

The intention of having this human resource management policy is to guide the Other Foundation to achieve its strategic goals by ensuring the optimal management of people employed by the Foundation as well as personnel-related processes and procedures within the broader societal norms and legislative framework.

1. Recruitment, Selection & Retention

The Foundation will not discriminate against any job applicant, either internal or external on the basis of race, religion, sex, age, sexual orientation, class, gender, gender identity or expression, national origin, differentiation of physical ability, or any other factor that does not pertain to the individual's ability to do the job. Appointments will be made on the basis of experience, ability, qualification, talent, personal attributes, and organizational culture fit.

However the chief executive officer and/or the Board may use their discretion to select candidates for appointment on the basis of regional representativeness, gender balance, and other diversity interests in the work force.

1.1 Procedure

All vacant or new positions will be advertised either only internally, or internally and externally simultaneously, unless otherwise decided by the Board, for a period of at least 10 (ten) working days.

In the case of internal advertising only, employees will still partake in the standard interview and selection process.

External advertisements will be placed through various media platforms that the Foundation has identified as having a broad reach locally and regionally. All external advertisements will also be placed on the Foundation's website.

All applications will be submitted to the designated human resources (HR) consultant, who will prepare a shortlist (according to the position requirements) and forward the curriculum vitae's to the chief executive officer and/or the Board, as may be appropriate.

The chief executive officer will review the short-listed applications and constitute a panel of interviewers and finalise the short list. Ideally the panel should consist of:

- The chief executive officer;
- An internal or external content specialist relevant to the post being filled and/or the line manager for the vacant post; and
- A human resources (HR) management consultant.

In the case of the appointment of the chief executive officer, the Board will determine the composition of the panel and the procedure for shortlisting candidates.

The HR consultant will contact the applicants and make the necessary arrangement's regarding visa applications, travel, accommodation and interview dates, times and venues.

The HR consultant will (in consultation with the chief executive officer, technical expert, and relevant line manager), compile a structured interview guide ensuring that it is legally compliant. All panel members will receive a file containing

the applications and the interview guides prior to the interviews being held. Panel interviews will be held. The same questions will be asked of all applicants.

Applicants may be requested to undergo psychometric testing, at the discretion of the interview panel.

The panel will make recommendations and the chief executive officer will make the final decision about the employment of recommended candidates.

In the case of the appointment of the chief executive officer, the Board will make the final decision about the appointment of a candidate.

1.2 Costs

The costs of all travel, visas, food, accommodation and testing of applicants will be borne by the Foundation and such expenditure will be guided by the Foundation's Subsistence and Travel Policy in force at the time.

1.3 Appointment

The successful applicant will be given a formal offer of appointment. The offer will be subject to successful validation of qualifications, reference checks and where relevant, the issuance of a work permit and a time limit must be given for the candidate to accept the offer before it expires.

The offer must be signed by the chief executive officer (or the designated representative of the Board in the case of the appointment of the chief executive officer) and must be co-signed by the applicant. The employment contract becomes binding on both parties once it has been signed by both parties.

The HR consultant will conduct the relevant checks and provide feedback to the chief executive officer or designated Board member in the case of the appointment of the chief executive officer.

1.4 Unsuccessful Applicants

The Foundation will make efforts to ensure that all unsuccessful applicants are, as far as possible, notified in writing about the outcome of their application.

Documentation received from applicants interviewed but not successfully appointed, will be retained for at least 60 days.

High caliber applicants' resumes should, as far as possible, be entered into a recruitment database.

1.5. Categories of Employees

When a formal offer of employment is given, the following categories of employee will be applicable:

1.5.1 Fixed Term Contractor:

A South African national or non-South African contracted for a specific project/skill for a specific period of time and with specific deadlines. The relationship is governed by the contract between the two parties, and the prevailing legislation (Appendix 2)

1.5.2 Permanent Employee:

An employee in this category is governed by the contract between the two parties as well as the Basic Conditions of Employment Act (BCEA) and the Labour Relations Act (LRA) legislation which is currently in force and as amended from time to time. The Foundation will not normally employ permanent employees.

1.5.3 Temporary Employee:

A South African national either contracted through a service provider or directly with the Foundation at an hourly rate and for short term work assignments. The relationship between the Foundation and the employee is governed by a service provider agreement or a contract between the Foundation and the employee as well as the BCEA and the LRA legislation which is currently in force and or as amended from time to time.

1.5.4 Casual Employee

A South African national who has been contracted directly by the Foundation and who does not work for more than 22 (twenty two) hours per week. The relationship between the Foundation and the employee is governed by the contract between the Foundation and the employee, as well as the BCEA and the LRA legislation which is in force and or as amended from time to time.

1.5.5 Consultant:

A South African national or non-South African, who is contracted for a specific project/skill for a specific period of time and with specific deadlines. The relationship is governed by the contract between the two parties.

1.5.6 Relationship

Where an employee is contracted through an agency or service provider, then the agency/service provider bears the onus of the “employer” relationship. However the employee is still expected to comply with the Foundation’s policies. All service providers must be compliant with the Foundation’s procurement policy that is in force at the time.

1.5.7 Policy File

All categories of employees will be given a copy of the organizational policies file prior to commencing employment and will be expected to familiarize themselves with the policies. A clause to this effect will be inserted in the contracts and employees are expected to sign acceptance thereof.

1.6 Renewals, Extensions, Roll-overs of Contracts

All employees, with the exception of “permanent employees” will be made aware that no renewal, extension or roll-over of contracts constitute a “permanent position” and they should have no expectation of permanency, renewal, extension or roll-over.

1.7 Termination due to operational requirements

All categories of employees will be made aware that their contracts can be terminated according to their contractual terms *and* due to operational reasons. In the event of termination due to operational reasons employees (with the exception of consultants, temporary employees and casuals) will be entitled to retrenchment payment as per the LRA provisions and the Foundation’s policies and procedures which are in force at the time.

