / Employer	Digicall Group
Managers / Supervisors / Management	The person responsible for planning and directing the work of individuals, monitoring their work, and taking corrective action when necessary
Employees	Salaried staff on the Company payroll
Contractors	Contractors working for the Company in an individual capacity who are not considered to be Employees of the Company
Leave Cycle	The annual leave cycle will commence on the date of employment and extend for 12 months.  The sick leave cycle will commence on the date of employment and extend for 36 months.
Working days	The days an Employee is ordinarily required to work during any working week cycle and excludes days considered to be weekend periods or scheduled days of rest.

## 3. SERVICE DURING WHICH LEAVE ACCRUES

- 3.1. Leave in terms of this policy will accrue to an Employee during any period of employment except during a period of unpaid leave.

## 4. LEAVE APPLICATION PROCESS

- 4.1. The Company utilises an online leave application system to manage all leave applications

within the Digicall Group.

- 4.2. Employees will be supplied with access information during their induction process, as well as training on the system.
- 4.3. All categories of Employees that have access to the Sage system will be required to submit their leave applications electronically for authorisation.
- 4.4. For the categories of employees that do not have access to the Sage system, applications for leave must be in writing on the Digicall leave application form, which must be authorised by Management. Once authorised, the original leave application form must be forwarded to the payroll office for processing and thereafter placed on the Employees' personal file. Management will thereafter be responsible for submitting the leave applications on the Sage system on behalf of the Employees.
- 4.5. Employees who have been on sick leave or family responsibility leave are required to apply for leave on the Sage system as soon as they return to the workplace, alternatively in writing on the Digicall leave application form, which must be authorised by Management. Once authorised, the original leave application form must be forwarded to the payroll office for processing and thereafter placed on the Employee's personal file.

## **5. GENERAL LEAVE PROVISIONS**

- 5.1. Leave shall be approved by Management and taken at a mutually acceptable time to both the Company and the Employee and as determined by the operational requirements of the Company.
- 5.2. The Company shall not be held responsible for any losses that the Employee may incur in respect of leave arrangements that were made prior to the approval of the leave.
- 5.3. It will be the responsibility of the Employee to notify the Company of any changes made in the leave arrangements after his/her application is submitted and approved.
- 5.4. The Company may not permit an Employee to take annual leave during any period of notice of termination of employment.
- 5.5. Should annual leave fall on a public holiday, this day will not be deducted from the Employees leave balance.
- 5.6. Employees may only be granted annual leave after the first month of employment.
- 5.7. No Employee may take up employment elsewhere during annual leave.

## **6. LEAVE ENTITLEMENT**

### **6.1. Annual leave entitlement**

- 6.1.1. Employees' annual leave will be determined by the contract of employment.
- 6.1.2. The number of annual leave days available to employees is determined by their level of seniority. A maximum of 20 days' annual leave is applicable to all levels of employment.
- 6.1.3. Employees on 15 days annual leave may receive an additional 5 days' leave after 5 years of continuous employment within Digicall.

### **6.2. Annual leave accrual limitations**

- 6.2.1. The Employee will not be entitled to accrue annual leave in excess of their leave entitlement. The Employee, therefore, agrees that leave in excess of their

entitlement will be forfeited unless otherwise agreed to in writing due to operational requirements.

- 6.2.2. Management has the responsibility to ensure the necessary actions be taken before an Employee reaches their full leave entitlement Management may request from HR a report at any time to detail when their employees will reach full leave entitlement. The system will allow the Employee to take their leave within 6 (six) months after their anniversary date. E.g An employee who commences employment on the 01<sup>st</sup> of January 2021 will accrue annual leave for 2021 and must use their leave during this year. Should an employee not make use of all accrued leave, an additional 6 months will be granted to apply and use the balance of the accrued leave of 2021 up until the end of June 2022.
- 6.2.3. Failing to do so and with no written agreement in place, the Employee will forfeit any days in excess of their entitlement on the last day of the 6<sup>th</sup> month.
- 6.2.4. No employee may apply for annual leave at a future date after their forfeiture month. E.g an employee whose leave forfeiture month is June 2022 must apply and use the leave before June. Any leave applied for before June for a date after June will be forfeited.
- 6.2.5. No accumulated leave may be paid out other than on termination of employment.
- 6.2.6. Upon termination, the Employee will be paid out their leave balance, up to a maximum of their entitlement.
- 6.2.7. Should an Employee be denied of taking leave in terms of this policy, such matters have to be addressed via the Company grievance policy

### **6.3 Negative leave**

6.3.1 Negative leave may only be granted in exceptional circumstances where an employee's annual leave is exhausted and written request stating the reasons for negative leave is being requested.

6.3.2 Employees may apply in writing for a maximum of 5 days negative leave with written consent of management stating the reasons for the leave and period for which the employee is allowed to utilize a negative leave balance.

