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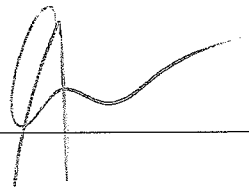
NUMBER OF PAGES	17

Authorizer 	MR. FLUKSMAN SAMUEHL CEO

LEAVE POLICY

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The Human Resources department is responsible for all administrative matters related to this policy

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1. INTRODUCTION

This document sets out the Lüderitz Waterfront Development Company (Pty) Ltd leave policy, which may be amended by the Company from time to time after due process has been followed. The policy applies to all permanent employees of the Company, other than where an express agreement provides otherwise.

2. OBJECTIVE AND SCOPE

The Lüderitz Waterfront Development Company (Pty) Ltd is committed to the maintenance of leave conditions complying with common law and statutory legislation. This policy has been formulated to provide employees with a framework of reference regarding the provisions of leave. The purpose of this policy is to define the leave regulations applicable to all permanent employees of the Company.

3. RESPONSIBILITY AND AUTHORITY

It is the responsibility of all staff, and particularly those in supervisory and managerial positions; to ensure that this policy is adhered to at all times. The Hr / IR Official is responsible for maintaining this policy and in consultation with relevant stakeholders.

An employee shall apply in writing for leave with his/her respective Line Manager/s of the intended period of absence and shall provide reasons for such absence at least a day or two before the intended period of absence in instances other than annual leave.

The respective Line Managers/Supervisors shall approve an application(s) on the hard copy for leave applied for by an employee, and shall forward such leave application to the HR / IR Official and Executive Officer who shall at their final discretion grant and approve all leave and forward it to the Payroll administrator for processing.

The HR / IR Official shall keep all records for leave, after processing it on the Company system.

In the case of taking annual leave, an employee shall be required to give at least 7-14 days' notice of his/her intention to take such leave with his/her respective line managers/supervisors.

4. DEFINITIONS

Leave Cycle:	A period of twelve months of continuous employment commencing from the employee's first date of employment.
Accumulative Leave:	Leave that is part of the annual leave entitlement and which may be accumulated subject to the provisions of this policy.
Remuneration:	Basic pensionable monthly salary plus the following allowances where applicable: - shift allowance, housing allowance, car allowance, annual pensionable bonus/holiday leave allowance, company car benefits, company pension contributions and company medical aid contributions, rental / housing allowances, and social security benefits.
Working Days:	The days an employee is ordinarily required to work during any working week cycle and excludes days considered being weekend periods or scheduled days of rest.

5. SERVICE DURING WHICH LEAVE ACCRUES

Leave in terms of this policy will accrue to an employee during any period of employment by the Company, except as varied by this section.

Leave will not accrue during the following periods:

- Periods of unpaid leave, regardless of the reason for such unpaid leave;
- Periods of study leave granted for full time studies;
- All periods of secondment to locations outside the borders of Namibia and in respect of which other leave conditions apply as confirmed in writing to the employee concerned.

For purposes of clarity it is specifically recorded that accumulative and non-accumulative leave continues to accrue during periods of paid maternity leave, annual leave, sick leave and family responsibility leave.

6. ANNUAL LEAVE ENTITLEMENT

Employees are entitled to annual leave in respect of each twelve-month period of continuous employment (the leave cycle) in accordance with the tables below. The leave entitlement is reflected as working days per leave cycle and accrues over the period of the leave cycle.

Annual leave entitlements	Employee Categories
30	All Employees except;
24	Gym Employees

6.1. The leave entitlement is accumulated on a monthly basis and become available on the anniversary of leave cycle.

6.2. The period of annual leave may be reduced by the number of day's occasional leave taken during the leave cycle.

6.3. Total leave accumulation will be to a maximum of 60 days, thereafter force leave will be initiated. The Company may determine when the annual leave is to be taken provided that it is taken no later than:

6.4. Where an employee has proceeded on leave and is subsequently booked off-sick while on leave, such sick leave will not extent the leave period by the number of sick days but a reclassification of leave will be made, subject to submission of the necessary supporting documents.