2. Orientation & Induction

It is the Foundation's intention to welcome and orientate new employee into the organization as soon as possible after the starting date, so as to stabilize the employee in their new surroundings and capitalize on early productivity. The orientation will help the new employee to gain an understanding of the organization, the culture, and the new employee's position in the organization.

2.1 Orientation to the Country – In the case of international recruitment

Where non-South African staff are recruited, the Foundation has a broader responsibility than just organizational orientation. Therefore the Foundation will assist the employee in the following manner:

- Relocation advice;
- Assistance with costs as determined elsewhere in this policy statement;
- Assistance with accommodation as determined elsewhere in this policy statement;
- Travel arrangements as determined elsewhere in this policy statement; and
- Assistance with completion of work permit documentation.

2.2 Relocation

The Foundation will assist employees who incur costs in relocating from outside of South Africa, as well as those relocating from outside the Gauteng Province. The Foundation will pay the following:

- a) An economy class ticket for the employee and their immediate family if the family is relocating within a four month period of the employees' relocation;
- b) Transfers between airport and accommodation;
- c) Assistance with transfers to and from the office for a maximum period of one month;
- d) A once off relocation grant equivalent to one months gross salary (settling in allowance); and
- e) Accommodation in the equivalent of a 3 star hotel or bed and breakfast (whichever is the cheaper) for the employee for a maximum period of 1 (one) month.

If a contract is terminated for operational reasons prior to its expiry date, the Foundation will pay for the relocation of the employee back to their home country and no re-imburement by the employee for costs incurred will be applicable.

If a contract is terminated by the employee or for misconduct or non performance, the employee will reimburse the costs of the relocation to the Foundation on the following basis

Before the end of year 1 (one): 75 % of relocation costs.

Before the end of year 2 (two): 50 % of relocation costs.

Before the end of year 3 (three): 25 % of relocation costs.

The value of the above reimbursements exclude points (d) – (e) above. The reimbursement to the Foundation will be recouped from the final salary of the employee.

2.3 Orientation to the Foundation

Prior to the employee joining, the Foundation will, as far as possible, ensure that he/she has a work station, computer and phone.

A new employee will be introduced to all existing personnel and be shown amenities such as parking, tearoom and ablution facilities.

A new employee will be issued an access card and be requested to complete “a new employee starter pack”. The employee retains the responsibility of ensuring that all personal data is current at all times.

The starter pack must be completed in full and the relevant copies of qualifications attached to it. The starter pack forms the basis of the employee’s personal file. In addition a copy of the advert, the job description, the employee’s application, curriculum vitae, identification document or passport, interview guide and letter of offer will be placed on file.

2.4 Self Starter Induction

The Foundation will have a “self starter” induction program. This program will contribute to the employee’s first performance review and the program will be explained to the new employee.

2.5 Probation

All employees shall be on probation for a period of 3 (three) months. Reviews will be conducted monthly until such time that the probation period is over.

Successful completion of the “self–starter” induction program will be part of the first performance review.

These reviews are a means for the employee to gain insight into their performance and to provide management with the opportunity to assess the employee’s suitability to the post. On satisfactory completion of the probation period, employees will be advised in writing whether their appointment is confirmed or not.

Following successful completion of the probation period the employee’s appointment will be confirmed.

In the event of misconduct, the contract will be terminated according to the Foundation’s Disciplinary Code and Procedure or the contract and the BCEA (Basic Conditions of Employment Act) and the LRA (Labour Relations Act).

2.6 Probation Notice Period

Outside of any misconduct on the part of the employee, either party may give 1 (one) week’s written notice if they wish to terminate the contract within the 3 (three) month probation period.

2.7 Relocation reimbursement during probation

In the event that the contract is terminated during or at the end of the probation period, the chief executive officer will use his/her discretion and, based on the circumstances at hand, decide whether to enforce or waive the reimbursement of relocation costs by the employee.

2.8 Relocation at end of normal contract expiry

In the event of normal expiry of the contract the chief executive officer shall at her/his discretion decide whether to pay the relocation of the individual back to his/her country of origin, if applicable.

3. Terms & Conditions

3.1 Hours of Work

Ordinary hours of work are 08h30 to 17h00 Mondays to Fridays with an hour for lunch. All employees may be expected to work beyond these hours when business activities dictate the necessity. Any variance to these times, i.e. later starting time or earlier finishing, must be discussed with and approved by the chief executive officer.

In certain instances employees may be required to work the 40 hour week at times that are not considered “normal office hours”. This could include work over weekends. These arrangements should be discussed with the chief executive officer prior to them being worked.

As the relationship between fixed term contractors and consultants are delivery and time based; employees in these categories are expected to know when longer hours are necessary.

In the case of permanent support staff, their immediate line manager or the chief executive officer will notify them in advance of when they will be required to work longer hours.

3.2 Overtime

Only permanent, temporary or casual categories of employees who earn less than R10, 000 per month gross salary will be entitled to claim overtime or such amount as determined by the BCOEA at the time. Such overtime must be requested and approved by the chief executive officer, prior to it being worked.

4. Job Categories, Grades & Salary Scales

As a non-profit, professional, grant making institution, the Foundation requires staff that are self-motivated, have the necessary qualifications and experience, reflect the organisation’s regional character and diversity, and have a good disposition to ensure efficiency, financial viability, and operational success of the organisation. To this end the Foundation will employ, retain and adequately remunerate staff in a manner that is consistent with practices in similar regional organisations in the public policy, corporate social responsibility, and philanthropic sector.

4.1 Objective

The broad objective of the Foundation’s remuneration strategy is to attract, retain and appropriately reward competent and high-performing staff that reflect the organisation’s regional character. To achieve this, salaries will be both internally equitable and externally competitive within the market.

This policy will be applied to determine the salary applicable for all positions at the Foundation, and on a pro-rata basis for part-time staff.

