

ALBED Foundation

HUMAN RESOURCES POLICY MANUAL Final Draft

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1. EMPLOYMENT POLICY

1.1 Introduction

The aim of this Human Resources Policy Manual is to provide policy necessary to achieve the Foundation's strategic Human Resources goals.

This will be accomplished by:

- Ensuring that the Foundation has sufficient human resources to ensure that it delivers on its mandate.
- Maintaining a competent, motivated and contented workforce through the implementation of a human resources manpower plan that acknowledges the need to develop employees to their full potential.
- Ensuring that the employment profile reflects the demographics of South African society.

In order to realise the above commitments, a measurable standard will be developed and maintained in recruitment and performance management.

1.2 Employee Categories

Depending on the needs of the Foundation and the prospective employees, individuals may be appointed to positions in any of the following categories, subject to the relevant rules and regulations within the Foundation:

- Permanent Employee
- Fixed-term Employee
- Part-time Employee
- Temporary Employee

Terms and conditions are based on the Basic Conditions of Employment Act.

In terms of the Employment Equity Act, all permanent (full or part time) employees are counted in terms of the Employment Equity Plan. For all contract, fixed term or temporary employees, if the contract is 3 months or longer, then the employees are counted in terms of the Employment Equity Plan.

1.3 Recruitment and Staff Retention

In support of the Constitution, the ALBED Foundation is required to be broadly representative of the South African society as a whole. The Foundation will appoint people with potential at all levels, and strive for equal representation of all employees (in terms of race and gender) especially at senior levels within the organisation.

In the attempt to match human resources to the strategic and operational needs of the organisation and ensure the full utilisation and continued development of these resources, the Foundation will aim to attract, obtain and retain people with the required competencies (knowledge, skills and attributes) within the organisation.

The Foundation will also aim to continuously create an environment that permits equal opportunity for all entering the organisation, and for further advancement within the organisation. Vacancies within the organisation will be filled by the most suitable candidates, with special preference being given to those that were previously disadvantaged.

The Human Resources and Remuneration Sub-Committee of the Board and the Director will be responsible for the recruitment, selection and retention of employees within the organisation. New employees will be inducted into the Foundation and will be on probation for a period of three (3) months.

1.3.1 Recruitment Sources

Recruitment activities are dependent on the Foundation's human resource requirements and key organisational competencies.

Internal sources of recruitment will receive priority as it is cost-effective and serves as motivation for all employees within the Foundation.

External recruitment may be undertaken by means of advertisements. Where necessary, the Foundation shall use the services of recruitment agencies that subscribe to Employment Equity principles and reflect this commitment through their practices.

1.3.2 Process

A process of short-listing and interviewing will be carried out for each position filled. This process will be lead by the Director, or staff to whom the Director has delegated these responsibilities.

The interview process should ensure that:

- The purpose of the interview is made clear to the applicant.
- Applicants are given the opportunity to ask questions in respect of job requirements, output requirements, support structures, the conditions of employment and career prospects at the Foundation.
- Interviews are conducted in an atmosphere designed to make the applicant feel at ease and free of any intimidation.
- An adequate summary of the interview session is recorded for all positions.
- On request, internal unsuccessful candidates are debriefed as to their strengths and weaknesses in relation to the position applied for and counselled about further career opportunities.
- Any member of the interview panel that has a personal interest or bias regarding the outcome of any interview session discloses this and withdraws from participating in that interview session.
- In all stages, timeous and appropriate feedback must be given to all the interested parties.

1.3.3 Probationary Appointments

Employees are employed on a probationary period of three (3) months. The purpose of a probationary appointment as part of the selection process is to assess, as early as possible in a working environment, an employee's suitability for employment in a particular job. During the probationary period, employees must be given the opportunity to demonstrate the standards expected of them and be provided with appropriate feedback, assistance and support to achieve them.

Probationary periods are to be confirmed by a written letter to the employee confirming their formal appointment to a position. The probationary period may be extended based on the performance of an individual, likewise, confirmation of appointment can occur before the end of the probationary period. If an extension is to be applied, the employee is to be advised in writing of such an extension and the conditions set out for this extension.

1.3.4 Contractors and Consultants

The selection and appointment of contractors and consultants will be conducted according to the Foundation's procurement policy, and depending on the amount of such tender. Every contractor and consulting organisation will sign a standard contract, regarded as a legal document. Key performance indicators will be agreed upon and adhered to. The purpose of this is to define and manage the relationship between the Foundation and the contracted employee in terms of service conditions and responsibilities.

The contractors and consultants offer services on an agreed contractual basis for a specified period of time or for a specified task. They may be appointed on a retainer basis, on fixed-term contracts, or on "once-off" type assignments. Consequently, contracted individuals will not be entitled to Pension/ Provident Fund or Medical Aid Fund benefits. However, they will be eligible for all benefits provided for them in the Basic Conditions of Employment Act, 1997.

A budget must be submitted by the contractors and consultants and approved in writing by the Foundation on all and any costs to be reimbursed. The budget must have an outline of any intended air and car travel which may have to be undertaken specifically for the project.

All fees paid to the contracted individual are subject to PAYE deductions, unless the employee provides proof of being a provisional taxpayer.

1.3.5 Temporary Employment

As the organisational needs may dictate, the Foundation may employ people on a temporary or casual basis. This refers to the employment services rendered by a person on an *ad hoc* basis or a short-term contract. Normally, these services are required in circumstances where a position is left vacant temporarily, e.g., incumbents being on leave, due to resignations, dismissals, etc.