## **7 UNPAID LEAVE**

- 7.1 Unpaid leave will only be granted in exceptional circumstances.
- 7.2 An Employee may only apply for unpaid leave if all other leave has been depleted.
- 7.3 Applications for such leave must be accompanied by a detailed motivation memorandum stating the reasons why such unpaid leave is required and must be submitted to the Manager at least 1 (one) month before the date on which the Employee expects to commence such leave.
- 7.4 Circumstances that might require unpaid leave include:
  - When an Employee is subpoenaed to testify in a court case;
  - When an Employee is required to represent a National sports team;
  - When an Employee's annual leave has been exhausted;
  - Conditions determined by the Company such as extended study or maternity leave

7.5 Employees are not entitled to such leave, and it will be entirely at the discretion of Management as to whether the operational circumstances would allow for such leave to be taken as well as any merits associated with the granting or declining of such leave applications.

7.6 Aspects that will be taken into consideration will be:

- Operational requirements of the Company;
- The Employees work performance record;
- The Employee's disciplinary record;
- Proof of the reason leave is applied for.

## **8 SICK LEAVE**

8.1 Sick leave will be granted to Employees to allow them sufficient time to recover from an illness and reach a degree of fitness necessary to resume work.

8.2 During the first six (6) months of continuous employment, the employee may be entitled to one day's paid sick leave for every twenty-six (26) days worked. Employees are entitled, during a sick leave cycle of thirty-six (36) consecutive months of employment, to thirty (30) days paid sick leave, equal to the number of days the employee would normally work during a period of six (6) weeks.

8.2

8.3 Employees' sick leave will be as determined by the contract of employment.

8.4 Medical certificates are required after 2 (two) days of consecutive absence, or when sick is taken on Monday, Friday or after a public holiday, or after 2 (two) occasions of absence within an eight-week period. If no proof of illness is submitted, the Company is not obliged to pay the Employee.

8.5 Certificates issued by Traditional healers who are not registered with a medical board are not presently acceptable. Absence where the Employee was treated by one of these practitioners will be treated as unpaid leave.

8.6 It is at the discretion of Management as to whether additional sick leave can be granted in circumstances of chronic illness or injury. Payment for sick leave will only be made where medical certificates comply with the following guidelines:

- The medical certificates have to indicate that the Employee was subject to a medical evaluation undertaken at the time of the illness, and which states that the Employee was unfit for work. Therefore, routine check-ups do not qualify for sick leave.
- The medical certificate must be issued and signed by a medical practitioner or any other person who is certified to diagnose and treat patients and who is registered with a professional council established by an Act of Parliament.
- The certificate will reference the practice name and contact details.
- The certificate will display the authorisation stamp clearly.

8.7 The Employer is cognisant of the fact that fraudulent medical certificates are frequently acquired in the South African labour environment, and it is, therefore, the Employee's responsibility to ensure the authenticity of a medical practice prior to scheduling an appointment. The following guidelines should be followed, and the assistance of HR can also be sought.

- Ensure that the practice is situated in a well-known office complex;

- Ensure that the practice has a working website;
  - Ensure that the Dr is registered with the Health Professions Council of South Africa at <http://www.hpcs.co.za/Public>
- 8.8 HR will be tasked to establish the authenticity of all medical certificates received before payment is made. The Employee will be subject to disciplinary procedures in the event of submitting fraudulent documentation.
- 8.9 Sick leave may not run concurrently with any other leave or any notice of resignation. The Employee will thus not be entitled to claim sick leave while he/she is on annual leave.
- 8.10 At the end of every sick leave cycle, any sick leave remaining will be forfeited, and the next sick leave cycle begins with a fresh balance of sick leave.
- 8.11 This policy shall in no way limit the Company's right to take disciplinary action where the attendance record of the Employee indicates a possible abuse of sick leave, and If the Employee is unable to produce such proof of absenteeism as required in this policy, the Employee will not be remunerated for the period of absenteeism, and it may be regarded as unauthorised.
- 8.12 The Company may conduct an investigation regarding the capacity of an Employee in instances where the Employee will be absent for an unreasonable time or in the cases of intermittent and regular absenteeism.