4.2 Principles

- a) Salaries of staff members at the Foundation are differentiated.
- b) This differentiation is based on the following factors:
 - i) The rate for the job as determined by market forces in the regional sector
 - ii) Individual effort and performance
 - iii) Individual characteristics such as experience, qualifications, skills, and potential.

- c) The key Paterson criteria in differentiating salaries are:
 - The level of responsibility inherent in the job;
 - Extent of planning contained in the job;
 - Need for independent, strategic decision making;
 - The consequences of error; and
 - The complexity of the job.

- d) The expectation of the Foundation is that all personnel will be fully productive in the jobs they are employed to do.

- f) The Foundation will endeavour to ensure that the remuneration policy is equitably applied by having effective supervisory systems and appropriate disciplinary and grievance procedures

4.3 Job Categories/Grades

The Foundation will have four job grades. These job grades are further divided into sub-bands. The grades and bands are as follows:

Job Category	Grade	Band	Dimensions
Programme Officers	C	1	Performs complex specialized programme tasks together with its administrative responsibilities under minimal supervision. Tasks require a high degree of diagnostic decision-making and high level of implementation competence. Responsible for a part of department’s work, including for example, project conceptualisation in conjunction with the HOD, programme design and implementation. No budgetary or staff responsibilities. Examples: Administrator, Finance Officer, Grants Officer (over 3 years experience in a similar job)
		2	Performs high level specialized programme tasks together with its high level administrative responsibilities under limited supervision. Tasks require a low level of strategic decision-making and a very high level of implementation competence. Responsible for a part of the department’s work, including for example, complex project conceptualisation in conjunction with the HOD, programme design and implementation. No budget or staff responsibilities. Examples: Grants Officer, Networking and Partnerships Officer, Office Administrator (2-3 years experience in a similar job)
		3	Performs a high level of specialized programme tasks with its high level administrative responsibilities in support of the HOD. Tasks require a low level of independent strategic decision-making and a very high level of implementation competence. Responsible for a strategically high-risk part of the department’s work , including for example, complex programme conceptualization in conjunction with the HOD, and high profile programme design and implementation. No budget or staff responsibility.

			Examples: Senior Grants Officer, Networking and Partnerships Officer, Executive Assistant (more than 3 years experience in a similar job)
Programme Managers	D	1	Performs specialised complex tasks together with its administrative responsibilities under minimal supervision. Tasks require a high degree of diagnostic decision-making and a high level of implementation competence. Takes responsibility for specialized programmes within a unit. Tasks require strategic decision-making, analytical understanding and co-ordination. May include some responsibility for supervising and training others as well as some budgetary responsibilities. Examples: Coordinator: Campaigns manager (5 years experience in a similar position)
		2	Performs specialized complex programme tasks together with its administrative responsibilities under minimal supervision. Tasks require a high degree of diagnostic decision-making and high level of implementation competence. Takes responsibility for full responsibility for supervising and training others, as well as some budgetary responsibilities. Examples: Fundraising campaigns manager, community outreach manager (over 5 years working in a similar position)
Executive Managers	E	1	Takes full responsibility for managing a functional department within the organisation. Tasks require strategic decision-making, analytical understanding co-ordination and management. Ensures that strategic planning of unit is implemented. Includes responsibility for supervising and training others. Recognisable experience and expertise required. Example: Grants Manager, Communications, Finance Manager (5 years experience in similar position)
		2	Takes full responsibility for managing a functional department within the organisation that is of high strategic importance. Tasks require complex strategic decision-making, analytical understanding, co-ordination and management. Ensures that strategic planning of unit is implemented and contributes to the strategic direction of the organisation as a whole. Includes responsibility for supervising and training others. Recognisable experience and a high level of expertise required. Example: Coordinator: Head of Operations (more than 5 years experience in similar position)
Organisational Management / Chief Executive Officer	F	1	Responsible for the overall strategic direction and leadership, management and resourcing of SAT under the direction of the Board. Includes responsibility for overall coordination in the areas of fundraising, financial planning, strategic planning, policy formulation, accountability to donors. Example: Executive Director.

The chief executive officer shall be appointed by, and be responsible to, the Board of Trustees. The terms and conditions of the chief executive officer's contract will be negotiated with the chairperson of the Board of Trustees. Such terms and conditions will be governed by the contract of employment agreed through the contractual negotiation process.

The Executive Committee of the Board of Trustees may be involved in the interviews of senior management staff but the final appointment will be made by the chief executive officer.

All personnel should demonstrate an understanding of the purpose of the Foundation and have a passion for regional work. A high degree of responsibility and initiative is expected of every individual member of staff who should be able to function effectively with minimal supervision.

4.4 Job Descriptions

All positions at the Foundation will have job descriptions. Staff of the Foundation will have explicit job functions that will form part of their employment contracts. The job description will make clear the level of responsibility of the position and the knowledge and skills level, as well as the personal characteristics required to do the job productively.

The scope of job functions for the different job categories are as follows:

JOB CATEGORY	SCOPE
Chief Executive Officer	Responsible for all operational aspects of the organisation in accordance with policies, guidelines and procedures established by the Board. S/he will be responsible for overall strategic direction and leadership, management, public positioning, and resourcing of the organisation under the guidance of the Board.
Executive Managers: Programme	Responsible to initiate, develop, and manage the regional programmes of the Foundation, including grant making, while at the same time building the Foundation as an organisation, including overall programme co-ordination and managing the staff of these programmes: <ul style="list-style-type: none"> - implementation of strategic plan ensuring that targets and deadlines are being met - performance management of programme officers - guidance and support to coordinators and staff as and when appropriate - mediating staff matters before involving the chief executive officer - programme financial management
Executive Managers: Financial, Systems, & Office Administration	Responsible to provide a high level of: <ul style="list-style-type: none"> - financial services, including maintenance of relevant financial records, development of financial policies, procedures and systems within organisational guidelines and facilitating financial audits; - Production of annual financial statements - Budget development and monitoring - Cash flow and bank account management - Office infrastructure management - Coordination and management of administrative support personnel
Programme Managers	Responsible to contribute to conceptualization and to initiate complex projects and undertake complex project support and administration in accordance with the organisation's strategic objectives, under the direction of executive managers and/or the chief executive officer. Responsible to design, produce, and disseminate high quality information products.

