

**HUMAN RESOURCES POLICY
MANUAL**

SECTION A: HUMAN RESOURCES MANAGEMENT POLICIES

1. EMPLOYMENT EQUITY POLICY

OBJECTIVE

The objective of this policy is to continuously create an environment that permits equal opportunity for advancement, in order to redress past imbalances and to ameliorate the conditions of individuals and groups who have been previously disadvantaged on the grounds of race, gender and disability.

POLICY

The goal of employment equity action in the Municipality 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. In keeping with its policy of fair and equitable employment practices, Municipality reaffirms its commitment to comply fully with the spirit and requirements of the Employment Equity Act to the strategic advantage of our business.

Municipality will take active steps to:

- (1) Ensure fair, non-discriminatory practices which respect the rights and dignity of all its employees irrespective of colour, race, gender or disability;
- (2) Remove any potentially discriminatory practices that may be identified;
- (3) Ensure that employees at all levels are suitably qualified or have the potential to meet the intrinsic requirements of the job;
- (4) Ensure that employees are allowed to realise their full potential, within the capacity of the Municipality, and are advanced and rewarded on merit;
- (5) Transform the demographic profile of the workforce to reflect better the local and national profile.
- (6) Introduce positive action plans to accelerate the advancement of employees from designated groups.
- (7) Municipality endeavours to:
 - o 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;
 - o Develop and introduce measures that support these employees advancement; and
 - o Inculcate a culture that values diversity and supports the affirmation of those who have previously been unfairly disadvantaged within our society and also as a result within the Municipality.

COMMUNICATION AND CONSULTATION

In compliance with the Employment Equity Act, the Municipality will:

- x Communicate this policy to all employees;
- x Ensure optimum understanding;
- x Establish a representative Employment Equity Committee/Project Team to manage and facilitate conducting of audits, and the drawing and implementation of the EE Plan;
- x Consult and communicate throughout the process as required by the Act.

2. LEAVE POLICY

OBJECTIVE

The objective of this policy is to regulate all forms of leave that are accrued and due to employees as a benefit, and to outline procedures to be followed for the granting and taking of such leave. Policy provisions apply to all employees, that is, permanent employees.

POLICY

The following leave policy procedures will apply:

- (1) All employees are entitled to twenty-four (24) working days annual paid leave (excluding weekends);
- (2) The Municipal Manager is entitled to twenty-four (24) working days annual paid leave excluding weekends.
- (3) For the purposes of calculating leave, the statutory paid public holidays will not be regarded as working days;
- (4) In the event of an illness or other unforeseeable circumstances, it is the responsibility of the employee to notify their supervisor before 09h00 on the date of absence or, where possible, before then;
- (5) Absence from work without approval and/or without a valid reason shall be regarded as Absence Without Official Leave (AWOL) and therefore a misconduct to be dealt with in terms of the disciplinary procedure;
- (6) Leave will be calculated from the date of engagement;
- (7) Employees will not accrue full annual leave benefits whilst absent from work on sick leave, maternity leave or paternity 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;
- (8) The Municipality encourages employees to take all leave that is due to them. The Municipality allows employees to carry over a maximum of five (8) days of leave per year.

2.1 ANNUAL LEAVE

Annual leave is intended to provide the opportunity for a period of rest and recreation, so 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 Municipality. Business needs and personal needs should be carefully balanced.

ACCUMULATION

Leave can be accrued at the rate of 24 working days during the annual leave cycle and employees will be required to take a maximum of 16 days leave during each cycle. The balance may be accrued to a maximum of 48 days.

TIMING

- (1) The Municipality will grant annual leave not later than six (6) months after the end of the annual leave cycle;
- (2) Application for leave must be made in reasonably good time to allow for planning during an employee's absence. It is recommended that annual leave for all employees be scheduled in advance as follows:

- a) For Occasional Leave - At least 5 working days' prior notice
- b) For Compulsory Leave - At least 10 working days' prior notice

Any variation from the fore-stated schedule will be at the approval of the Head of Department.