The recruitment of temporary employees should be in line with the policy on recruitment and selection and promote employment equity in the workplace;

Flexibility may be applied where necessary, however, the broad principles must be adhered to;

- A contract of employment is to be prepared for each temporary employee, clearly stating the conditions of employment.
- Should the need arise that the Foundation uses recruitment agencies to supply temporary employees, assurance must be given that the conditions under which they are employed are in line with the Employment Equity practices and policies requirements.
- Contracts are to be determined within parameters defined in the conditions of service. Penalty clauses for non-performance must be in place and enforced.
- The management of temporary contract employees must be carefully monitored. No change to such contract or undertakings/indications about renewal or extension shall be valid unless put in writing and signed by the Director.

1.3.6 Employment of Family Members and Relatives

The employment of family members and/or relatives and persons having other intimate relationships is strongly discouraged. Employees are therefore required to disclose the existence of any such relationship, when recommending or introducing a candidate for employment at the Foundation.

The Foundation defines a “family member” or “relative” as any person related by blood, marriage or adoption, and includes “in-laws” and “step” family members. An “intimate relationship” is defined as any relationship of a sexual nature, which may result in impaired objective decision-making, or result, even inadvertently, in inappropriate exchanges of confidential information, or create the actuality or perception of favouritism or discrimination.

Under no circumstances should an employee be assigned a position with the responsibility to supervise or evaluate a family member and/or relative or someone with whom there exists an intimate relationship. It is the responsibility of all employees to disclose to the Director of the existence of any such relationship.

Similarly, if an employee later becomes related to another employee or an intimate relationship develops involving a person under their direct supervision, the situation should be addressed by the Director by means of an internal transfer within the Foundation. If a transfer is not practicable or not possible, one of the individuals may be required to resign, after a reasonable notice has been given. However, each individual case will be examined and treated on its own merit by the Director.

2. CONDITIONS OF EMPLOYMENT

2.1 Working Hours

For employees the days upon and the hours during which an employee shall work shall be regulated by contracts of employment between the Foundation and individual employees. The current hours of work are from 08h30 to 17h00, Monday to Friday, included herein is a lunch break of one (1) hour, as well as a 15 minute tea break in the morning and afternoon. However, thirty minutes (30 mins) before 8h30 and thirty minutes (30 mins) after 17h00, cannot be claimed as overtime.

Temporary and casual employees employed by the Foundation are required to work the hours as stipulated in their contracts of employment.

2.2 Acting Allowance Policy

Due to other commitments, work or otherwise, there may be periods where employees are not present at the Foundation. At such times other colleagues may need to step in and perform duties of the employee who is not present as well as their own. The Foundation recognises that such periods will require more time and add additional responsibilities to such employees. An acting allowance is a non-pensionable allowance paid to an employee who is appointed by the Foundation management to act in a higher position than their own.

The following acting allowance procedures shall apply:

- All employees are contractually bound to flexibility including multi-skilling, multi-tasking and mobility, subject to reasonable and prior consultation. Acting allowances are not paid for flexibility as such, but only where an employee operates for a defined minimum period (21 working days) in a senior position to their normal role;
- Before an employee commences their duties in an acting position, a letter is issued by Director to the acting employee detailing the acting individual's roles and clarifying responsibilities;
- When the qualifying period is broken by absence from duty for a period of one day or more, and the Director is satisfied that such absence has been caused by circumstances beyond the control of the acting employee, the qualifying period shall not be regarded as having been broken if the acting employee in the aggregate acted for no less than twenty one (21) days

2.2.1 Payment

In determining the amount of acting allowance to be paid, it is also taken into account that the appointment to act in a position higher than that which the employee currently occupies, offers an opportunity to enhance training and development at a higher level;

An acting allowance shall be paid from the first day to the last day of the acting appointment including public holidays.

The acting allowance paid shall be determined as follows:

A non-pensionable acting allowance monthly salary equal to the difference between the total salary package of the two employees shall be paid at the end of the acting period or on each pay day falling within the acting period;

2.2.2 Limitation

No employee will act in a higher position for a continuous period exceeding six (6) months.

2.3 Conflict of Interest

A conflict of interest exists in any situation where doubt may exist as to an employee's ability to act with total objectivity in regard to the Foundation's decisions and interests.

An employee of the Foundation who has or obtains an interest in an organisation that enters into transactions with the Foundation, must advise the HR and Remuneration Sub Committee in writing of such interest.

Such an employee may not participate in any meetings or proceedings of the Foundation during which discussions will revolve around the organisation in which such an employee has any interests, as it might impact on them taking decisions which are fair impartial and proper.

2.4 Extraneous Employment (moonlighting)

All employees, unless otherwise specified in their employment contract, must place their contracted daily eight (8) working hours at the disposal of the Foundation. Consequently, no employees should bind themselves to perform work outside their duties, during the contracted daily eight (8) working hours, without prior authorisation.

Applications to perform work outside of the Foundation will be considered according to each individual circumstance, but in principle this is not encouraged by the organisation.

2.4.1 Conditions for Approval

- Performing outside work or personal work while on Foundation premises or on Foundation time is strictly prohibited. Nor may Foundation assets, facilities or proprietary information be used for any outside or personal work for personal gain of an employee;
- The work cannot be of such a nature that the Foundation will be prejudiced in any way;
- The onus will be on the employee to disclose involvement in the extraneous employment (moonlighting), providing details and seeking permission prior to engaging in such employment or continuing with such employment;
- No employee may take on any work outside the Foundation if there is a potential for a conflict of interest;
- Where permission is granted, the work is to be done in the employee's own time and is not to effect working performance;
- The Foundation encourages employees to belong to and participate in civil society organisations that are geared towards the upliftment of the quality and the standard of living of all South Africans;

2.5 Use of Internet and E-mail

Whilst the internet and e-mail provides tremendous business and learning opportunities, Foundation employees need to be aware of the risks associated with external e-mail and internet access. The internet and e-mail access provided by the Foundation is intended to be for business purposes only.

