



**HARRY GWALA DEVELOPMENT AGENCY (PTY) LTD**  
[REG. No: 2011/001221/07]

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**POLICY: LEAVE MANAGEMENT POLICY**

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<b>Administrative Responsibility:</b>	Chief Executive Officer
<b>Implementing Department / Departmental Unit</b>	Corporate Services Department

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# LEAVE MANAGEMENT POLICY

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## POLICY DOCUMENT CONTROL

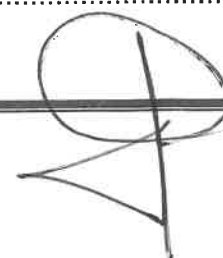
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Version	Author	Date	Revised Date
V1	Corporate Services Manager	02 February 2024	13 February 2024

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## **PREAMBLE**

The Agency recognizes a need to have its own Leave Policy which directs the employees as to how should they apply for leave and when can it be granted or declined. This policy has to be in line with the Conditions of Services and also the Basic Conditions of Employment. Employees need to have a rest from their daily tasks or when they are not feeling well or when they have to do their own personal things outside work

### **1. INTERPRETATION OF THE POLICY**

1.1. Except to the extent to which the context may otherwise require, this Policy shall be construed in accordance with the following provisions of this sub-paragraph:

1.1.1. Any word or expression importing any gender shall include the other gender.

1.1.2. Words importing the singular also include the plural, and *vice versa*, where the context requires.

1.1.3. The following words shall have the meanings hereby assigned to them –

**“HGDA”** means the Harry Gwala Development Agency

**“ANNUAL 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.

**“EMPLOYEE”** Means a person in the employment of Harry Gwala Development Agency on a permanent, contract or temporary basis and is entitled by virtue of his/her employment contract or law to leave benefits.

**“EXAMINATION LEAVE”**: Means a period of time used by an employee for the purpose of writing a specified and approved examination towards an academic qualification.

**“FAMILY RESPONSIBILITY LEAVE”**: Means a period of leave used by an employee with regards to illness of a child, birth of a child or the death of an employee’s spouse/ life partner, parent, adoptive parent, grandparent, adopted child, grandchild, or sibling.

**“MATERNITY LEAVE”**: Means a period of time used by a female employee for the birth or adoption of a child.

**“MONTH”**: Means calendar month including weekends and holidays

**“PAID PUBLIC HOLIDAYS”**: Means the days as stipulated in the Public Holidays Act.

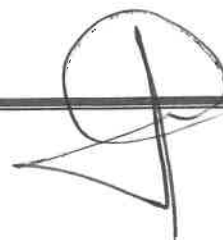
**“PATERNITY LEAVE”**: Means a period of time used by a male employee for the birth of a child.

**“PERMANENT EMPLOYEES”**: Means employees employed with no specific date of termination except on retirement.

**“SALGBC”** Means South African Local Government Bargaining Council

**“SICK LEAVE”**: Means any period or periods used by an employee as a result of ill health / indisposition.

**“SICK LEAVE CYCLE”**: Means the period of 36 consecutive months due to an employee for sick / indisposition according to his/her employment date



## **2. OBJECTIVE OF THE POLCY**

This policy seeks to give effect to the South African Local Government Bargaining Board KwaZulu- Natal Division Collective Agreement on Conditions of Services which came into effect from April 2015; It also seeks to regulate the taking, usage, accumulation, and management of leave by employees; and it promotes common and uniform leave for employees within the Municipal entity and replaces or supersedes all existing leave policies. Policy provisions apply to all permanent, contract and temporary Harry Gwala Development Agency employees.

## **3. SCOPE OF APPLICATION**

All municipal entity employees appointed on fixed term contracts, interns, and experiential learners.

## **4. ANNUAL LEAVE**

- 4.1. Harry Gwala Development Agency employees are entitled to such leave as contained in the SALGBC Collective Agreements.
- 4.2. 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.
- 4.3. During the first year of service, employees will only be entitled to accrued leave and shall not take paid leave before completing three (3) consecutive months in service.
- 4.4. A 5-day worker is required to take a minimum of 16 days leave within each leave cycle.
- 4.5. Employees may take leave only if agreed by the line manager of the Directorate, which will not be unreasonably withheld.
- 4.6. Application for annual leave must be made at least 5 working days in advance to allow planning for employee's absence (it is recommended that annual leave for all staff in the departments /divisions is scheduled in advance);
- 4.7. In the event of an emergency that is not covered by family responsibility leave an employee may apply for annual leave on short notice. Motivation for such instance will be submitted to line managers for consideration.
- 4.8. Employees are responsible for completing the Leave Request Form (available from your department or the Human Resources/Corporate division), getting it authorized by the relevant Manager/Supervisor and submitting it to the Human Resources at least five days prior to their going on leave.
- 4.9. Employees may accrue no more than 48 (forty-eight) working days paid leave at

any time. Excess accrued leave must be taken within one year of the year in which the accrued leave exceeded 48 days, otherwise the additional accrued leave days will be forfeited.