Programme Officers	<p>Responsible to undertake routine project management including monitoring and communicating with partners, planning and executing the hosting of events, and maintaining the administration of the Foundation under the direction of a manager:</p> <ul style="list-style-type: none"> - Responsible to disseminate standard information to staff and relevant project partners and gather required reports and information. - Responsible to provide efficient programme implementation and administrative support to programme managers, executive managers, and the chief executive officer under the direction of a manager. - Responsible to maintain office systems. - Responsible to implement office procedures. - Responsible to perform office frontline functions in a way that develops and maintains the brand identity of the Foundation.
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4.5 Salary Scales

The Foundation will have a salary scale that is approved by the Board of Trustees and amended from time to time by in accordance with the provisions of this policy statement. Base salaries will be established using comparable levels in selected organisations. Scales will be developed through reference to appropriate salary surveys and the application of standard remuneration theory. Appropriate allowance will be made in respect of any circumstances specific to the Foundation.

Each grade will reflect a normal rate for the job (i.e. entry level) which will also be the minimum rate for a particular job category. In addition, each grade will have a maximum range for that particular grade. The minimum and maximum ranges will not only encourage salary flexibility but allow for individuals to experience salary growth within their existing job categories. The entry level will coincide with the market rate for the job.

In addition, each grade will be divided into several levels that represent the rate for the job, the average level of performance (median), and a high level of performance.

The decision on where an employee will be positioned in relation to the salary ranges will be dependent on their skills, experience, and performance. Salaries will, within reasonable parameters, be negotiable as no individual brings the same experience, qualifications, capability and potential.

5. Performance-based Incentives

Annual performance bonuses will be offered at the end of the calendar year based entirely on an individual's performance up to that point in the year, and only if the board of trustees decides that there are sufficient funds available to give bonuses. Only personnel that achieve an annual performance index rating of "good" (i.e. above average) or above will receive a performance-related bonus. The quantum of the performance-related bonus will be equivalent to the performance index rating (i.e. the average points scored from performance ratings for all agreed performance competencies and performance objectives), taken as a percentage of the annual total cost to company of the relevant personnel at the time that the performance-related bonus is being considered.

The board of trustees will approve a maximum total amount to be made available for all bonus payments taken together and the chief executive officer will finalize the distribution of bonus payments across the team by applying the formula described above. However, to take account of collective team effort in achieving objectives, if funds remain available within the board-approved total maximum bonus amount after applying the formula above, the chief executive officer may agree to offer gratuity bonus payments to personnel who contributed to achieving objectives as part of the team but who might not have achieved an above-average performance rating in their own individual deliverables.

Staff that achieve an annual performance index of 8 points and above (i.e. an above “good” rating) will especially be considered for career development support by the Foundation, at the discretion of the chief executive officer.

The points awarded for each performance rating and other performance benefits for which personnel qualify, available funds permitting, will be calculated as follows:

Performance Rating	Bad	Average	Good	Excellent
Points	0	2	6	10
Bonus	None	None	Performance rating points taken as a percentage of annual total cost to company	Performance rating points taken as a percentage of annual total cost to company
Other Benefits	None	None	None	Career development support if PI ≥ 8 points
Conditions	Calculated on a pro rata basis if period of service is not equivalent to exactly one year since the last salary adjustment			

6. Annual Inflation-related Increases

All staff will receive an annual inflation-related salary increment, given as a percentage of their current total cost to company, as at the 1st of April each year, if there are funds available to pay for the salary increase.

The board of trustees (or the executive committee of the board, in its stead) will decide on the percentage for the annual inflation-related remuneration increase, taking the inflation rate into account.

Such annual salary adjustments will be calculated on a *pro rata* basis for the period under consideration, since the period of employment for different staff may not be equivalent to exactly one year.

7. Market Related Adjustments

The Board of Trustees will review salaries regularly and if necessary, salaries may be adjusted to market rates at the Board’s discretion. This does not imply that all employees will qualify for market related adjustments. Any employee who has less than a 4 (four) performance rating will not qualify for market adjustment even though he/she might be below the market rate for that position.

8. Confidentiality of Salary Information

Information in respect of salary scales and the annual inflationary increment will be available to all staff members. However, individual salaries and performance-related increases will be confidential.

9. Performance Management

Performance management is a key element in helping employees to achieve the organisation’s vision and values. Performance management should not be an annual event, rather it should be an on going activity that must be part of every manager’s routine.

Performance Management is a continuous process, i.e. a series of events that take place throughout the year culminating in the performance appraisal. Review periods can be changed at the chief executive officer’s discretion.

Performance management does not replace but supports, day to day management.

The performance management procedure will provide frequent opportunities (e.g. quarterly) for a manager and the personnel reporting to her/him to engage in open dialogue and immediate feedback regarding performance, priorities and advancement.

The Foundation's performance management system will have two key features:

- Helping employees understand the quality of their current performance and what can be done to improve it.
- Motivating employees to improve their performance.

A comprehensive and standardised performance planning, management, and appraisal system will be developed and implemented by the chief executive officer. The performance management system will apply to all the Foundation's personnel. The performance management system will, as far as possible, endeavour to take into account 360 degree feedback from internal and external stakeholders of the Foundation with whom the individual whose performance is being assessed interacts, through formal and/or informal feedback channels.

