


**LEAVE POLICY**

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| Policy Owner: | Bottle Buhle Brands (Pty) Ltd | | |
| Effective Date: | | | |
| Version: | Version 1 | | |
| Authorised by: | CEO |  | 25/10/2023 |
| | | Signature | Date |
| Note: | Bottle Buhle Brands (Pty) Ltd reserves the right to amend the contents of this policy as and when required. The policy currently in effect will apply to all employees regardless of the policy that applied at the time of employment. | | |

1. Scope /objective of the policy

- 1.1 The purpose of the leave policy is to guide management and Employees of Bottle Buhle Brands (Pty) Ltd, hereafter referred to as Bottle Buhle Brands in terms of the practices and procedures relating to leave (annual leave, sick leave, family responsibility leave, study leave, maternity leave, parental leave, and unpaid leave).

2. Definitions

- 2.1 **'Leave'** shall mean approval for an Employee to be absent from service for which an application was made in the prescribed way.
- 2.2 **'Public Holiday'** shall mean a public holiday as determine in the Public Holidays Act 1994 (Act 36 of 1994) and other day designated as such by Bottle Buhle Brands.
- 2.3 **'Leave Cycle'** shall mean a period of one (1) year calculated from the date on which an Employee assumed duty (i.e. the anniversary date of the Employee joining Bottle Buhle Brands.
- 2.4 **'Sick Leave Cycle'** shall mean a period of three (3) years calculated from the date on which an Employee assumed duty.

3. Legal principles

The following legislation is applicable to this policy:

- 3.1 Basic Conditions of Employment Act, Act 75 of 1997
- 3.2 Labour Relations Act. Act 66 of 1995

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- 3.3 Employment Equity Act, Act 55 of 1998
- 3.4 Department of Labour Code of Good Practice of 2004
- 3.5 Department of Labour Basic Guide to Annual Leave
- 3.6 Department of Labour Basic Guide to Family Responsibility Leave
- 3.7 Department of Labour Basic Guide to Maternity Leave
- 3.8 Department of Labour Basic Guide to Sick Leave
- 3.9 Department of Labour Basic Guide to Unfair Discrimination
- 3.10 Department of Labour Basic Guide to UIF maternity Benefits

4. Policy

- 4.1 Annual Leave (Paid leave)
 - 4.1.1 Employees who work a five (5) day work week (i.e., Monday to Friday) are entitled to fifteen (15) working days leave per leave cycle when joining Bottle Buhle Brands. After 5 years of services, the annual leave entitlement increases to twenty (20) working days per year.
 - 4.1.2 The leave cycle is based on the anniversary date of the Employee joining Bottle Buhle Brands.
 - 4.1.3 Leave is accumulated at one (1) day for every seventeen (17) days worked (average days worked in a month equals 21.67). Leave will be pro-rated during the first year of service.
 - 4.1.4 Any excess annual leave that is not used in an employee's leave cycle, may be carried over into a new leave cycle, for use within the first six (6) months of the cycle. If the excess leave is not used within the 6 months, the excess leave will be forfeited.
 - 4.1.5 Leave granted during the first twelve (12) months' service may not exceed the amount of leave due.
 - 4.1.6 Leave may not be taken during any notice period.
 - 4.1.7 Religious days other than the prescribed public holidays in South Africa are regarded as applications for annual leave.
 - 4.1.8 Employees can be paid instead of being granted annual leave only when employment is terminated.

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- 4.1.9 An Employee may be requested by Bottle Buhle Brands to take their annual leave at a time that is suitable for the Employer, such as during a Nationwide lockdown from a pandemic outbreak, and their annual closure in December. The BCEA allows employers to determine the time that employees can take their annual leave.
- 4.1.10 Leave will be taken at a time that is convenient to Bottle Buhle Brands and the Employee. Annual leave can only be taken by agreement between Bottle Buhle Brands and Employee. If the two parties cannot agree on the timing of the leave, Bottle Buhle Brands will make the final decision.
- 4.1.11 Employees will be paid for public holidays that fall within the leave period and it will thus not be counted as part of the annual leave.
- 4.1.12 Employees will not be able to apply for another type of leave while on annual leave (e.g., if the Employee is on annual leave and he/she falls sick, he/she will not be entitled/permitted to claim sick leave rather than annual leave).
- 4.1.13 Employees who wish to self-isolate due to a pandemic outbreak, and do not have a medical certificate to confirm their reason for self-isolation, will be expected to use their annual leave during this time, or unpaid leave if sufficient annual leave is not available.
- 4.2 Family responsibility Leave (Paid leave)
- 4.2.1 Employees, who have worked more than four (4) months for the Employer, and work more than four (4) days a week or twenty-four (24) hours a month for the Employer, may take up to three (3) days of paid family responsibility leave during each leave cycle of twelve (12) months to attend to certain family responsibilities.
- 4.2.2 Family responsibility leave can be taken:
- i) When the Employee's child is sick; and/or
 - ii) In the event of death of the Employee's spouse of life partner, parent or adoptive parent, grandparent, child or adopted child, grandparent, or sibling.
- 4.2.3 Family responsibility leave expires at the end of the annual cycle.