- 4.10 The Chief Executive Officer or his/her delegate may use their discretion to grant payment in kind 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).
- 4.11 The Chief Executive Officer and his/her delegate may from time to time decide which type of employee may take leave in December/ January period in line with the nature of employment and workload. This is in line with employer obligation to manage leave.
- 4.12 It will remain the responsibility of the employee to ensure that the leave applied for has been approved before proceeding on such leave

## **5. ENCASHMENT OF VACATION LEAVE**

- 5.1. Leave may be accumulated to a maximum of forty-eight (48) days. Any leave in excess of forty-eight (48) days may be encashed should the employee be unable to take such leave as a result of operational requirements (due to work related obligations). If, despite being afforded an opportunity to take leave, an employee fails, refuses or neglects to take the remaining leave due to him during this period, such remaining leave shall be forfeited. Employees are therefore encouraged to take their leave periodically when their leave days are more than forty-eight (48) days. (In line with the collective agreement 2015-202, clause 8.1.6)
- 5.2. A staff member who leaves Harry Gwala Development Agency's' employ, having exceeded the leave entitlement will have the monetary value of such excess leave recovered from his/her terminal emoluments. Staff members who have leave credit to themselves will receive payment equal to the monetary value of the leave up to a maximum of their leave entitlement which is 48 days. Leave may not be taken during the period of notice; and
- 5.3. Any encashment of leave must be approved by the Chief Executive Officer who will in consultation with the relevant manager consider the application considering such factors as affordability and allowing the employee to proceed on leave.
- 5.4. Should an employee die after leave was granted to him/her but before such employee has used up all such granted leave, any unused leave must be placed to his credit.

## **6. SICK LEAVE**

- 6.1. Employees are entitled to eighty (80) days paid sick leave during each sick leave cycle of 36 continuous months.

- 6.2. During the first year of service, employees shall be required to complete three (3) consecutive months in service to qualify for paid sick leave.
- 6.3. Where an employee takes more than two 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.
- 6.4. Where the Chief Executive Officer or his/her delegate suspects that an employee may be abusing the sick leave system, he/she 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 day's sick leave has been taken. Line Managers and or Supervisors should monitor the taking of leave within their departments to ensure that no abuse occurs.
- 6.5. It is the employee's responsibility to inform their Line Manager that they are taking sick leave on the day(s) that they are away from the office. (i.e. if the employee is ill, he/she need to phone or use any kind of communication to the office before **08H00** on the day of absence, or when the employee can reasonably do so), and tell his/her line manager that they are taking sick leave.

It is also a responsibility of the employee to ensure that he/she completes leave forms for the day/s that he/she was absent and that the form should be completed in two days of his/her return.

- 6.6. The Municipal Board shall not pay an employee if an employee is absent on more than two occasions during an eight (8) -week period, and on request by the Municipal entity, does not produce a valid medical certificate stating that the employee was unable to work for the duration of the employee's absence on account of sickness or injury.

## **7. MATERNITY LEAVE**

Maternity Leave applies to all full-time female employees regarding payment for maternity leave, subject to the conditions below, but does not detract from the rights of all other female employees to four months **unpaid** maternity leave. **All female** employees are required to comply with the requirements set out in 7.1.1 to 7.1.5 below when applying for maternity leave:

- 7.1.1 The employee is required to notify the Harry Gwala Development Agency in writing, at least four weeks before proceeding on maternity leave, of the date on which the employee intends to commence maternity leave, and the return-to-work date after maternity leave.
- 7.1.2 No female employee may work within six weeks after the birth of her child, unless a medical practitioner or midwife certifies that she is fit to do so.



- 7.1.3 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.
- 7.1.4 During the pregnancy of an employee and for a period of 3 months after the birth of a child, the Harry Gwala Development Agency will, as far as is reasonably practicable, offer suitable alternative employment, if needs be, on terms and conditions not less favorable than the terms and conditions of employment normally applicable to that employee if:
- 7.1.5 The employee's work involves work between 18h00 and 23h00, or
- 7.1.6 The employee's work poses a danger to the health or safety of the employee or the health or safety of the child.
- 7.1.7 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 Harry Gwala Development Agency in writing as soon as reasonably possible that she has applied to adopt a baby.