10. Payment of salaries

Payment of all categories of employees will be made monthly in arrears into a South African bank account. Salaries will be paid electronically on the 25th day of the month, or earlier, if the 25th of the month falls on a weekend or public holiday. Employees are required to advise the Foundation immediately if their banking details change. December salaries will normally be paid just prior to the Foundation's annual break.

All personnel will be remunerated at the rate stipulated on their contract or as agreed to when and if this rate is adjusted.

11. Deductions

11.1 Unemployment Insurance Fund

The law requires that the Foundation deduct unemployment insurance from all categories of employees who are on its payroll. The Foundation and employees will each pay 1% of the total annual earnings. This rate may change from time to time and employees will be advised accordingly

11.2 Taxation

All employees are expected to register with their local South African tax office and obtain a personal tax number which must be given to the HR consultant when they join the Foundation. Tax will be deducted according to the relevant tax regulations on a monthly basis. All forms of remuneration will be taxed in accordance with the prevailing tax regulations including relocation allowances or leave encashment.

11.3 Workers Compensation

It is compulsory for the Foundation to be registered with and to pay annual fees to the national Worker's Compensation Fund in South Africa. This fund covers earnings and medical expenses in the event that an employee is injured whilst on duty. In such an event the employee must state to the medical provider that it is an "IOD" (Injury on Duty). This insurance will be covered solely by the Foundation and the employee will not contribute to it.

11.4 Pension/Provident Fund

All contracts are based on total cost to company and therefore already include a contribution by the Foundation to a Pension/Provident fund of the employees' choice. Employees are encouraged to make provision in this regard. As per tax legislation, employees who have such insurances can submit the details to the designated HR consultant to obtain the relevant tax benefit. This can only be done on an annual basis prior to the new financial year.

11.5 Medical Aid

All contracts are based on total cost to company and therefore already include a contribution to a medical/health insurance of the employees' choice. Membership of a health insurance scheme is compulsory if you are required to travel as part of your job. All personnel will be required to provide the HR consultant with proof of membership.

12. Leave

12.1 Annual Leave

Employees will be entitled to 21 working days leave per annum, calculated at 1.75 days leave per month.

Of these 21 leave days, 15 are statutory and must be taken in any 18 month leave cycle; they cannot be commuted for cash or forfeited.

The only time the 15 days or part thereof will be paid out is if the employment relationship is terminated (for whatever reason) prior to the 18 month leave cycle expiring

It is the Foundation's responsibility to ensure that the above guidelines extracted from the BCEA are complied with. i.e. that staff take 15 days leave per 18 month cycle.

12.2 Leave Accrual

A maximum of 6 (six) days leave may be accrued and carried over to the next year. Failure to take the 6 (six) days at the end of year 2 will result in such leave being forfeited

12.3 Encashment of leave

With the exception of statutory leave, a maximum of 10 (ten) days leave may be cashed out annually.

12.4 Consultants

There are no leave provisions applicable to consultants.

12.5 Public Holidays

Public holidays are paid leave days and are as per the government gazette.

12.6 Notification of Leave

Annual leave must be applied for in advance and a leave form must be completed and properly authorized before the leave is taken. Leave must be taken at a time that is suitable to all parties and must be approved by the chief executive officer prior to the leave being taken.

12.7 End of Year Closure

The Foundation will close its offices between Christmas and New Year's Day. The chief executive officer will determine the exact dates. It must be noted that this leave is solely at the discretion of the chief executive officer and does not fall under the ambit of the BCEA as it applies to leave. In the event of operational activity, the chief executive officer may withdraw this leave at any time.

12.8 Sick Leave

All categories of employees with the exception of consultants are entitled to 10 days sick leave per annum or 30 days sick leave in any three-year period, where the employment contract is for a period of 36 (thirty six months)

12.9 Medical Certificate

A medical certificate must be provided where sick leave is taken for any period of two or more consecutive days, or if sick leave is taken on a Friday or Monday or the workday immediately prior to or following a public holiday.

In the event of an emergency medical situation where the person's requires more leave than is stipulated, and with the proof of a medical certificate, the chief executive officer will first use the employee's annual leave and then, dependent on the circumstances, may grant unpaid leave.

12.10 Maternity Leave

All women employees are entitled to 16 weeks' maternity leave. For employees who are South African citizens, the Foundation will contribute 55 % of the employees monthly salary to the employee for a period of 12 weeks' of maternity leave and the employee should claim the balance 45 % from UIF

In terms of the Unemployment Insurance Act 63 of 2001 and subject to the provisions of that Act, an employee, if eligible, is entitled to claim maternity benefits for a period not exceeding 17.32 weeks from the date on which she is deemed to be unemployed (i.e. the date on which the employee commences maternity leave). An application for maternity benefits from the UIF must be made at least 8 weeks before childbirth. It shall be the employee's responsibility to obtain the necessary forms from and submit her claim for maternity benefits to the UIF.

In the case of Non South African's the Foundation will pay benefits as follows;

- After the 13th month from contract start date: 100 % of their salary for a period of 6 (six) weeks
- After the 25th month from contract start date: 100 % of their salary for a period of 12 (twelve) weeks

The above benefit is a means by the Foundation to compensate for the lack of maternity benefits that currently do not accrue to non South Africans by the Unemployment Insurance Fund.

The benefit in all categories of employment is for a maximum of two children.

The Foundation will continue to make the usual monthly contributions on the employee's behalf (where relevant) to a medical insurance and all other relevant statutory payments from any remuneration paid to the employee.

Annual leave will accumulate in the normal manner while the employee is away on maternity leave.

The employee must advise the chief executive officer as soon as she is aware that she is pregnant and at least 4 (four) months prior to delivery date, she must provide a medical certificate estimating date of delivery.

The Foundation will keep the employee's position open until the employee returns from maternity leave, provided the employee returns in a full-time capacity.