2.6 Performance management

The Foundation subscribes to the concept of performance-based remuneration, necessitating a full performance appraisal system. Each employee of the Foundation will, on appointment, have a detailed job description, with key performance areas clearly noted, to ensure that employees are aware on what basis their performance will be appraised and managed.

Quarterly performance reviews will be undertaken for each employee by their immediate manager to ensure feedback and development of employees. In addition, a full annual performance appraisal will be undertaken by both manager and director, and this will be linked to annual increases.

2.7 Performance Bonus

The Foundation subscribes to the concept of performance-based remuneration, with an annual salary review forming part of the performance appraisal system. The annual salary review will take into account not only inflation costs, but will include a full performance appraisal, which will be linked to annual increases.

All performance bonuses, as well as annual increases, must have the approval of the Human Resources and Remuneration Sub-Committee.

2.8 Training and Development

The Foundation is committed to training and developing its employees for current and future challenges and demands of the Foundation and to ensure that each employee's potential is maximised.

The types of training courses and the development thereof will be determined by the Foundation. Employees are encouraged to become involved in their personal development, to manage their own careers by indicating to their supervisors their training needs requirements.

2.9 Salary Administration

The Foundation's salary administration policy is aligned to the Basic Conditions of Employment Act, which among other things states that an employer has a duty to pay an employee remuneration for services rendered to the employer. The Act specifically stipulates that employers are to keep employee records which should contain information relating to the employee's occupation, remuneration, any deductions to their remuneration, actual amounts paid and so on.

The key objectives of the Foundation salary administration policy are:

- To establish salaries that have a proper relationship to, and are competitive with, salaries paid for similar work of equal value.
- To establish salaries which reflect the relative priorities and values of jobs, and internal Foundation relationships among jobs.
- To provide an incentive for employees to improve performance in their present jobs, and to qualify for promotion to higher valued jobs.
- Further details about this policy can be obtained in the Foundation Finance Policy and Procedures Manual.

2.10 Termination of Employment

The Foundation recognises that termination of employment must be handled sensitively and efficiently, in order to serve the interests of both the employer and employee.

Unless otherwise provided for in the contract of employment, an employee after serving three (3) months service, must give four (4) weeks written notice of their intention to resign. Notice of termination of the contract of employment must not be given during any period of leave to which the employee is entitled. However, for an employee who has served three (3) months or less and is still on probation, the Foundation can terminate employment with immediate effect.

- Notice must be given on or before the first (1st) or fifteenth (15th) day of the month, or the first working day thereafter, and shall run from the first (1st) or the fifteenth (15th) day of that month, as the case may be.
- A period of notice may not run concurrently with any type of paid leave of absence. Leave of absence taken during a period of notice should therefore be treated as leave without pay.
- All employees leaving the employ of the Foundation shall be granted an exit interview by the Director, on or before the effective date of termination of service.
- This policy will only apply to permanent, (full-time and part-time) employees.

2.10.1 Resignation at Short Notice or Termination of contract without notice (absconding)

A resignation on short notice is in effect a unilateral effort to change the employment contract. The Foundation in its discretion may or may not agree thereto. In the event that the Foundation gives its consent, this should be on the conditions determined by the Director, put in writing and signed by the employee.

If an employee tenders a short period of notice, and leaves the Foundation at short notice, without the consent of the Director, the employee is in breach of contract of employment. The employee is, in terms of the Basic Conditions of Employment Act, liable to the Foundation for payment of an amount which is

equal to the appropriate basic salary which would otherwise have been paid to them, had they resigned with the required period of notice.

In terms of the above mentioned, the Foundation is also not obliged to pay any monies in respect of compulsory leave standing to the credit of an employee who leaves the Foundation without having given the required period of notice.

It is important that employee's be informed of these measures in writing when they tender a resignation at short notice.

The onus rests with the employee to pay the Foundation any outstanding debt, failing which, the following steps must be instituted:

- These monies should be claimed from the employee's last payment of salary and/ or payment in respect of compulsory leave.
- If the above cannot be utilised, the employee can be prosecuted through the Department of Labour to recover the outstanding debt. Local Labour Relations sections should be approached for guidance in this regard.

2.10.2 Retirement on Own Request on Account of Disability

An employee whose continued disability prevents them from performing their duties satisfactorily, may submit a written request, to be retired on account of such disability, for consideration.

The emphasis is placed on "continued and permanent" disability and it follows, therefore, that discretion must be exercised and selectivity observed before the case is referred to the relevant parties for further attention. All evidence must point to the fact that the work performance of the employee has deteriorated, as a result of irrecoverable disability, and that it would be in the Foundation interests to retire the employee.

2.10.3 Discharge

Unless stipulated otherwise in an employees' contract of employment, the Foundation may terminate the employees services with four (4) weeks written notice, provided that such period of notice may be shortened by mutual agreement.

Discharge can be effected on account of:

- Actions taken against an employee in terms of the disciplinary code (notice of discharge need not be given in this instance).
- Employee reductions as a result of rationalisation, economic factors and medical disability.
- Redundancy, as a result of operational requirements, having due regard to the applicable provisions of the Labour Relations Act, 1995.
- Theft, unauthorised usage or removal of Foundation assets.

On termination of employment exit interviews will be given to all employees.