- (3) It will remain the responsibility of the Head of Department to timeously plan for leave allocations.
- (4) It will remain the responsibility of the employee to ensure that leave applied for has been approved before proceeding on such leave;
- (5) If an employee applies for leave and the leave days include a weekend, the weekend does not form part of the days counted as due. Weekends are thus not part of the leave days applied for; and
- (6) An employee must apply for leave of absence on the prescribed form
- (7) The Head of Department in the instance of an employee must approve an application for leave of absence, and an application by the Head of a Department by the Municipal Manager and the Municipal Manager takes leave in consultation with the Chairman of the Executive Committee (EXCO).
- (8) The Head of Department shall be responsible for ensuring that leave application forms are submitted to Human Resources so that accurate records are maintained. The HR department shall keep record of leave days due to all employees and keep the managers informed on a regular basis.
- (9) All leave of absence due, granted and taken, shall be recorded in a leave register entrusted to the HR Manager, and an employee shall have access to their leave record at all reasonable times during office hours.
- (10) Leave of absence granted to an employee, with the exception of sick leave, may be cancelled, postponed or interrupted at any time by the HR Manager on the

recommendation of the Head of Department concerned should this be deemed necessary in the interests of the Municipality. The Municipality shall compensate the employee for irrecoverable expenses or obligations entered into by the employee, before the employee was notified of postponement, cancellation or interruption.

HOLIDAY ARRANGEMENTS FOR NEW EMPLOYEES

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

2.2 FAMILY RESPONSIBILITY LEAVE

Family responsibility leave applies to employees who:

- x Have been in the employ of MKHAMBATHINI Municipality for longer than four (4) months; and
- x Work for at least four days a week for the MKHAMBATHINI Municipality.

At the request of the employee, the municipality will grant an employee up to five (5) days' paid leave per annual leave cycle. An employee is entitled to family responsibility leave when:

- a) An employee's child is born;
- b) An employee's child is sick;
- c) An employee's spouse or life partner dies;
- d) An employee's parent, adoptive parent, grand parent, adopted child, grand child or sibling dies.

An employee may take family responsibility leave in respect of the whole or part of a day and will be paid in accordance with section 27 (3) of the Basic Conditions of Employment Act, 1997. The municipality may require reasonable proof of the reasons for which the family responsibility leave is required. An employee's unused entitlement to family responsibility leave will lapse at the end of the annual leave cycle in which it accrues.

2.3 MATERNITY LEAVE

- (1) An employee is entitled to at least three consecutive months' maternity leave.
- (2) An employee may commence maternity leave—
 - a) at any time from four weeks before the expected date of birth, unless otherwise agreed; or
 - b) on a date from which a medical practitioner or a midwife certifies that it is necessary for the employee's health or that of her unborn child.
- (3) No employee may work for six weeks after the birth of her child, unless a medical practitioner or midwife certifies that she is fit to do so.

- (4) An employee who has a miscarriage during the third trimester of pregnancy or bears a stillborn child is entitled to maternity leave for six weeks after the miscarriage or stillbirth, whether or not the employee had commenced maternity leave at the time of the miscarriage or stillbirth.
- (5) An employee must notify the municipality in writing, unless the employee is unable to do so, of the date on which the employee intends to commence maternity leave; and return to work after maternity leave. Such notification must be given at least four weeks before the employee intends to commence maternity leave; or if it is not reasonably practicable to do so, as soon as is reasonably practicable.
- (6) The payment of maternity benefits will be according to those determined by the Minister subject to the provisions of the Unemployment Insurance Act, 1966 (Act No. 30 of 1966)

2.4 RELIGIOUS AND PUBLIC HOLIDAYS

Employees are not required to work on a public holiday except in accordance with an agreement. If a public holiday falls on a day on which an employee would ordinarily work, the municipality will pay the employee according to section 18 of the Basic Conditions of Employment Act, 1997. Employees that require leave for religious holidays that are not covered by the Public Holidays Act, 1994, should apply for special leave at least one month in advance.

2.5 SICK LEAVE

[REFER SALGA BARGAINED AGREEMENTS](#)

2.6 SPECIAL LEAVE

An employee may be granted up to two (2) days special leave per year. Special leave may not be accumulated. Line managers are to control and keep record of all special leave granted to their subordinates. The following situations may warrant granting of special leave:

- (1) To enable the employee or a family member to undergo medical examinations or medical treatment in large centres.
- (2) Employees who are away from the office for traditional ceremonies (e.g. attendance at initiation school, qualifying as a traditional healer “ukuthwasa”, etc) may be granted special leave for the period that they are away provided that an affidavit is produced within three (3) days of their return to the office.
- (3) Relocation as a result of transfer.
- (4) Religious ceremonies not catered for under the Public Holidays Act, 1994.
- (5) An employee who has been subpoenaed as a state witness.