12. 11 Adoption Leave

The same terms and conditions of maternity leave will apply to all personnel when adopting a child or the birth of a child through surrogate pregnancy, provided that the child to be adopted is six months or younger and the staff person is the primary care giver.

12.12 Paternity Leave

For male personnel who have worked for the Foundation for less than one year, five working days will be granted for the birth or adoption of a child. This leave must be taken in the first month of the child being born or being adopted and is conditional on the staff person being one of the child's caregivers.

Male employees who have worked for the Foundation for a period of one year or more will be entitled to paid paternity leave of one (1) month, conditional on the staff person being one of the child's caregivers.

12.13 Compassionate Leave

Compassionate leave may be granted in the case of bereavement, family trauma or a child's illness. Compassionate leave is limited to five days per annum and is granted at the discretion of the chief executive officer. In extraordinary circumstances the chief executive officer has the discretion to review the number of days granted. Compassionate leave cannot be accumulated.

12. 14 Study Leave

The chief executive officer may grant study leave if s/he believes that such studies will have some benefit for the Foundation. Study leave may be granted for the purpose of writing an examination, provided that proof of such examination has been provided timeously by the employee. The day before the examination as well as the day of the examination will be granted as paid study leave. Any additional days shall be taken as annual or unpaid leave. A maximum of six days may be granted for study leave in any study year.

12. 15 Unpaid Leave

Applications for unpaid leave will only be considered in special circumstances such as illness or bereavement. All unpaid leave will be looked at on a case by case basis and factors such as performance and attendance will be taken into account.

Unpaid leave may not exceed two weeks annually.

13. Loans

The Foundation is not in a position to grant any loans as it is not registered with the National Credit Authority as a registered Financial Provider. This includes study, housing and car loans.

14. Notice Period

After the probation period has expired either party may give 4 (four) weeks notice if they wish to terminate the employment relationship prior to the contract expiring. At the end of the contract period the contract will automatically expire, unless a new contract has been negotiated, documented, and signed between the parties.

The notice period of the chief executive officer will be determined in the terms and conditions of his/her contract of employment.

15. Employee Relations

The Disciplinary Procedure in conjunction with the Grievance Procedure, is aimed at the effective running of the Foundation. It does not aim to replace a spirit of co-operation and shared goals, with a set of rigid rules. The primary aim is corrective in nature.

15.1 Definitions

“Grievance” is any feeling of dissatisfaction, unfairness, injustice, victimisation or discrimination arising from the employee’s work or work situation or related circumstances.

“Representative” in this procedure shall mean any fellow employee chosen as a representative by the aggrieved person.

15.2 Grievance Procedure

The Foundation recognises the importance of having communication channels through which difficulties and problems in the work place can be effectively resolved.

Anyone who is dissatisfied with or aggrieved by the application of any policy or the conduct of any employee may invoke this grievance procedure.

Any employee may lodge a grievance in terms of this procedure without any prejudice or fear of victimisation.

15.2.1 First Stage: Immediate Supervisor

Any employee may lodge a grievance verbally with his/her immediate supervisor in order that the grievance may be resolved as quickly as possible.

If the grievance is not settled within 5 days then a written grievance has to be forwarded to the next line of management i.e. the chief executive officer.

15.2.2 Second Stage: 2nd Line Manager

Within 5 days of receipt of the written grievance the chief executive officer shall meet with the employee in question and his/her chosen representative in an attempt to resolve the grievance.

15.2.3 Third Stage: 3rd Line Manager

Should the grievance not be resolved then the employee will present a copy of the grievance to the chairperson of the Board of Trustees.

The chairperson of the Board of Trustees shall convene a meeting of all parties concerned, within 5 days, and propose a final settlement to the grievance.

If the employee, assisted by his/her chosen internal representative, is unwilling to accept the proposed settlement, the matter may be pursued through other means provided by the LRA (Labour Relations Act).

In the case of the Foundation, the 1st line of management is the programme manager or executive manager, the 2nd line of management is the chief executive officer and the 3rd line of management is the chairperson of the Board of Trustees.

16. Arbitration and Mediation

Where either of the parties refers the grievance to arbitration or mediation, an arbitrator or mediator acceptable to both parties affected by the grievance will be appointed.

Where an arbitrator is appointed, he/she may rule on the dispute and award costs incurred during arbitration and his/her decision shall be final and binding on all employees and members of the Board of Trustees.

Where a mediator is appointed, he/she will attempt to facilitate a resolution of the grievance and any resolution which is agreed by the parties to the grievance shall be final and binding on all employees and members of the Board of Trustees.

17. Disciplinary Procedure

The primary objective of this procedure is to encourage all employees to observe reasonable standards of conduct and work performance in accordance with their work requirements, their contracts of employment and the reasonable requirements of the Foundation. Disciplinary action is aimed to be corrective if work performance is unsatisfactory or the behaviour of an employee is unacceptable, unless the seriousness of the offense warrants dismissal.

17.1 Scope and Application

This procedure applies equally to all employees, including supervisors, managers and directors. The purpose of this disciplinary action is to correct the behaviour or conduct of the employee and not to punish the employee.

No disciplinary action may be taken against an employee unless that employee is afforded the opportunity to state a case in response to the allegations made by the employer and to defend himself/herself.

Every employee has the right to be represented at the hearing by an internal representative of their choice, but not by a legal practitioner as defined in the Labour Relations Act of 1995.

Formal verbal warnings and all written warnings will be issued in a formal manner and recorded.

The employee concerned will sign and acknowledge stating that he/she:

- Has received the warning; and that
- He/she understands the contents of the notice to be a warning issued in terms of this disciplinary procedure.

All formal warnings issued in terms of this disciplinary procedure will be preceded by an informal or formal inquiry to establish the facts of the case.

Any employee who is of the opinion that a warning he/she has received was not justified may lodge a grievance by invoking the grievance procedure.