3. LEAVE

- None of the statutory paid public holidays will be regarded as a working day for the purposes of leave calculation;
- In the event of an illness or other unforeseeable circumstances, it is the responsibility of the employee to notify their supervisor before 11h00 on the date of absence or, where possible, before then;
- Absence from work without approval and/or without a valid reason shall be regarded as misconduct and be dealt with in terms of the disciplinary procedure;
- Employees will not accrue full annual leave benefits whilst absent from work on sick leave or maternity leave which extends beyond the normal maximum of such leave, except in the case of extended absence due to injury during the course of their duties.

3.1 Annual Leave

Annual leave is intended to provide the opportunity for a period of rest and recreation, and therefore employees are expected to take leave within the leave year, when leave is due. Leave may be taken at any time convenient both to the employee and the Foundation, balancing business need and personal need. The Foundation allows employees to carry over a maximum of five (5) days of leave per year.

All employees are entitled to twenty (20) working days annual paid leave (excluding weekends). This includes the compulsory closure of the Foundation over the Christmas and New Year period.

Application for leave must be made in reasonably good time to allow for planning during an employee's absence. Leave requests of over 5 days must be submitted 10 working days prior to leave being taken. Failure to comply with this requirement may result in such leave being regarded as unpaid. It will remain the responsibility of the employee to ensure that leave applied for has been approved before proceeding on such leave.

Employees are entitled to take annual leave to observe their religious occasions where these are not designated as national public holidays.

Where the Foundation has agreed to honour holiday arrangements made by a new employee prior to joining the Foundation, any paid leave already accrued will be supplemented by the necessary amount of unpaid leave. The Director needs to approve such a holiday arrangement.

3.2 Sick Leave

Employees will be entitled to thirty six (36) days paid sick leave (calculated pro rata), per three year cycle, commencing on the employee's date of employment with the Foundation.

- During the first six (6) months of employment, an employee will be entitled to one (1) day's paid sick leave for every twenty six (26) days worked.
- Additional sick leave days by employees who have exhausted their sick leave days can be applied for in the event of serious illness. This will be granted at the discretion of the Director.
- Where sick leave days have been used up, and an employee has not been granted additional leave, any absence from office will be treated as unpaid leave.
- Sick leave application forms must be submitted to the employee's supervisor immediately upon return to work.
- A medical certificate will be required from a medical practitioner or any other person who is certified to diagnose and treat patients, and is registered with a professional council, for absences in excess of two (2) consecutive working days;
- For absences where an employee takes sick leave on a Friday or a Monday, or a day immediately preceding or following a public holiday a medical certificate may be requested.
- Should an employee become ill whilst on annual leave, such portion of their vacation leave may, subject to the submission of the medical certificate or an affidavit, be converted into sick leave.

3.3 Study and Examination Leave

Employees undertaking approved courses of study, privately and on a part time basis may, subject to the convenience of the Foundation be granted paid study leave to attend such courses. The number of study and examination working days will not exceed ten (10) working days per annum. Study leave for purposes of writing examinations for approved courses will be granted on the basis of the day of the examination and the working day preceding it. Proof of registration and an examination time table need to accompany the application for leave.

3.4 Maternity Leave

Maternity leave may be granted to both male (in which case it will be referred to as paternity leave) and female employees who have the sole responsibility of raising their newly born babies, or adopted children under the age of one (1) year.

Employees are entitled to one (1) month paid maternity leave for every three (3) months of uninterrupted service given to the Foundation, and the right to return to the same position, with a limit of four months paid maternity leave.

In the case of adoption, employees who legally adopt children under one (1) year of age are entitled to one (1) month paid adoption leave for every three (3) months of uninterrupted service given to the Foundation, and the right to return to the same position. Proof of adoption will be required before such leave is approved.

The following conditions apply:

- An employee may commence work after a period of six (6) weeks after birth if a doctor certifies that she is fit to commence normal duties.
- Security of employment is protected during the period of maternity leave;
- Maternity leave must in all cases be uninterrupted and continuous with the confinement. It may furthermore be utilised continuously with periods of sick leave or any other kind of leave.
- Maternity leave may not, subject to the provision below, be converted to any other kind of leave after it has commenced.
- During the period of maternity leave normal sick and annual leave benefits continue to accrue.
- Maternity leave should be applied for at least four (4) weeks in advance to allow adequate planning for the employee's absence.
- Before leaving to go on maternity leave the employee shall enter into an agreement with the Foundation, stating that the individual will return to work after their confinement. In affording the employee a paid confinement the Foundation makes a provision that the employee shall return to work for a specified period of time;
- Upon the employees return to work, the individual shall report to her direct supervisor, together with reasonable proof of birth, to ensure that six (6) weeks have elapsed since the birth date; and
- Failure to return to work on the due date, without notification of the reason for the delayed return, may be regarded as misconduct and dealt with in terms of the disciplinary procedure.
- Where a review takes place during paid maternity leave, the employee will receive any relevant increase from the effective date due to them.
- Approval needs to be sought through the Director for the retention of PC's during paid maternity leave.
- Paid maternity leave is recognised as continuous service.
- The policy for multiple births is the same as for single births.

3.5 Paternity Leave

Employees are entitled to one (1) day paid paternity leave for every two (2) months of uninterrupted service given to the Foundation, with a maximum of 5 working days.

Such leave is to be taken within three (3) months of the birth of the employee's biological baby or the legal adoption of a child under one (1) year of age, and must be spent in the same household as the baby.

- Paternity leave will not accrue if not taken in any year; and
- Proof of birth or adoption will be required before paternity leave is approved.

3.6 Compassionate Leave

Compassionate leave of up to three (3) working days per occasion will be granted to employees in the event of the death or serious injury of next of kin and/or immediate family members.