## **9 MATERNITY LEAVE**

- 9.1 The female Employee is entitled to 4 (four) consecutive month's maternity leave
- 9.2 Maternity leave will be unpaid for female Employees employed for less than 1 (one) year; thereafter, the Employee will be remunerated at 50% of her basic salary for 4 (four) months. This Company benefit is applicable for a maximum of 2 (two) confinements. Thereafter, maternity leave will be unpaid and in accordance with the Basic Conditions of Employment.
- 9.3 The Employee will be required to remain in the Company's employment for a period of 12 (twelve) months after returning from maternity leave, of which failing to do so will result in the Employee being liable for all maternity leave benefits and payments received during the maternity leave period. The Employee will sign a work back agreement prior to commencing leave.
- 9.4 The Employee may not resume work for the first 6 (six) weeks after the date of confinement unless a medical practitioner or midwife certifies that she is fit to do so, in which case such certification must be submitted to the Employer as soon as is reasonably practical.
- 9.5 If the Employee has a miscarriage during the third trimester of her pregnancy or bears a stillborn child, she is entitled to leave of six weeks after the miscarriage or stillbirth, whether or not the maternity leave has commenced.
- 9.6 The Employee is obliged to notify their line manager and HR of the date on which maternity leave will commence and the date of return to work after maternity leave. Such notification must be given 3 (three) months prior to the commencement of maternity leave, alternatively as soon as it is reasonably practicable.
- 9.7 The Employee will not be allowed to perform work that is hazardous to her health or the health of her child while she is pregnant or nursing her child.
- 9.8 Such Employees' service with the Company will be treated as continuous for the periods that they were on maternity leave.
- 9.9 An Employee on maternity leave cannot give the notice to terminate her employment with

the Company while on such leave.

## **10 FAMILY RESPONSIBILITY LEAVE**

- 10.1 Family responsibility refers to the illness of the Employee's child who is under the age of 18 (eighteen) and the death of the Employee's spouse, life partner, parent, adoptive parent, grandparent, child, adopted child, grandchild or sibling.
- 10.2 Employees who have been in employment with the same employer for more than four (4) months and who work for the same employer for at least 4 days per week are entitled to three (3) days Family Responsibility Leave on full pay, per annum
- 10.3 Employees will receive family responsibility leave per annual leave cycle as determined by the Contract of Employment.
- 10.4 The Employee will submit to the Employer reasonable proof of the event for which leave is required, failing which he/she will not be entitled to any payment in respect of the days of absence.
- 10.5 Family Responsibility leave does not accrue and lapses at the end of each annual leave cycle.
- 10.6 Any leave over and above the above-mentioned days will be treated as annual leave.
- 10.7 Family responsibility will not be accumulated and will not be paid out when an Employee resigns.

## **11. PARENTAL LEAVE, ADOPTION LEAVE AND COMMISSIONING PARENTAL LEAVE**

- 11.1 In accordance with the newly enacted Basic Conditions of Employment, and subject to approval in terms of the Company policy, the Employee will be entitled to:
  - Unpaid parental leave of 10 (ten) consecutive days for the Employee who is the legal parent of the child.
  - Unpaid adoption leave of 10 (ten) consecutive weeks for the Employee who is the legal adoptive parent.
  - Unpaid commissioning parental leave of at least 10 (ten) consecutive weeks for the Employee who is a commissioning parent in a surrogate motherhood agreement.
- 11.2 Both parental leave and adoption leave cannot be taken simultaneously, and the parameters set in the Basic Conditions of Employment Act will prevail. Upon application for such leave, the Employee will be required to submit relevant documentary proof such as an adoption order or the surrogate motherhood agreement, and the Employee agrees to provide a written declaration made by both parents where applicable, concerning the elected leave benefits allocations between the two parents.
- 11.3 The Employee agrees to consult the Employer upon commencement of the legal proceedings to establish a mutually suitable time to take leave as far as possible with due consideration of the operational requirements of the Company and the pending legal proceedings.
- 11.4 The Employee is obliged to notify their line manager and HR of the date on which parental leave

will commence and the date of return to work after parental leave. Such notification must be given 3 (three) months prior to the commencement of parental leave, alternatively as soon as it is reasonably practicable

## **12. STUDY LEAVE**

- 12.1 Study leave will only be granted in respect of permanent employees for priorly approved courses which are related to the Employee's job function or, in respect of any other training that is provided in the Company for development purposes per Management approval.
- 12.2 In a case where the Employee takes study leave but fails to write the examination, such leave will be treated as unpaid leave, except where a medical certificate is provided as a valid reason for failing to take the examination, in which case the normal sick leave policy will apply.
- 12.3 The Company will grant Employees five (5) days paid study leave, i.e. on the day that the exam is written, as well as the preceding day, subject to a maximum of 5 study days per annum.
- 12.4 If the exam falls on a Monday or the first working day after a paid public holiday, the preceding working day will be considered a day off for study leave.
- 12.5 Study leave will be granted per paper\subject. If an Employee fails a subject and has to re-write the same paper, no further study leave will be granted for such an examination.
- 12.6 The learner has an obligation of continued employment with the company after the completion of their studies for no longer than the period of their studies or alternately to repay the total amount sponsored, which will be calculated on a pro-rata basis and will be payable immediately on termination of service.