2.7 STUDY AND EXAMINATION LEAVE

- (1) Employees undertaking courses of study privately and on a part time basis, which in the opinion of the Municipality will be of benefit to the Municipality and to the employee, may, subject to the convenience of the Municipality be granted paid study leave to attend such courses. The number of leave days will not normally exceed ten (10) working days per annum;
- (2) Paid 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 timetable need to accompany the application for leave. The number of such days will not normally exceed ten (10) working days per annum;
- (3) 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; and
- (4) Leave must be applied for at least three (3) weeks in advance on the prescribed form and a copy of the examination timetable attached.

2.8 UNPAID LEAVE

- x Leave without pay may be granted on good cause, only to those employees who have used their full leave entitlement. This will be assessed by the relevant manager or any person delegated by them, who will approve or deny such a request; and
- x 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.

PAYMENT IN LIEU OF LEAVE DUE

Employees are entitled to a leave pay at least equivalent to the remuneration that they would have received for working for a period equal to the period of annual leave, calculated:

- (a) at the employee's rate of remuneration immediately before the beginning of the period of annual leave; and
- (b) in accordance with section 35 of the Basic Conditions of Employment Act, 1997.

Such payment must be made to employees before the beginning of the leave period or by agreement on the employee's usual pay day.

APPLICATION FOR LEAVE

All forms of leave are to be applied for on the prescribed Leave Application Form obtainable from the Human Resources and submitted to the direct supervisor of the employee for approval and sent to Human Resources for capturing.

VARIATIONS FROM POLICIES

In the event of circumstances arising, which justify a departure from the provisions of the above policies, the Municipal Manager will use his/her discretion regarding those alternative provisions and measures. The Municipality may also, at its discretion, prescribe special leave privileges for an employee or classes of employees, and also make recommendations and give directions that are not covered by the above policies.

3. RECRUITMENT, SELECTION AND RETENTION POLICY

OBJECTIVE

The objective of this policy is to ensure that the candidate who best meets the selection criteria is appointed.

POLICY

- (1) Municipality recruitment, selection and retention processes will fundamentally be about matching human capital to the strategic and operational needs of the organisation and ensuring the full-utilisation and continued development of these resources;
- (2) The Municipality aims to attract, obtain and retain people with the required competencies (knowledge, skills and attributes) within the organisation;
- (3) In addition, this policy aims to ensure that a continuous supply of high calibre employees is available to meet the Municipality's immediate and future human resource needs; and
- (4) This policy is also attuned to establishing a positive image of the Municipality and positioning it as the employer of choice within the development sector.
- (5) The Municipality will adhere to the relevant employment laws e.g. Basic Conditions of Employment Act, Employment Equity Act, Labour Relations Acts, National Qualifications Framework and the Skill development Act.
- (6) The Municipality will not discriminate on the basis of age, religion, culture, race, gender or sexual orientation.
- (7) The Municipality will at all times adopt a professional, non-discriminatory, open and fair approach to recruitment subject to its Employment Equity Obligations and its stated Affirmative Action Policy.

Municipality will continuously create an environment that permits equal opportunity for all entering the organisation, and for further advancement within the organisation.

Aggressive targets will be set for hiring and retaining those employees that are the prime beneficiaries of this policy. The Municipality will appoint people with potential at all levels, and ensure that there is equal representation of all employees (in terms of race and gender) especially at senior levels within the organisation.

However, affirmative action strategies must be taken into consideration when recruiting candidates. No candidate will be unfairly discriminated against solely through lack of formal qualifications, where the applicant does not meet the basic minimum formal qualification requirement:

- x Potential for development, prior learning and previous employment will be considered, subject to the requirements of the Municipality; and
- x Development plans will be put in place where "gaps" have been identified.

The Municipality will ensure that it becomes and remains a competitive and representative organisation. It is also through such mechanisms that the Municipality can be positioned as the employer's choice. The Municipality's targets and progress

against achieving these will be measured and communicated to all employees on a regular basis.

3.1 PERMANENT EMPLOYMENT POLICY

OBJECTIVE

The objective of this policy is to outline policy guidelines for the recruitment and selection of permanent employees.

POLICY

Vacancies for permanent employment within the organisation will be filled by the most suitable candidates, with special preference being given to those that were previously disadvantaged.