7. MAXIMUM LEAVE PERIOD

No employee shall be permitted to proceed on leave after exhausting both the accumulative and non-accumulative leave, unless with an express permission by Management.

8. APPLICATION FOR AND AUTHORISATION OF LEAVE

The following will apply in respect of the application for, and authorisation of leave:

- It is the responsibility of the employee to ensure that he/she has leave credits due prior to applying for it.

- An employee shall apply for all leave on the prescribed form through his/her line supervisor, who may grant the leave subject to operational requirements and accrued leave entitlement.

9. LEAVE DURING NOTICE PERIOD

No employee shall be entitled to take leave during a period of notice, and no employee shall be entitled to give notice of resignation whilst on leave, except with

the written agreement of Management. Management, at its own discretion, may allow an employee to take leave during a period of notice.

10. EMPLOYMENT DURING LEAVE

Other than with the written permission of Management, no employee shall undertake employment, paid or otherwise, during any period of leave provided for in this policy.

11. UNPAID LEAVE

No employee shall be entitled to unpaid leave. The Company may, at its discretion, grant an employee unpaid leave. Notwithstanding Management's discretion to grant unpaid leave, unpaid leave will as a general rule not be granted if an employee has leave due to him/her. Unpaid leave will not count as service qualifying for leave and shall result in the extension of the employee's leave cycle. Employees will not receive their remuneration (as defined) during periods of unpaid leave. Employees will be required to continue to pay the full employee contributions to the pension / provident fund, medical aid and social security commission for the duration of unpaid leave.

In cases where the period of unpaid leave is less than 22 working days, the Company will continue to make contributions to the pension fund and medical aid. In cases where unpaid leave is granted for a period exceeding 22 working days, the employee will be required to pay the full contribution to the Pension/Provident Fund, Medical Aid and Social Security Commission for the period that exceeds 22 working days.

12. SERVICE QUALIFICATION FOR LEAVE

The following will count as qualifying for leave:

- All normal time worked.
- Absence on all periods of paid leave.
- Absence on sick leave not exceeding entitlement code and cycle.
- The period of paid leave during maternity leave.

- Absence as a result of any injury on duty or occupational disease as defined in applicable legislation.

The following will not count as service qualifying for any leave:

- All time off on special leave granted.
- Any period absent from work without leave.
- Any period of unpaid leave taken during the period of maternity leave.

13. RECALL FROM LEAVE

With the sanction of the CEO, an employee may be recall from leave if operational requirements necessitate it. On recall from leave, the un-expired portion of leave shall be credited to the balance and the employee shall be granted such leave immediately following the recall from leave.

14. STATUS OF LEAVE ON TERMINATION OF SERVICE

Upon term of service as a result of resignation, retrenchment, redundancy or dismissal, payment shall be made to the value of all accrued leave outstanding on the date of termination.

No employee will be granted annual leave during any period of notice of termination of employment. However, the Manager/Supervisor shall have discretion to grant leave during such period only in dire situations.

If an employee dies in service, the value of the leave balance, as at the date of death will be paid out to the employee's estate.

Employees may not submit their resignation whilst absent for any reason whatsoever.

15. STUDY AND EXAMINATION LEAVE

The Company will grant study and examination leave with remuneration to employees writing examinations in respect of courses approved in terms of the Company's part-time study assistance scheme or any approved field of study for which the Company might not have provided funding for, subject to the Chief Executive Officer's discretion.

Study leave will be granted for one working day for the day immediately preceding the day of the examination and one working day examination leave per paper. In cases where more than one paper is written on the same day, the one working day per paper examination leave shall apply.

No study leave will be granted if the day of examination is preceded by a weekend or public holiday.

However, for shift workers who might be required to work on public holidays and weekends, study leave will apply for the actual dates for writing examinations and a day preceding examinations and will disregard the limitation of no study leave to be granted should the day of the examination be preceded by weekends, and public holidays.

Applications for study and examination leave must be accompanied by adequate proof that the examination is to be written, and such applications for study leave shall be applied for well in advance (at least 5 working days before commencement of such study leave).