## **8. PAID MATERNITY LEAVE**

- 8.1 Paid maternity leave 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. The fourth (4m) month can be taken without pay but claimable through the UIF.
- 8.2 Provided that the employee has been employed by the Harry Gwala Development at least one year, the Harry Gwala Development Agency will pay the employee:
- 8.2.1 100% 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:
- 8.2.2 three months for the purposes of confinement, birth, and post-natal care;
- This provision (in conjunction with applicable clauses) will also apply, in the case of a same sex relationship whereby the couple adopt a child.
    - 8.3.1.2 six weeks in the event of a miscarriage in the third trimester or stillbirth; and
    - 8.3.1.3 two months for the purposes of legal adoption.
- 8.3 The employee will be required to continue to work for the Harry Gwala Development Agency for at least:

- 8.3.1 two months after her maternity leave which was taken for the purposes of ordinary maternity leave (confinement, birth, and postnatal care);
  - 8.3.2 one month after maternity leave taken in the event of a miscarriage during the third trimester, or stillbirth; and
  - 8.3.3 one month after maternity leave used in the case of adoption.
- 8.4 Should the employee not comply with the provisions of clause 8.3 above, she will be required to repay any moneys received from the Harry Gwala Development Agency during maternity leave, on a pro rata basis.
- 8.5 Nothing in this policy affects the employee's right to claim any maternity benefits in terms of the Unemployment Insurance Fund Act.
- 8.6 Where the employee has been employed by the Harry Gwala Development Agency for more than one year but less than three years, the Harry Gwala Development Agency 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:
- 8.6.1 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;
  - 8.6.2 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 two weeks;
  - 8.6.3 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;
  - 8.6.4 Should the employee fail to comply with the provisions of 3.7 above, she will be obliged to repay any moneys to the Harry Gwala Development Agency received during maternity leave, on a pro rata basis.
- 8.7 Where the employee has been employed by the Harry Gwala Development Agency for more than three years, the Harry Gwala Development Agency 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:
- 8.7.1 twelve weeks of ordinary maternity leave taken; in which event she will be required to work back at least six weeks;
  - 8.7.2 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;
  - 8.7.3 Six weeks for the purposes of adoption, in which event she will be required to work back at least three weeks.

- 8.7.4 Should the employee fail to comply with the provisions of 3.8 above, she will be required to repay to the Harry Gwala Development Agency any moneys received during maternity leave, on a pro rata basis.
- 8.8 Nothing in this policy affects the employee's right to take the remainder of her maternity leave entitlement as unpaid maternity leave, subject to her rights under the Unemployed Insurance FundAct.

### **Maternity leave arrangements**

- 8.9 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 Human Resources Division regarding maternity leave. Such arrangements may include, but are not limited to:
- 8.9.1 Flexi-time work for a defined period after the birth of the child.
  - 8.9.2 Reduction of ordinary working hours for a defined period after returning to work.
  - 8.9.3 "Banking" additional hours prior to the birth of the child(as calculated against the targets set for each employee).
  - 8.9.4 Use of annual leave.
- 8.10 In reaching arrangements of the nature set out in clause 3.10 above, the following factors must be considered:
- 8.10.1 The financial and staffing situation of the Harry Gwala Development Agency at the time when maternity leave is sought to be taken.
  - 8.10.2 The timing of the maternity leave.
  - 8.10.3 The volume of work the Harry Gwala Development Agency is likely to experience during the maternity leave period.
  - 8.10.4 The period to which an employee will agree to "work back" maternity leave taken.
  - 8.10.5 The ability or capacity of the specific employee to manage flextime working schedules.

## 9. FAMILY LEAVE

Refer to Family Responsibility Leave at 11 hereunder.

## 10. STUDY LEAVE

10.1. Study leave with full pay on the basis of two day study leave for every day prior to and on the day which the employee has to sit for an examination may be granted, provided that in the opinion of the immediate supervisor:-

10.1.1. It has the object to better equip the employee concerned for a career in the Municipal entity; and

10.1.2. It is in a field of study which is in full or in part in the interest of the Municipal entity

- In all the above cases, an examination roster/timetable must be submitted to the immediate supervisor at least 2 weeks prior to writing of first paper, or 1 month if the period of absence will be more than 2 weeks, unless there are factors beyond the staff member's control, for example, late issue of timetable by the institution.
- Where the day of the examination immediately follows a weekend (i.e., falls on a Monday) or a paid public holiday, only the day of the examination will be granted.
- In the event that an employee fails an exam and or/ is considered for a supplementary/rewrite the employee cannot reapply for study/examination leave, application will subsequently have been made against the employee's annual leave.