- 4.2.4 Bottle Buhle Brands may ask for reasonable proof of the illness or death for which an Employee requests leave.

4.3 Maternity Leave

- 4.3.1 Female Employees will be entitled to four (4) consecutive months' maternity leave which will be unpaid for employees on fixed term contracts or employees working for less than 12 months for Bottle Buhle Brands.
- 4.3.2 Employees with 12 months or more service with Bottle Buhle Brands are entitled to 33.33% of the basic salary during maternity leave for the firstborn child.
- 4.3.3 Maternity leave shall commence:
- i) At any time from four (4) weeks before the expected date of the birth, unless otherwise agreed; and
 - ii) On a date specified by the Employee's attending medical practitioner or midwife.
- 4.3.4 An Employee will not be required or permitted to return to work within six (6) weeks of the birth of a child, unless a medical practitioner or midwife certifies that she is fit to do so.
- 4.3.5 Upon written application by the Employee, ordinary leave can be taken prior or after the confinement.
- 4.3.6 An Employee must notify an Employer of the date on which the Employee intends to:
- i) Commence maternity leave; and
 - ii) Return to work after maternity leave.
- 4.3.7 Notification in terms of subsection 4.3.6 must be given:
- i) At least four (4) weeks before the Employee intends to commence maternity leave; or
 - ii) If it is not reasonably practical to do so, as soon as is reasonably practical.

4.4 Miscarriage and/or still birth

4.4.1 An Employee who has a miscarriage during the third trimester of pregnancy or bears a stillborn child is entitled to maternity leave for six (6) weeks after the miscarriage or stillbirth, whether the Employee has commenced maternity leave at the time of the miscarriage or stillbirth or not.

4.5 Sick Leave (Paid leave)

4.5.1 Sick leave will be granted on grounds of incapacity to work due to sickness or injury.

4.5.2 All permanent Employees are entitled to paid sick leave of the equivalent number of normal working days over a six-week period. This means that for Employees who work a 5 (five) day week, the sick leave entitlement equates to 30 (thirty) days over a 36 (thirty-six) month period.

4.5.3 If an Employee is absent because of sickness for more than 2 (two) consecutive days, or more than 2 (two) occasions in an 8 (eight) week period, a valid Medical Certificate from a registered medical practitioner must be produced. It is a further requirement that any Employee, who absents him/herself from work due to illness on a working day immediately before and/or after a weekly break or public holiday, is required to produce a valid Medical Certificate. Failure to provide the said Medical Certificate will lead to the Employer invoking its policy of no work – no pay and might lead to disciplinary action.

4.5.4 Employees who have tested positive for COVID-19 will be eligible for sick leave for the days required for quarantine and medical treatment, if they have a medical certificate confirming their condition.

4.5.5 If an Employee has been tested for COVID-19 and is waiting for results, and a Medical Practitioner confirms that there is probable reason for self-isolation, the Employee will be eligible for sick leave.

4.5.6 Leave for cosmetic surgery for voluntary and non-medical reasons will not be given as sick leave, but as annual or unpaid leave. Sick leave is for employees who are unfit to work due to injury or illness. Should the cosmetic surgery be required for medical reasons as confirmed by a

doctor/medical practitioner, and the employee notifies Bottle Buhle Brands prior to their absence, sick leave could be considered as if it was for any other operation. In this case a medical certificate/sick note will be required confirming that the employee will be unable to work. The final decision is at the sole discretion of the Employer.

4.5.7 Sick leave is not granted where an Employee is absent because of illness of a child or relative as family responsibility leave must be taken in these circumstances.

4.5.8 If sick leave days have been exhausted, the Employee will be required to take the rest of their absent days as either annual leave or unpaid leave, or in extreme cases could leave to an inquiry of medical incapacity.

4.5.9 It is the Employee's responsibility to:

- i) Notify their Manager or Immediate Superior on the first day of absence before the start time of the shift and thereafter at regular intervals in the case of a prolonged illness.
- ii) If the Employee has been booked off for a substantial period, i.e. two or more days, he/she should contact his/her immediate superior within the period as specified above.
- iii) The Employee should fill out a Leave Application Form indicating the type of leave as "sick" on the form. This form, together with the medical certificate (if required), should be copied to his/her immediate superior and to the individual responsible for People matters, within two (2) days of him/her returning to work.
- iv) On termination of employment, Bottle Buhle Brands will deduct any sick leave taken in excess of the days allowed from the final payment due to the Employee.