16. SPORT LEAVE

Employees are entitled to Sport Leave for a maximum of 10 working days per annum.

The Chief Executive Officer, at its discretion, may grant more days for Sport Leave as and when necessary.

Sport Leave shall be approved by Management prior to it being taken.

Employees will receive their full remuneration during any period of approved Sport Leave.

Sport Leave shall only apply in respect of employees' participation in any sport code at national level (**representing a Country at National level**).

Depending on the merit of every application for Sport Leave management may grant shorter or longer days at its discretion.

17. COMPASSIONATE/FAMILY RESPONSIBILITY LEAVE

Compassionate Leave will be granted in the following circumstances:

(i) When a male employee's child is born; (OPTIONAL)

(ii) When a member of family is seriously ill

(iii) On the death of a member of family subject to the following conditions.

Family is defined as children, (including children adopted by law custom or tradition), spouse or parent, parent –in- law, grandparent, brother or sister.
A maximum of 10 (ten) working days **paid** leave during each annual leave cycle will be granted as Compassionate leave.

Before paying an employee for leave in terms of this policy, the Company may require reasonable proof of an event contemplated in herein, for which the leave was required, as follows;

Situation	Proof Required	When Required
Death or serious illness of Family Member	Death Certificate Proof of kinship	Immediately upon returning from funeral
Birth of child	Birth Certificate	Upon returning from Leave

	Proof of Paternity	
Illness of child	Proof of Parenthood or relationship Medical Certificate specifying name of child	Upon returning from Leave

The normal leave application/approval process should be followed, and reasonable proof of the event giving rise of the leave is required before leave is granted or immediately upon return from such leave. Failure to adhere to this requirement by the employee may lead to disciplinary action against the employee for abscondment and/or absence without leave.

Family responsibility leave not utilised lapses at the end of each calendar year and shall not be accrued or be transferable to the next calendar year.

Requests for leave must be in writing on the Company's Leave Application form, which should be authorised by the Line Manager. Once authorised, the original Compassionate Leave Application must be filled on the employee's personal file.

An employee's unused entitlement to leave in terms of this policy lapses at the end of every leave cycle.

18. MATERNITY LEAVE

Employees who qualify for Social Security Insurance shall be advised to make a claim to the Fund in terms of the Rules of the Fund.

A female employee shall be entitled to three months maternity leave on production of the requisite medical certificate from the attending doctor without forfeiting any of the annual leave days. The company will pay the employee her remuneration, except basic wage

Employees will be required to commence on maternity leave at least four weeks prior to the expected date of birth or from when a medical practitioner certifies that it's necessary for the employee's health or that of the unborn child.

In cases where following the completion of the entitlement, the employee due to illness or surgery resulting from maternity is unable to resume work, certification by a medical practitioner shall be required.

When an employee is away on maternity leave her supervisor/manager will keep her informed of important job related information.

Employees shall have a right to time off to attend pre-natal clinics. Employees are requested to obtain approval for visits from their manager. On return from maternity leave the employee will be entitled to time off for clinical visits for a period of three months.

On return from maternity leave, the employee will enjoy any improvements to wages and/or conditions or employment, which may have taken place during the employee's absence on maternity leave, relative to the employee's substantive position in the Company.

18.1. Scope

While maternity leave shall apply to all female employees in the employment of the Company, an employee shall only be entitled to 12 weeks (3 months) paid maternity leave once she has completed six months' continuous service in the employment of the Company.

An employee with a shorter service of continuous employment with the Company will still be entitled to maternity leave but such leave shall be unpaid, notwithstanding any payment that such an employee may be entitled to receive from the Social Security.

18.2. Application:

In applying for maternity leave the following conditions shall apply:

An employee applying for maternity leave shall:

- Complete and submit the appropriate leave application form together with a doctor's certificate indicating the date of confinement at least two months before the expected date of confinement.

- On return to work submit a copy of the child's birth certificate or a Doctor's certificate confirming the confinement.

18.3. Length of Absence:

Maternity leave shall be granted for a period of three months.