17.2 Disciplinary Hearing

No employee shall be dismissed without being granted a hearing as contemplated in this disciplinary procedure. An employee shall be given written notice of the disciplinary hearing within 48 (forty eight) hours after the alleged offense/misconduct, (unless there is reasonable cause for a longer period) the notice shall contain all relevant details to the actual hearing and will include the legal rights of the employee. The enquiry will take place within 5 (five) working days after the notice of enquiry has been issued, unless there is reasonable cause for a longer period.

In order to prepare for the hearing the employee and his/her chosen representative shall be given reasonable access to all materials and information relevant to the matter at hand.

17.3 Chairperson

The chief executive officer, or in the case of the chief executive officer initiating the disciplinary process, the chairperson of the Board of Trustees, shall preside over the disciplinary hearing. The chairperson shall consider all statements and evidence placed before him/her and will place his/her decision in writing and communicate this to the relevant employee and his/her representative as well as all other relevant parties within 5 (five) days of hearing the matter. The Foundation reserves the right to appoint an external chairperson.

17.4 Disciplinary Appeals Procedure

If an employee or his/her representative is dissatisfied with the outcome of the disciplinary inquiry, then they can appeal to the chairperson in writing. The chairperson shall arrange for the holding of an appeal, which will be chaired by someone who has not been involved in the disciplinary inquiry.

The person hearing the appeal shall consider all current and new evidence provided by the employee in question.

The Appeal chairperson's decision regarding the appeal shall be communicated to all relevant parties in writing. The Foundation reserves the right to appoint an external chairperson.

In addition to items listed in the Foundation's code of conduct, the following offences and sanctions as per the listed categories will serve as a guideline:

17.5 Offenses and Sanctions

	Steps to be taken	Types of offences
<p>Category A If an employee commits a transgression in this category, the following steps will be taken:</p>	<p>1st Transgression – Reprimand 2nd Transgression – Formal Verbal Warning 3rd Transgression – 1st Written Warning 4th Transgression – 2nd Written Warning 5th Transgression – Final Written Warning 6th Transgression – Disciplinary Hearing and possible dismissal</p>	<ul style="list-style-type: none"> - Disorderly behaviour on company premises. - Use of insulting or abusive language. - Unsatisfactory work performance. - Loafing: passing time idly or failing without reasonable cause to complete tasks set. - Time keeping: reporting late for duty, poor time keeping, and leaving work early.
<p>Category B For transgressions in this category the steps outlined hereunder will be taken (except in the case where an employee has already committed more than three transgressions in Category A, in which case he/she will start in the corresponding stage in this category.</p>	<p>1st Transgression – 1st Written Warning 2nd Transgression – 2nd Written Warning 3rd Transgression – Final Written Warning 4th Transgression – Disciplinary Hearing and possible dismissal.</p>	<ul style="list-style-type: none"> - Unsatisfactory work performance. - Carelessness: Performance of a task or duty without the exercise of due care and attention. - Negligence: failure to exercise proper care in regard to the manner of discharge of the duty to the extent that tasks have to be repeated. - Poor maintenance of vehicles/wastage of material, damage to equipment or material, etc. - Negligent loss, damage or misuse of company property. - Failure to observe policy and procedures. - Sleeping on duty. - Absent from work or from place of work without reasonable cause.
<p>Category C Transgressions in this category are regarded as very serious and will be subject to the following sanctions.</p>	<p>1st Transgression – Final Written Warning 2nd Transgression – Disciplinary Hearing and possible dismissal.</p>	<ul style="list-style-type: none"> - Insubordination. - Intimidating fellow employees. - Gross negligence - Deliberately giving untrue, erroneous or misleading information or testimony whether verbally or in writing. - A refusal to work. - Failure to report an accident. - Driving the organisation’s vehicle without authority.

<p>Category D The transgressions in this category are so serious in nature that the organisation will have to consider whether the employee can remain in his/her job or in the employ of the organisation.</p>	<p>A Hearing pending dismissal with notice OR A Hearing pending summary dismissal.</p>	<ul style="list-style-type: none"> - Discrimination on any grounds prohibited by the Employment Equity Act. - Making remarks that causes racial tension. - Assault of any kind. - Major and intentional damage to property. - Unauthorised possession of, and /or taking of drugs on company premises. - Possession of dangerous weapons on company premises without permission. - Theft from the organisation, a visitor or fellow employee. - Giving or receiving, or attempting, any bribe or inducing to, or attempting to induce any person to perform any corrupt act. - Falsifying or changing any document with fraudulent intent or attempting to do so. ▪ Sexual harassment. ▪ Negligent or dangerous driving. ▪ Any other reason recognised in law as being sufficient grounds for instant dismissal.
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18. Sexual Harassment

The Foundation believes that each individual employed has the right to be free from sexual harassment of any kind.

18. 1 Sexual harassment includes all forms of conduct where there is:

- Unwelcome physical contact, or
- Sexually explicit language or gestures, or
- Uninvited or unwanted sexual advances, or
- An offensive overall environment, including the use of vulgar language, or
- Presence of sexually explicit photographs or other materials, and the telling of sexual stories and jokes, or
- Reprisal or threat of reprisal for submitting a complaint, participating in the investigation of complaint, or rejection of sexual advance.

The Foundation will not tolerate any form of sexual harassment from Trustees, superiors, subordinates, and fellow employees. The Foundation recognises that men as well as women can be victims of sexual harassment.

The Foundation encourages the reporting of incidents of sexual harassment and will take action to stop the harassment and prevent its reoccurrence.

All proven sexual harassment offenders will be dealt with through the disciplinary procedure up to and including dismissal.

While this code applies to sexual harassment within the organisation, the Foundation will equally act against any person accused of committing a sexual offence such as rape or other forms of sexual assault outside of the organisation, pending the outcome of court proceedings.