## 11. FAMILY RESPONSIBILITY LEAVE

11.1. Family Responsibility leave will be granted to an employee who has been in employment with an employer for longer than four months; and who works on at least four days a week for that employer.

11.2. Family responsibility leave will be granted in the following instances:-

11.2.1. when the *employee's child* is born;

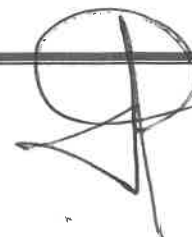
11.2.2. when the *employee's child* is sick;

11.2.2. when the employee's spouse or life partner is sick

11.2.3. in the event of death of:

a) the employee's spouse or life partner; or

b) the employee's parent, adoptive parent, grandfather, child, adopted child, grandchild, or siblings.



11.3. A maximum of five (05) working days **paid** leave during each annual leave cycle will be granted as Family Responsibility leave.

11.4. Before paying an *employee* for leave in terms of this policy, the Municipal entity may require reasonable proof of an event contemplated in subsection (1) for which the leave was required.

11.5. The Municipal entity will require the following proof in respect of applications for family responsibility leave:-

Situation	Proof Required	When required
Death of Immediate Family Member	Death Certificate Proof that Deceased Immediate Family Member	Within two days of returning from funeral
Birth of child	Birth Certificate Proof of Paternity	On returning from FR Leave
Illness of child	Proof of Parenthood/ Medical Certificate specifying name of child	On returning from FR Leave

11.6. Request for Family Responsibility leave must be in writing on the municipal's Leave Application form, which should be authorized by the Line Manager. Once authorized, the original Leave Application must be filed on the employee's personal file.

11.7. An *employee's* unused entitlement to leave in terms of this policy lapses at the end of the annual leave cycle in which it accrues.

## 12. PUBLIC HOLIDAYS

12.1. All public holidays as promulgated in the *Government Gazette* are recognized by the Harry Gwala Development Agency .

12.2. Public holidays are not considered in calculating annual, family responsibility leave.

## 13. UNPAID LEAVE

13.1. Unpaid leave is discouraged and will only be granted in exceptional circumstances at the discretion of the Accounting Officer.

- 13.2. All annual leave should ideally be exhausted before unpaid leave may be taken.
- 13.3. 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.

#### **14. SPECIAL LEAVE**

On condition that acceptable documentary proof is submitted to substantiate the specific application, special leave may be considered in the following instances:-

1. To participate in recognized sport activities at provincial or national level
2. To appear as a state witness

##### **14.1. Special leave for sport activities**

- 14.1.1. Special paid leave may be granted upon submission of substantiated proof where an employee has been selected to represent his/her province, the Republic of South Africa or to participate in a municipal recognized sporting event (addition) as a member of a sports team recognized by the National Sports Congress; as a manager or coach of such a team; or as a referee,
- 14.1.2. A maximum of 10 working days per year for international, national, and provincial participation events.
- 14.1.3. In the case where extended special leave is required, normal annual leave must be taken. If an employee has no annual leave to his/her credit, management may consider unpaid leave for a maximum period of 14 working days.
- 14.1.4. Leave granted in terms of the above sub-regulation may include any period actually and necessarily occupied in travelling for the purposes for which the leave is granted.
- 14.1.5. The normal procedure for leave applications must be followed. Notwithstanding the above, this type of leave is subject to approval by the line manager.

## **14.2. Special leave as a state witness**

Where an employee has been summoned to appear as a state witness in a court case, special leave may be considered. The application for leave must be accompanied by a copy of the official summons / subpoena.

## **15. INJURY ON DUTY**

In an event where an employee is injured on duty, the leave of absence will be regulated in terms of COIDA (Compensation for Injury and Disease Act)

## **16. MEASURES TO MANAGE THE TAKING, ACCRUAL AND /OR CONVERSION OF SICK LEAVE AND ADMINISTRATIVE ARRANGEMENTS FOR THE TAKING OF SICK LEAVE.**

If an employee to whom annual leave has been granted is certified sick by a registered medical or dental practitioner after his annual leave has commenced, that part of his annual leave during which he was certified sick shall be converted into sick leave on submission of the prescribed certificate by such medical or dental practitioner or a Traditional Healer registered with a recognized professional Board in terms of legislation.