3.1.1 Recruitment Sources

- (1) Recruitment activities are dependent on the Municipality's human capital requirements and key organisational competencies;
- (2) The choice of media for recruitment purposes should comply with the requirements of the Labour Relations Act, 1995;
- (3) Internal sources of recruitment must receive priority as it is cost-effective, in accordance with career pathing, and serves as motivation for all employees within the Municipality;
- (4) External recruitment may be undertaken by means of advertisements. Where necessary, Municipality shall use the services of the recruitment agencies who subscribe to Employment Equity principles and reflect this commitment through their practices; and
- (5) External employment advertisements shall be open to all members of the public and a suitable range of the press media will be used in targeting the desired audience. However, Municipality will use media that will best reach the targeted audience.

GENERAL GUIDELINES

- (1) Canvassing by job applicants or any other person on behalf of a job applicant, for the posts within the Municipality is prohibited and evidence thereof will disqualify the applicant for consideration for appointment.
- (2) The purpose of the interview should be made clear to the applicant. The interviewing panel shall be responsible for ensuring that applicants are given the opportunity to ask questions in respect of job requirements, output requirements, support structures, the conditions of employment associated with the job and career prospects which may stem from employment with the Municipality.
- (3) Interviews shall be concluded in an atmosphere that is designed to make the applicant feel at ease and free of any intimidation and patronising attitudes.

- (4) Interview questions shall focus on the requirements of the job and shall not have any element of discrimination as defined by Schedule 7 of the LRA. An adequate summary of the interview session should be recorded for all positions.
- (5) On request, internal unsuccessful candidates should be debriefed as to their strengths and weaknesses in relation to the position applied for and be counselled about further career opportunities. Should any member of the interview panel have a personal interest or bias regarding the outcome of any interview session, such member should disclose and later withdraw from participating in that interview session.
- (6) In all stages, timeous and appropriate feedback must be given to all the interested parties.

RECRUITMENT PROCEDURES

Municipality will adhere to the following guidelines and procedures:

3.1.2 Employment of Family Members, Relatives and Having Intimate Relationships

OBJECTIVE

The objective of this policy is to outline guidelines regarding the recruitment and selection of family members, relatives and having intimate relations within the Municipality.

POLICY

- (1) The practice of assigning a position with the responsibility to supervise or evaluate a family member and/or relative or someone with whom there exists an intimate relationship is discouraged. It is the responsibility of all employees to disclose to Human Resources of the existence of any such relationship. When such a situation exist, the family member and/or relative or an employee with whom they have an intimate relationship, may be transferred to another functional area within the organisation.
- (2) Similarly, if an employee later becomes related to another employee or an intimate relationship develops involving a person under their direct supervision, Human Resources should address the situation by means of an internal transfer within the organisation if possible.
- (3) However, each individual case will be examined and treated on its own merit by Human Resources.

3.1.3 Induction

OBJECTIVE

The objective of this policy is to outline policy guidelines for the induction of permanent employees into the Municipality.

POLICY

Induction is the process of introducing new employees to the goals, policies and procedures, values, and co-workers or an organisation as well as the activities and tasks to be performed so that employees are enabled to become participating and effective members of an organization.

All new employees must undergo an informal induction programme in the branch on the day they commence employment. It is the responsibility of the Manager to ensure that the employee is correctly introduced to the Municipality in general.

- 1.1 The induction programme is to assist the new employees in his/her entry to the organization. It becomes essential to ensure that the new employee not only understands the way the organization and his/her job are organized, but also that he/she embodies the culture of the organization.
- 1.2 Starting a new job is considered to be one of the most stressful life experiences and a proper induction process that is sensitive to the anxieties and uncertainties, as well as the needs of the employee is therefore of the utmost importance.
- 1.3 A professionally sound induction processes requires that all employees of the Organisation be fully committed to and actively involved in creating a pleasant, friendly and harmonious work environment and that everyone is actively involved in the induction of new employees.

INDUCTION PROCESS AND PROCEDURE

Further guidelines and procedures can be obtained in the **Conditions of Service: Procedures Manual**.

3.1.4 Probationary Period

OBJECTIVE

The objective of this policy is to ensure that the candidate who best meets the selection criteria is appointed.

POLICY

- (1) Employees are employed on a probationary period for up to six (6) 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. Resignation or termination during this period should comply with Basic Conditions of Employment Act Section 37.
- (2) Human Resources should be there to give advice and support to all employees during the probationary period. All Managers should discuss as early as possible, with Human Resources, any doubts or uncertainties about an employee's progress.
- (3) The line manager must inform the HR Department when the employee has successfully completed the probationary. The HR department will in turn, confirm the employee's formal appointment to a position by means of a written letter to the employee. The probationary period may be extended based on the performance of the individual. 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.