For the purposes of compassionate leave "immediate family members" are regarded as an employee's spouse/partner and children (including legally adopted children), whilst next of kin is defined as their own parents, parents-in-law, grandparents, cousins, brothers and sisters.

The employee may be required to produce a death certificate or medical certificate in support of their application for compassionate leave; and

3.7 Unpaid Leave (Leave of Absence)

Leave without pay may be granted on good cause or own merit. This will be assessed by the Director or any person delegated by them, who will approve or deny such a request.

In all cases of unpaid leave, provision is to be made for deductions from the employee's salary to maintain contributions to Provident /Pension and Medical Aid funds.

3.8 Payment in Lieu of Leave Due

Employees will not be entitled to payment in lieu of leave due except upon termination of employment when accumulated leave will be paid out.

3.9 Table: Leave at a Glance

	PERMANENT EMPLOYEE	FIXED-TERM EMPLOYEE (max 6 months)	PART-TIME EMPLOYEE	TEMPORARY EMPLOYEE
Hours of work	Minimum 40 hour week	Minimum 40 hour week	Works less hours than normal week, e.g. mornings only	Minimum 40 hour week
Sunday and Public holidays	May claim leave in lieu of hours worked.	May claim leave in lieu of hours worked.	Normal daily rate, plus for hours worked	Normal daily rate, plus for hours worked
Annual Leave	20 consecutive working days annual leave, including compulsory closure for Christmas/New Year period	1 day annual leave for every 17 days worked, including compulsory closure for Christmas/New Year period	20 consecutive working days annual leave, including compulsory closure for Christmas/New Year period	1 day annual leave for every 17 days worked, including compulsory closure for Christmas/New Year period
Sick Leave	36 days over 36 month cycle	1 day for every 26 days worked	36 days over 36 month cycle	1 day for every 26 days worked
Maternity and Adoption Leave	1 month paid leave for every 3 months uninterrupted service, to a maximum of 4 months. In addition, optional 2 months unpaid leave	1 month paid leave for every 3 months uninterrupted service, to a maximum of 4 months. In addition, optional 2 months unpaid leave	1 month paid leave for every 3 months uninterrupted service, to a maximum of 4 months. In addition, optional 2 months unpaid leave	1 month paid leave for every 3 months uninterrupted service, to a maximum of 4 months. In addition, optional 2 months unpaid leave
Paternity Leave	1 day for every 2 months uninterrupted service, to a maximum of 5 days	1 day for every 2 months uninterrupted service, to a maximum of 5 days	1 day for every 2 months uninterrupted service, to a maximum of 5 days	1 day for every 2 months uninterrupted service, to a maximum of 5 days
Study and Examination Leave	1 day for every 26 days worked to a maximum of 10 working days	1 day for every 26 days worked to a maximum of 10 working days	1 day for every 26 days worked to a maximum of 10 working days	1 day for every 26 days worked to a maximum of 10 working days
Compassionate Leave	1 day for every 26 days worked to a maximum of 3 working days per occasion	1 day for every 26 days worked to a maximum of 3 working days per occasion	1 day for every 26 days worked to a maximum of 3 working days per occasion	1 day for every 26 days worked to a maximum of 3 working days per occasion

4. GRIEVANCE AND DISCIPLINARY PROCEDURE

4.1 Grievance Procedures

The Foundation accepts that from time to time in any workgroup, complaints and grievances will arise. To help employees manage these situations, the Foundation proposes a formal procedure.

A grievance is regarded as any dissatisfaction that an employee or group of employees have, that is connected to their work situation. Certain issues are specifically excluded from this definition such as: -

- Salaries and conditions of service that are subject to annual review.
- Dissatisfaction over disciplinary action, which is subject to appeal.
- Reporting of suspected disciplinary infringements, which should be handled according to the disciplinary procedure (if inadequate attention is paid to the matter, a grievance may arise against the way the matter is being handled); and
- Harassment whether physical, racial or sexual, if there is a dedicated procedure for such grievances.

The problem solving procedure is a framework within which Foundation management and employees seek to solve internal problems when they arise. Dealing with grievances in a sensitive, expeditious and compassionate manner is encouraged.

The Foundation must, through the Director, deal with any valid grievances in a way that reflects progressive leadership and supports working in a participatory and inclusive manner.

- By solving problems in a structured and non-threatening way, Foundation management and employees seek to promote an environment of transparency and equality.
- At the heart of grievance management is the need for absolute integrity. Employees must be protected from any form of victimisation.

Before the formal grievance procedure is evoked, it is important that the aggrieved employee attempts to find a solution informally, either with the person with whom they are aggrieved or with their immediate superior.

On filing their grievance, the employee must indicate whether they have attempted this, and if not, what their reasons are.

The grievance procedure is designed as a tool for consultation and consensus seeking for the good of the Foundation. Creative solutions must be sought to achieve a win-win solution.

4.2 Disciplinary Procedures

The purpose of the code and procedure is to:

- Promote good order and efficient functioning of the Foundation.
- Provide employees with a quick and easy reference for the application of discipline.
- Ensure that discipline is applied in a prompt, fair and consistent manner.
- Ensure that all employees are aware of the Foundation's required standard of behaviour/performance.
- Ensure fair equal treatment of all employees.

It is the Director's prerogative to ensure corrective procedures are followed within the Foundation. Corrective actions will be exercised where work performance or behaviour is unacceptable or unsatisfactory, or where terms of conditions of employment are not met. All corrective action records will be kept in the employee files specifying the nature of the corrective action taken and the reasons for taking such actions.