If, due to illness, an employee is unable to take annual leave already deducted, he shall be credited with an equal number of annual leave days.

An employee may not during any period of sick leave approved in terms of these conditions, resume service without the approval of a registered medical practitioner.

An employee who is absent from service because of illness must take all reasonable steps to notify his immediate supervisor (or nominee) as soon as possible.

An employee to whom the maximum period of full and half paid sick leave has been granted, may be granted sick leave without pay for not more than 250 working days in any cycle if the Municipal entity is satisfied that such an employee is not permanently incapacitated to resume his duties, provided that where sick leave without pay exceeds 40 consecutive days, the employee must be examined by a registered medical practitioner appointed by the Municipal entity. The cost of such examination shall be borne by the Municipal entity.

The Municipal entity may, prior to granting additional paid sick leave, require an employee to submit himself to an examination by a registered medical or dental practitioner appointed by the Municipal entity and the cost of such examination shall be borne by the Municipal entity.

## **17. BUDGET AND RESOURCES**

The Chief Executive Officer or his/her delegate assignee accepts overall responsibility for the implementation and monitoring of the policy.

## **18. PENALTIES**

Noncompliance of any of the stipulation contained in the Policy will be viewed as misconduct and will be dealt with in terms of the Municipal entity's Disciplinary Code

## **19. ROLES AND RESPONSIBILITIES**

### **19.1 HEADS OF DEPARTMENTS**

Heads of Departments shall be responsible to ensure effective management of leave through the following:

- Monitoring, with the assistance of the Corporate Services Section, the taking of leave within the department to ensure that no abuse thereof occurs.
- Ensuring that the procedure manual in relation to leave management is adhered to at all times.
- Ensuring that all employees have a leave plan for their leave cycle and adhere to it.
- Ensure that leave taken is in accordance with the leave plan.
- Reconcile attendance registers with the leave registers and leave forms in their respective departments on a monthly basis before submission to the Corporate Services Section and Finance Department.

### **19.2 EMPLOYEES**

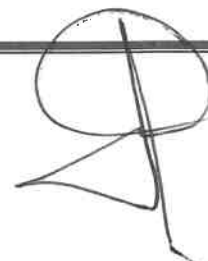
Employees shall be responsible to ensure that they take their leave within the prescripts of the Conditions of Service and the Leave Policy and commit to no abuse of their leave whatsoever.

Employees shall further be responsible to the filling of an attendance register on a daily basis as required by Management.

### **19.3 CORPORATE SERVICES SECTION**

Responsibilities of the Corporate Services Section in leave management shall include but not limited to the following:

- Consult regularly with managers and supervisors responsible for managing employee leave.
- Provide guidance and technical assistance before administrative action procedures are initiated to ensure the proposed action is appropriate and timely.
- Ensure managers and supervisors have up-to-date information concerning disposition of leave related administrative action.





- Monitor and analyze site performance: Sick Leave and Leave without Pay (LWOP) usage, as well as unscheduled absence occurrences regularly, on a pay period basis at a minimum.
- Identify “hot” spots (e.g. excessive unscheduled occurrences) and advise Management or corrective action to be taken.

**20. DISPUTE RESOLUTION**

Any dispute arising from this policy due to ambiguous wording or phrasing must be referred to Local Labour Forum. Resolutions from the Local Labour Forum must be incorporated into the policy.

**21. MONITORING, EVALUATION & REPORTING**

A report detailing the progress with the implementation of Leave Policy with specific reference to achievement of this policy has to be compiled every year by the person with the responsibility for implementation and monitoring. The policy must be made available to all consulting parties for perusal and comment and must be circulated to all staff members by means of circulars, notices, and notice boards.

**22. COMMUNICATION**

Circulars, messages, and notices on notice boards will be utilized in order to inform all employees of the availability of the policy. Copies of the policy will also be distributed to the parties that took part in the consultation process.

**23. LEGAL FRAMEWORK**

- Labour Relations Act
- Basic Conditions of Employment Act
- SALGBC Collective Agreements

**24. REVIEWAL OF THE POLICY**

It will be the responsibility of the Corporate Services Department to consider the provisions of this policy on annual basis. The Corporate Services Department shall request all Departments to submit their proposed changes for submission to the Board for approval.

**25. COMMENCEMENT**

This policy will commence on 1 July 2024, and must be reviewed annually together with the budget related policies.

**APPROVED BY:**

NAME	SIGNATURE	DESIGNATION	DATE
MS ACR Whyte		Chief Executive Officer	25 April 2024