4.6 Study and Examination Leave

- 4.6.1 Botle Buhle Brands recognises the need and desirability for its Employees to improve their knowledge and skills. To this end, the Organisation may grant study leave for such specific, approved, and work-related courses.
- 4.6.2 In general terms, and as regards all Employees study leave may be granted at the discretion of Botle Buhle Brands in respect of examinations for courses approved by Botle Buhle Brands.

4.7 Unpaid Leave

- 4.7.1 Unless there are acceptable reasons given in applications for unpaid leave, such leave would not normally be granted.
- 4.7.2 Unpaid leave is subject to the approval of the CEO.
- 4.7.3 Factors such as, but not restricted to, the duration, timing and reason for the unpaid leave requested, will determine whether the application can be considered.

4.8 Special Leave

- 4.8.1 Botle Buhle Brands may grant special leave at its sole discretion and after consideration of all the available facts.
- 4.8.2 Botle Buhle Brands reserves the right to review each application for special leave on merit.
- 4.8.3 Leave for participation in sporting activities (on a national or provincial level) will be considered as an example of special leave.

4.9 Parental Leave

- 4.9.1 An employee who is a parent of a child will be entitled to 10 (ten) consecutive days' parental leave upon the birth of their child.
- 4.9.2 The Employee must give Botle Buhle Brands at least one month's written notice of the date or expected date of birth as well as when the leave is due to commence and when the employee will return.
- 4.9.3 An employee who is a parent not covered by maternity leave will be entitled to at least 10 (ten) consecutive days' parental leave.

4.9.4 The payment of paternity benefits will be determined by the minister subject to the provisions of the Unemployment Insurance Act, 1966 (Act No. 30 of 1966).

4.9.5 Bottle Buhle Brands may, to their discretion, grant payment during paternity leave (subject to the requirements of Bottle Buhle Brands).

4.10 Adoption Leave

4.10.1 Parental leave will also be applicable in circumstances where an employee legally adopts a child or when a child is placed by a court in the care of a prospective adoptive parent.

4.10.2 A “prospective adoptive” parent means a person who complies with the requirements set out in the Children’s Act of 2005. A prospective adoptive parent therefore means:

- i) A person who is fit and proper to be entrusted with full parental responsibilities.
- ii) A person who is willing and able to undertake, exercise and maintain those responsibilities.
- iii) A person who is older than 18 years.
- iv) A person who has been properly assessed by an adoption social worker.

4.10.3 An “adoptive parent” means a person who has adopted a child in terms of any law.

4.10.4 Adoptive parental leave will entitle one of the parents to 10 consecutive weeks’ unpaid adoption leave if the child is younger than two (2) years of age. If an adoption order is made in respect of two adoptive parents, only one parent may apply for adoption leave and the other parent may apply for parental leave.

4.10.5 Parental leave will entitle an employee to 10 consecutive days’ paid leave:

- i) After the employee’s child has been born,
- ii) An adoption order has been granted by a competent court, or
- iii) A child has been placed in the care of a prospective adoptive parent.

4.11 Commissioning parental leave

4.11.1 Commissioning parental leave is related to surrogate motherhood.

4.11.2 The commissioning parent who will primarily be responsible for looking after the child will be entitled to commissioning parental leave. If there are two commissioning parents, one parent will be entitled to 10 consecutive weeks' commissioning parental leave whilst the other parent will still be entitled to 10 consecutive days' parental leave.

4.12 Advanced leave

4.12.1 In special cases, the Employee may be entitled to apply for advanced annual leave, up to a maximum of five (5) days if their annual leave is exhausted, at the sole discretion of Bottle Buhle Brands.

4.12.2 The Employee will need to put in a formal request with the highest level of authority for the advanced leave to be approved.

4.12.3 The amount of annual leave that may be advanced is limited to the amount of annual leave an employee would accrue in the remainder of the year, up to a maximum of five (5) days.

5. Procedure

This procedure applies to all types of leave that can be reasonable be planned in advance (e.g. annual, maternity, study leave, and family responsibility leave under certain circumstances).

| Activity | Responsible person | Outcome |
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| Application for leave | Employee within at least one (1) week of leave required | Completed leave form |
| Approval of Leave | Employee's immediate supervisor within 5 working days from application for leave | Approved leave form |
| Record Keeping | Department Administration | Copy of leave form filed in Employee's file. Copy provided to Employee. |

The procedure for taking leave that cannot be reasonably planned (e.g. sick leave and family responsibility leave) is tabled below.

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| Activity | Responsible person | Outcome |
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| Employee unfit to attend work due to illness | Employee | Contact direct supervisor telephonically in person (if possible) before the start of the shift . |
| Complete leave form | Employee | <ul style="list-style-type: none">• Complete leave form on return to work. Submit leave form and supporting documents on return to work to People Department. |

6. Related policies & procedures

- 6.1 Disciplinary Policy.
- 6.2 Grievance Policy.

7. Related documents

- 7.1 Leave Form