Reasons for disciplinary action will centre on unacceptable behaviour (misconduct) or inferior performance on the part of employees.

Misconduct will be handled directly through corrective action steps and direct warnings issued so that an employee corrects their behaviour immediately. Ultimately, an employee who chooses not to behave in a way that supports the Foundation needs may have their contract summarily terminated.

This is understood to involve an employee who is willing to perform, but through incapacity is unable to comply with the needs of the Foundation. It is recognised that such persons need to be carefully counselled and ways explored to help the employee meet the needs of their job. Employees should recognise the need for an efficient Foundation operation and if they are unable to improve their performance their services can be terminated.

Disciplinary action can include:

Warning or severe warning

Dismissal or action short of dismissal

4.2.1 Processes

When an employee transgresses the Foundation standards and regulations, they are breaching the Contract of Service. The Foundation therefore has the right to take disciplinary action against them. Before taking any form of action against an employee, the following will be considered:

- Has the employee been properly informed of the requirements and why they are in place?
- Does the employee have a clear understanding of the consequences of the transgression?
- To what extent has the employee been counselled in the past concerning the behaviour or performance complained of?
- What possible causal factors have led to the point where disciplinary intervention has become appropriate?

4.2.2 Counselling

Management must at all times remember that counselling is primarily a process of problem-solving and not a way to impose punitive sanction on an employee. At this stage of the disciplinary process, the supervisor is trying to avoid formal disciplinary measures and the primary objective is to identify and address the cause.

A counselling interview is likely to incorporate the following:-

- A statement of the Foundation standards.
- Identification and description of the shortcoming or symptom and its impact.
- An explanation sought and underlying issues explored.
- Solutions which are mutually discussed and agreement sought thereon. The solution is to be recorded.

A follow-up discussion to examine progress towards the solution must be set.

Representation by a fellow employee where chosen by the employee.

4.2.3 Warnings

Where counselling has not met its objectives or is inappropriate then a formal process of warning(s) can be utilised:

- Written advance notice of the meeting.
- An indication of the shortcoming and its impact on the Foundation.
- Opportunity to explain or defend the action or omission resulting in the shortcoming.
- A clear understanding of why the action is being taken by management.
- The right to appeal against the decision to management.
- Representation by a colleague.
- A warning will remain current for a maximum period of six (6) months unless it is clearly indicated as a "final" or severe warning in which case it remains current for twelve (12) months.

4.2.4 Dismissal

Dismissal may not take place without a disciplinary hearing unless this cannot be expected of the Foundation in the circumstances:

- A formal letter of notification will be issued, explaining the charges and the rights of the employee.
- Administrative arrangements will be detailed.
- The hearing will be chaired by the Director, or Chairperson of the Board, or his/her representative.
- The findings (guilty or not guilty) of such a hearing will be issued in writing together with reasons, prior to debate over the appropriate sanction.
- The resultant sanction will be issued in writing, together with reasons.

4.2.5 Right to Appeal

An employee may appeal against any formal disciplinary action taken by management regarding that employee's standards of conduct or performance.

Any appeal must be in writing, and must reflect the reasons for the employee's disagreement with the stipulated action. Such appeal must be received by the Foundation within three (3) working days of issue of the action.

The appeal will be sent to the Board who will review the decision in light of the employee's reasons. The Board will act to expedite the matter in whatever manner they consider appropriate, but must deal with the merits with minimum legal formality.

Should, in their assessment, there be *prima facie* evidence that the matter has not been handled correctly, they may act to rectify the specific irregularity. Such action includes, but will not be limited to (where a creative option is more appropriate):

- Overturning the action.
- Calling an appeal hearing.
- Referring the matter back for a complete rehearing under a new chairperson.
- Where no such ground is established, they will communicate in writing to the employee, rejecting the grounds of the appeal with reasons.

Where an appeal has been rejected or results in an outcome that is unsatisfactory to the employee, the employee retains the right to refer the matter to the Council for Conciliation, Mediation and Arbitration (CCMA).

5. EMPLOYEE BENEFITS

5.1 Medical Aid

Unless otherwise expressly agreed, membership of the medical scheme is compulsory as a condition of employment for all permanent employees, in full-time or part-time employment. Employees who are already registered as dependants on their spouse's medical aid schemes may be exempted from belonging to the Foundation's medical aid scheme, if proof is submitted in writing.

Given the small employee size of the Foundation, it subscribes to a "cost to company" medical aid policy, where employees medical aid contributions are included in the employees package. Employees therefore pay for their own medical aid contributions out of their salary package, and salary packages will be determined with this fact being noted.

At the least, all employees must contribute to a basic hospital plan, although employees are at liberty to join any medical aid company and take out a policy which best suits their needs.

This medical aid policy will be reviewed annually.

5.2 Educational allowance and Study Scheme

Details on this policy can be obtained from the Foundation's Finance Policy and Procedures Manual.

5.3 Travel and Subsistence Expenditure

Details on this policy can be obtained in the Foundation's Finance Policy and Procedures Manual.

5.4 Unemployment Insurance Fund (UIF)

The main objective of the Fund is to provide for the payment of benefits to persons who are able and willing to work, but who cannot find employment, as well as to assist employees who are unable to earn their normal remuneration owing to temporary interruption to work.

UIF contributions are a statutory requirement for all employees whose gross earnings do not exceed the prescribed amount in terms of the Unemployment Insurance Act, No 30 of 1966. Contributions to the Fund are deducted monthly from the employee's salary.