Maternity leave shall be granted one month before the expected date of delivery, unless otherwise stated, or effective from a date from which a medical practitioner certifies that leave is necessary for the employee's health or that of the unborn child.

An employee who has a miscarriage during the third trimester of pregnancy (i.e. after 6 months), or bears a stillborn child, shall be entitled to maternity leave of two months after the miscarriage or still birth, whether or not the employee was on maternity leave at the time of the miscarriage or still birth.

Should the employee wish to make use of Family Responsibility in the event of death of child, the provisions of Family Responsibility Leave shall apply.

18.4. Extended Maternity Leave:

Maternity leave shall last at least two months after confinement, but can be extended to a month based on the certification by a medical practitioner:

- stating that an extension is required, due to complications arising from pregnancy or delivery, it is necessary for the health of an employee, an employer will grant that employee extended maternity leave,

- stating that due to complications arising from birth or congenital conditions it is necessary for the health of the employee's child, an employer will grant that employee extended maternity leave.

The Company will continue to pay its Social Security contributions and likewise the employee shall be expected continue paying her contributions to the pension fund, medical and Social Security Commission for the entire maternity leave period.

18.5. Child Adoption Leave:

If a female employee adopts a child for the purpose of bonding with the child, the following will apply;

- 0-6 months child=Full maternity leave.
- Older than 6 months= 1 month maternity leave

This provision is limited to one adoption per annum

18.6. Miscarriage

An employee will be entitled to reasonable leave in the event of a miscarriage or still birth, based on professional advice from medical practitioner. A valid sick leave certificate by a medical practitioner shall be required.

In cases where the miscarriage is after seven months of pregnancy the employee will be entitled to a full maternity leave. It will be the discretion of the employee to take the maternity leave, or as advised by a doctor.

18.7. Paternity Leave

The Company recognises the dual responsibility of both parents in the birth or adoption of a child, and provides for leave to accommodate male associates.

A male employee shall be entitled to two weeks, paid paternity leave, to be taken during the time of birth or adoption of a child.

The employee is required to notify the company at least two weeks before the Estimated Due Date (EDD) or the adoption date. The application should be supported with a copy of the requisite medical certificate.

19. SICK AND ACCIDENT LEAVE

Sick Leave Entitlements	Employee categories	Sick Leave Cycle period
30 days	All Employees except;	3 years
36 days	Cleaners	3 years

Subject to the conditions of this policy, employees are entitled to sick-leave as per the above table.

Sick and accident leave is intended to cover only the period during which an employee is physically incapable of attending to his/her duties by reason of sickness or accident.

Employees absenting themselves due to illness or injury for more than two consecutive working days shall be required to produce a sick certificate issued by a registered medical practitioner or a, authorised to issue a sick leave certificate in terms of the medical practice.

The Chief Executive Officer shall approve all applications for the extension of sick leave. Such applications should be accompanied by:

- A report by a medical practitioner setting out the nature of the illness and the prognosis;

- A written recommendation by the HR / IR Official which shall include details of sick leave utilisation during the current and previous two leave cycles outlining the reasons for such sick leave as well as the motivation for seeking the extension.

The Chief Executive Officer shall have entire discretion whether to grant such extension taking cognisance of criteria such as the medical history, seriousness of illness, prognosis and applications for medical retirement (as appropriate). Management shall further determine whether the extended sick leave, if approved, shall serve as service qualifying for leave and the remuneration which the employee shall receive during such extension.

Such extension may also be offset against sick leave due to an employee in his/her next cycle subject to the statutory minima applying in the next leave cycle.

In the event of an employee being referred for specialist medical treatment away from the town such time will be treated as sick leave

The CEO shall have entire discretion as to:

- The period of extension granted, and if granted.
- The extent to which such sick leave shall serve as qualifying for leave;
- The rate of pay (if any) the employee shall receive during any period in excess of a cumulative period of sick and accident leave.

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20. EXCEPTIONS/VARIATIONS

The Company shall be entitled to make exceptions to this policy when there is just cause for doing so. The Chief Executive Officer may, at its discretion, approve exceptions to this policy depending on the merit of situations or circumstances surrounding an application.