3.1.5 Relocation Expenditure

OBJECTIVE

The objective of this policy is to reimburse existing and new employees being transferred at the request of the Municipality to another locality necessitating a residential change. It applies to existing and new employees who wish to relocate on their own accord. The employee is entitled to reimbursement for removal expenses for one trip. Employees whose relocation expenses were paid by the municipality will be obliged to remain in the employ of the municipality for a period of 24 months following the payment of the relocation expenses. Should the employee resign from the municipality within the foresaid 24 months, the employee will be obliged to refund the municipality for the remaining period calculated on a pro-rata basis.

POLICY

A. The following expenses may be reimbursed by the Municipality:

- Transport expenses and insurance costs of personal effects;
- Storage costs of personal effects for a period not exceeding 3 months;
- Transfer and registration connected with the purchase or erection of a new dwelling.

B. Existing and new employees who wish to relocate on their own accord.

All relocation expenses in this regard will be for the account of the employee.

AUTHORISATION AND PAYMENT OF RELOCATION EXPENDITURE

- The Human Resources Manager will be responsible for the approval of any expenditure related to the transfer of resettlement of employees and any other costs under this section.
- In the case of household removals, three quotations should be called upon and submitted to the HR Department. The HR Department will determine and authorise the removal company to be contracted to.
- The Finance department will effect payment of such.

3.1.6 Termination of Service

OBJECTIVE

The objective of this policy is to outline policy guidelines for termination of service for permanent employees.

POLICY

- (1) Unless otherwise provided for in the contract of employment, an employee after probationary period must give 1 calendar month's written notice of their intention to resign. Notice of termination of contract of employment must not be given during any period of leave to which the employee is entitled. However, with an employee who has served three (3) months or less and is still on probation, the Municipality can terminate employment with immediate effect.
- (2) A resignation on short notice is in effect a unilateral effort to change the employment contract. The Municipality in its discretion may or may not agree thereto. In the event that the Municipality gives its consent, this should be on the conditions determined at the time by the Human Resources, or any person delegated by them, put in writing and signed by the employee.

- (3) Notice must be given on or before the first (1st) day of the month and shall run from the first (1st) day of that month. However, if the first (1st) day of the month falls on a day of rest, notice may be given on the first (1st) working day following such day of rest in which case the employee will be deemed to have given notice on the first (1st) day of the month.
- (4) If an employee gives notice on the first (1st) day of the month, they should be paid a salary and an allowance in respect of the full month despite the fact that the month may end on a day of rest, provided they are normally paid for days of rest and perform their duties up to and including the last working day of that month.
- (5) No annual leave may be taken during the notice period.
- (6) Human Resources shall grant all employees leaving the employ of the Municipality an exit interview, on or before the effective date of termination of service.
- (7) This policy will only apply to permanent, full-time permanent and part-time permanent employees.

3.2 TEMPORARY EMPLOYMENT POLICY

OBJECTIVE

The objective of this policy is to outline policy guidelines for the recruitment and selection of temporary employees.

POLICY

- (1) The recruitment of temporary employees should be in line with the policy on recruitment and selection and promote employment equity in the workplace;
- (2) The recruitment of temporary employees should be conducted by management, and only in unforeseen circumstances should Temporary Employment Agency, be used.
- (3) The contract of employment of the temporary employee will be between the employment agency and the employee.
- (4) The employment agency should be in line with the Employment Equity practices and policies of the Municipality;
- (5) Short-term employment contracts of whatever nature must provide and develop internal skills not present within the Municipality;
- (6) The management of temporary employee contract must be carefully monitored. No change to such contract or undertakings/indications about renewal or extension shall be valid unless put in writing to the employment agency duly signed by the HR Manager.
- (7) Any payments made with regards to the employment of a temporary employee will be determined by the HR manager and made directly to the employment agency.
- (8) Any disciplinary action or grievance procedure relating to the temporary employee will be referred to the relevant employment agency.

CATERGORIES OF TEMPORARY EMPLOYEES

- (1) **Short-Term Contractors:** refers to the employment of temporary staff for a period less than twelve (12) months (In line with the Basic Conditions of Employment Act)
- (2) **Fixed-Term Contractors:** refers to the employment of temporary staff for a period up to twenty-four months (In line with the Basic Conditions of Employment Act).

TERMINATION PROCESSES AND PROCEDURES FOR PERMANENT EMPLOYEES

Further guidelines and procedures can be obtained in the Conditions of Service: Procedures Manual.