- Every contributor to the Fund is supplied with the record card (blue card) which shows employment and contribution details. Benefits are not paid unless this card is produced.
- Arrange with the Director to process your claim, which has to be done through the Department of Labour once the blue card and employer details have been finalised. The process tends to be lengthy and it is recommended that the employee needs to start the process within good time.

5.5 Cellular Telephones

Details on this policy can be obtained from the Foundation's Finance Policy and Procedures Manual.

5.6 Credit Cards

No employee of the Foundation will have access to, or the use of, a Foundation credit card facility. Employees need to use their own credit cards and claim back their incurred expenses with a valid receipt and/or voucher.

5.7 Personal Loans and Salary Advances

Details on this policy can be obtained in the Foundation's Finance Policy and Procedures Manual.

5.8 Business Cards

When promoting the organisation externally, it is important that Foundation employees do so in a professional manner, and thus the use of business cards is encouraged. Employees whose job requires meeting with external stakeholders will qualify for business cards.

6. GENERAL

6.1 Affirmative Action Policy

The Foundation aims to continuously create an environment that permits equal opportunity for advancement, in order to redress past imbalances and to improve the conditions of individuals and groups who have been previously disadvantaged on the grounds of gender and disability.

The goal of affirmative action in the Foundation is to create an equitable organisation and to build an environment that supports and enables those who have been historically disadvantaged by unfair discrimination to fulfil their maximum potential and to enhance organisational performance.

The Foundation endeavours to:

- Develop numeric targets annually for hiring, training, promoting and retaining employees who are the prime beneficiaries for this policy as set out in the Employment Equity Act;
- Develop and introduce measures that support these employees advancement; and

- Inculcate a culture that values diversity and supports the affirmation of those who have previously been unfairly disadvantaged within our society.

The Foundation endeavours to treat disabled employees similar to the other prime beneficiaries for this policy.

6.2 Aids Policy

The Foundation accepts the fact that the Constitution provides all with the right to equal treatment and precludes discrimination of any kind. Due to this, the Foundation will not prejudice employees or prospective employees who have AIDS or who are HIV positive, if the fact is known to the organisation. It is up to the discretion of the individual to tell the Foundation of their condition. Failure to do so will not be held against the employee at all. If an employee discloses their status to the Foundation, this will be held in the strictest of confidence. The Foundation acknowledges that continued employment, including appropriate promotion and training opportunities, may be therapeutically important for an employee with a life-threatening condition such as AIDS.

6.2.1 Recruitment, Continued Employment and Employment Benefits

Any medical examination undertaken either before employment or thereafter will be solely to determine functional performance, and offer a prognosis on the fitness for work of the prospective employee. In this respect:

- An HIV test as a pre-condition of employment shall not be required under any circumstances, or for any position;
- If a person makes their HIV/AIDS status known voluntarily, it shall not be a basis for refusing to conclude, to confirm or to review their employment contract;
- Employees with HIV/AIDS shall be governed by the same contractual obligations as all other employees;
- HIV/AIDS shall not be used as a justification for the non-performance of duties agreed to by the Foundation and the employee; and
- No employee shall be dismissed, retrenched, or have their employment terminated merely on the basis of having a life-threatening condition such as HIV/AIDS.
- HIV/AIDS status shall not be a criterion for refusing to promote, train and develop an employee who would otherwise be considered.
- The Foundation will not discriminate against any HIV/AIDS employee with regards to Foundation benefits that are due to them or that they have accrued.

6.2.2 Ill-Health, Leave and Performance

Following a diagnosis of an employee having HIV/AIDS, the employee and the Foundation may agree jointly on a medical examination to determine the employee's ability to continue to perform their duties.

The Foundation aims to ensure that people with HIV/AIDS not only retain their employment but that their health be monitored and, when it is determined by medical opinion that an employee with HIV/AIDS can no longer perform their duties, the following steps should be taken:

- The Foundation will, at the earliest opportunity, through consultation with the employee and medical practitioners, endeavour to find a position that is less strenuous which the individual can fulfil. The employee's remuneration and benefits will be adjusted accordingly to that applicable to the new position, without discrimination;
- Termination of employment may be considered, after consultation with the employee, when an employee with an AIDS related condition is too ill to continue employment, or where a position suitable to the reduced state of health of the employee is unavailable;
- If the Foundation terminates the employment of such an employee, merely due to the fact that they are no longer able to continue working, such termination shall be governed by the same procedures pertaining to comparable life-threatening conditions and disabilities (e.g. cancer, etc).
- No employee shall be dismissed solely on the basis of HIV/AIDS, nor shall the HIV/AIDS status influence retrenchment procedures. No flags or symbols will be used on an employee's medical, personnel or other records to indicate the HIV/AIDS status.

6.2.3 Grievance and Disciplinary Procedures

The Foundation will treat an employee with HIV/AIDS with respect and with the same rights as other employees. The Foundation may, as in all other cases, enforce disciplinary procedures against the employee where there is evidence of an infringement of their employment contract.

The Foundation will regard refusal to work with an HIV/AIDS employee, or discrimination against such an individual, in a serious light and such actions will be considered as a breach of contract. The Foundation will therefore have the right to terminate the employment contracts of such people who refuse to work with HIV/AIDS co-workers.

6.3 Confidentiality Policy

All employees have a responsibility to protect the Foundation's information entrusted to them or to which they are otherwise exposed. This policy defines confidential information and the requirements for protecting this information during and after each employee's association with the Foundation.

Confidential information is defined as any information or material, not generally available to the general public, generated, collected or used by the Foundation that relates to its operations, strategies, know-how, data, names of any contracts or prospective contracts the Foundation may have, documentation of the Foundation or its employees. This includes information marked as confidential or which the employee otherwise knows is confidential. If there is any doubt as to whether information the employee obtains is confidential, the employee should assume it is confidential and treat it as such, unless officially notified otherwise.