18.2 The Code of Good Practice on the Handling of Sexual Harassment Cases

18.2.1 Definition

Sexual harassment is any unwanted or unwelcome sexual behaviour that has a negative effect on the recipient. It can range from inappropriate gestures, innuendoes, suggestions, or hints to fondling without consent and at worst, rape. Sexual harassment creates an intimidating, hostile or offensive environment.

18.2.2 Preamble

This code of good practice on the handling of sexual harassment cases is intended to eliminate sexual harassment by enabling prevention in the workplace and improved case handling. This code seeks to create an environment that will promote the respect and dignity of employees.

18.2.3 General Principles

- The Foundation commits itself to the elimination of sexual harassment in the workplace.
- The Foundation commits itself to dealing with sexual harassment cases in a sensitive, prompt, unbiased and confidential manner.
- The Foundation shall ensure that neither the grievant nor the alleged harasser is victimised in any way by either management or employees.
- The Foundation's personnel shall be prohibited from harassing outsiders, including grant recipients and their employees or others who may have an association with Foundation.
- The Foundation recognises that it is the responsibility of the employer to provide and maintain an environment that is free of sexual harassment as part of its commitment and responsibility to ensure a healthy and safe working environment.
- The Foundation shall ensure that employees, including job applicants and part-time employees are not subjected to sexual harassment in return for employment, job retention, a salary increase or promotion.
- The grievant shall not be transferred against his/her will.
- The Foundation will ensure that sexual harassment education programmes are in place and all employees are conversant with this code.

18.2.4 Scope

The code covers all employees as defined in the new Labour Relations Act 66 of 1995 and specifically includes all members of the management and governance structures of the Foundation.

18.2.5 Confidentiality

The Foundation will ensure that sexual harassment complaints are investigated and handled in a manner whereby the identities of the persons involved are kept confidential, if necessary.

In cases of sexual harassment, management and the parties concerned shall ensure confidentiality in the disciplinary enquiry. Only affected persons (including an interpreter where necessary) shall be present in the disciplinary enquiry session.

Where possible, management, in consultation with the grievant, shall consider the appropriate venue for the disciplinary enquiry.

18.2.6 Forms of Sexual Harassment

There are various forms of sexual harassment that range from subtle attention to the worst forms of violence such as rape. Examples of sexual harassment may include the following, but are not limited to the listed examples:

- Physical Forms: Physical conduct of a sexual nature means unwanted physical contact ranging from fondling breasts, pinching of buttocks, assault, molestation, sexual patting or touching, attempted rape or rape, strip-search.
- Verbal Forms: Verbal conduct of a sexual nature may include unwanted sexual advances, verbal comments with sexual overtones, sex-related jokes or insults, graphic comments about a person's body, enquiring about a person's sex life, whistling.
- Non-verbal Forms: Non-verbal conduct of a sexual nature may include indecent body exposure, display of sexually suggestive pictures or objects, leering and winking.
- Quid Pro Quo Harassment: Quid pro quo harassment is an abuse of authority by an employer, supervisor or any member of management or fellow employee who has the power or can influence the process of employment, dismissal, promotion or salary increment. This can be done by suggestion of sex in return for a job, salary increases, application or threatened application of unfair disciplinary measures.

18.3 Procedures of Settling Complaints and Grievances Relating to Allegations of Sexual Harassment

The procedure shall be divided into two options including:

- An Informal procedure; or
- The formal procedure.

18.3.1 Informal Procedure

The informal procedures shall be used for subtle forms of sexual harassment. The informal procedure shall not be used for cases that involve sexual assault, rape, strip search, quid pro quo or persistent forms of sexual harassment, unless the grievant chooses to follow an informal procedure.

Where possible, the grievant may wish to resolve the complaint without reference to formal procedures by approaching the alleged harasser, by writing a letter to the alleged harasser and/or by asking a member of management or a representative of the employee's choice, to mediate.

Should informal mediation as described in (a) above be successful in resolving the matter, no disciplinary action shall be taken against the alleged harasser.

The grievant and the alleged harasser shall be referred to relevant trauma crisis centres for counselling should they so wish.

18.3.2 Formal Procedure

The existing internal disciplinary procedures shall be utilised for redress.

18.3.3 Disciplinary Procedure

All rights as required by law in terms of the disciplinary procedure shall apply to both the grievant and the alleged harasser.

The disciplinary hearing shall be held within 5 working days after the grievance has been reported.

The outcome of the disciplinary hearing shall be communicated to the affected parties within 2 working days unless otherwise agreed to by the parties.

Upon failure by management to hold a disciplinary enquiry, the grievant shall have the right to seek the intervention of the Commission for Conciliation, Mediation and Arbitration.

Where the alleged harasser is found not guilty, no disciplinary action shall be taken against an employee who has filed a complaint in good faith.

18.3.4 Disciplinary Measures

Disciplinary measures could include the following, but shall not be limited to:

- Counseling and education;
- Verbal warning;
- Written warning;
- Final written warning; or
- Dismissal.

For any sexual assault such as attempted rape, molestation, rape or strip search, summary dismissal shall be applied.

The grievant of sexual assault shall have the right to press separate criminal and/or civil claims against the alleged harasser, and the legal rights of the grievant shall in no way be limited by this code.

18.3.5 Dispute Resolution

Where the grievant or alleged harasser is not satisfied with the outcome of the disciplinary hearing, the grievant or the alleged harasser shall be afforded the opportunity to appeal

The appeal and/or any dispute between an employer and an employee shall be referred to the Commission of Conciliation, Mediation and Arbitration of South Africa.

Should a dispute that has been handled through mediation or conciliation not be resolved, the commissioner shall resolve it by way of arbitration.

18.3.6 Suspension on full pay

The chief executive officer may (considering the nature of any offense/misconduct) decide to place the offender on immediate suspension with full pay.

18.3.7 Summary & Notice Dismissal

Where the outcome of a hearing is dismissal, the chairperson will decide if the dismissal is summary (immediate) or with notice.