- No employee should ever use confidential Foundation information for personal gain or advantage.
- When an employee leaves the Foundation for any reason, they should return to the organisation all Foundation materials acquired during their period of employment.
- All employees are to sign confidentiality agreements during their employ with the Foundation.

6.3.1 Whistle Blowing

The Foundation places a high value on integrity and it is the Foundation's policy to comply with laws and regulations that apply to its various operations. It is therefore the policy of the Foundation to:

- Encourage employees who have good reason to believe that the Foundation, or any of the its employees, is in violation of any law, rule or regulation to report it internally.
- Conduct a prompt and thorough investigation of any alleged violation and take appropriate corrective action.
- Prohibit any retaliatory action against an employee for making a report in good faith of a suspected violation by the Foundation or any of the its employees.
- Prohibit any retaliatory action against an employee who has provided information in connection with an internal investigation regarding a possible violation of any law or regulation by the Foundation or any of its employees.
- Take appropriate action against employees who have engaged in retaliatory conduct prohibited by this policy, and who have broken any laws, rules or regulations.
- An employee who wishes to communicate a suspected violation of law, regulation or ethical behaviour may report such an incident to the Director or to any employee designated for this role. The Foundation position is that all employees within the Foundation shall have their employment protected when exposing such violations. The Foundation encourages all employees to communicate acts or omissions that may place the organisation at risk.

6.4 Employee use of Foundation Assets

All employees are responsible for safeguarding and making proper and efficient use of the Foundation's assets. Foundation assets include but are not limited to time, cash, cheques, infrastructure, records, equipment (including fax machines, copiers, telephones, computer hardware and software, etc).

The Foundation gives all employees the opportunity to use Foundation assets in their official capacity only. Where Foundation equipment is to be used after official working hours, approval needs to be sought. The respective line manager/supervisor needs to be aware that the individual will be using Foundation facilities. Where Foundation equipment is to be used outside of Foundation official premises, authorisation is mandatory. Theft, unauthorised removal or usage of Foundation assets will result in dismissal of that particular employee.

6.5 Gifts to Foundation Employees

The Foundation acknowledges that in executing its business, employees within the organisation may be required to give or may be given gifts as a means of gratitude or cultural diplomacy. In this spirit, Foundation employees can accept or give such gifts and all gifts over R100 need to be disclosed and registered in the Gifts Register.

- Invitations to local sporting events, the theatre, cocktail parties and other forms of modest entertainment from members of the CSOs, NGOs and CBOs, extended as a courtesy during the normal course of business, may only be accepted if they are not being offered to influence the Foundation's decision-making process on the disbursement of funds.
- It is strictly forbidden that money be accepted as a gift.
- If an employee cannot refuse a gift because such refusal may be perceived as discourteous, then the employee should disclose the receipt thereof to their immediate supervisor and then register the gift in the Gift Register.
- Failure to disclose receipt of a gift may lead to an enquiry into the matter with a view to taking appropriate action against the employee concerned.
- The above provisions apply to all Foundation employees at all times, even if the employee is on vacation at the time the offer is made.

Consequences can be:-

Creation of a perception of bias which could discredit the impartiality of the Foundation in approving projects; and Bribery or undue influence.

6.6 Membership to Professional Societies

The objectives of participation to professional societies are:

- To fulfil our obligation as an organisation and to further the status and competence of the Foundation in the development sector.
- To promote the Foundation image and enhance its standing in the development sector.

The Foundation will not meet the cost of subscriptions to professional societies/ institutes, unless these are to the direct benefit of the Foundation and are part of executing Foundation business, e.g. membership to SANGOCO. Employees are encouraged to become members of professional societies and the Foundation will support them when attending such related events. Permission to take time off to attend to such activities should be obtained from the individual's direct supervisor.

The Foundation will only meet the cost of attending courses approved by the Director, provided this has a direct benefit for the Foundation. The responsibility is with the individual to pay for membership to a professional society.

6.7 Smoking Policy

The Foundation wishes to provide a healthy, comfortable and productive work environment for all employees. The Foundation recognises that smoking can cause harm to the health of the smoker and those around them. Therefore, the Foundation prohibits smoking within its premises.

Should employees take smoke breaks, these are to be reasonable and any abuse of working time may lead to disciplinary action.

6.8 Substance Abuse

The Foundation is committed to a drug and alcohol free environment. The Foundation wishes to provide a productive work environment for all employees.

The use and misuse of drugs, both legal and illegal, while on duty, on Foundation premises and while conducting Foundation affairs is prohibited, with the exception of use of alcohol during an official Foundation catered for event.

Furthermore, no employee may conduct Foundation affairs while under the influence of drugs or alcohol.

6.9 Communication

The Foundation's relationship with all its stakeholders is an important one to the organisation. It is therefore extremely important that the organisation handle these relationships in a professional and consistent manner.

Both the Director and the Chairperson of the Board are responsible for communicating with all Foundation stakeholders. All information that is sent by the organisation needs to be sanctioned by the Director or the Chairperson of the Board.

The following should be noted:

- No employee should deal directly with the government or any of the Foundation's key stakeholders without prior consultation and support of the Director or the Chairperson of the Board.

7. CONCLUSION

This Human Resources Policy document is a working and living document that will continue to be reviewed in response to the needs of the Foundation as a learning organisation. The document will thus be adjusted accordingly as the activities of the Foundation dictate.

Any questions that arise regarding this document should be submitted to the Human Resources Sub Committee of the Board of Trustees.