	Quality Management System	Document No:	QMS/HR/PO/010
	Leave Policy	Page 1 of 5	

CJA Telecommunications - Leave Policy

Company Leave Policy

SCOPE:

As per the legal statutes and regulations of the Republic of South Africa and the allowances of this Company, several types of leave are permissible, compulsory and due to employees. Therefore this Policy would have relevance and bearing on all salaried employees.

OBJECTIVE:

The objective of this document would be to make clear and plain the allowances, benefits, constraints and rights of all employees as well as the rights and expectations of the Employer with regards to all relevant occurrences and types of leave relevant to the Company and its employees.

1. Annual Leave

- 1.1 Any CJA employee is entitled to 15 working days per annum (12-month Cycle) on full pay. The annual Leave Cycle commences on 1st March of every year and runs for 12 months until 28/29 February of the following year and coincides with the financial year of the Company.
- 1.2 The calculation of accrual of leave is calculated at 1.25 days paid leave per completed month worked or one day for every 17 days worked.
- 1.3 The maximum Annual Leave that an employee may accrue is 21 days. If an employee has accrued more than this, then the Employer has the right to demand that the employee take leave to remedy the situation.

1.4 Carry Over and Termination Pay-out


- 1.4.1 Annual Leave carries over from one cycle to the next and any leave not claimed within that cycle will remain as an entitlement to the employee for the full duration of employment until such time as the leave is taken.
- 1.4.2 Any accrued and unclaimed leave due to the employee at the time when the employee is terminated for any reason whatsoever will be paid out to the employee at the rate at which it was accrued. Such payments will be made no later than, the end of the month directly following the month in which the Employee left the Company.
- 1.4.3 The Employer has the right to withhold any equal portion of this amount in lieu of costs/fees/damages for which the employee is to be held accountable for based on contractual obligations, agreements or policies of which the employee has been made aware of at the time of termination.

1.5 Public holidays falling during a period of annual leave.


Should a public holiday fall during a period whilst an employee is on annual leave, and the public holiday falls on the day on which the employee would ordinarily work, then this public holiday shall not be deducted from the employee's accrued annual leave.


2. Annual leave and shutdown.

- 2.1.1 Should the Employee be working within a department / section / project that is impacted by an annual/intermittent/announced/forced shutdown period (for instance but not limited to the December Festive season) The Employer stipulates that annual leave must be taken to coincide with that shutdown period. Should an employee utilize his annual leave at another time during the year, then the shutdown period will be treated as unpaid leave for the whole closure or the portion for which the employee has insufficient leave accrued.

Rev. No.	Date Created	Review Date	Changes	Prepared by	Reviewer	Approval Managing Executive	CJA Telecommunications (Pty) Ltd
5	16/10/2018	07/2025	Revised	M. Croukamp	P. Harrison	H. Diedericks	

- 2.1.2** However, should the Employee be working within a department / section / project where scope of activities and requirements do not define any annual shutdown period, the employee must take his leave throughout the year whether all at once or scattered as per operational schedule. The Employee understands and agrees that in Operational Projects with critical section such as, but not limited to EMS and CM operations as well as internal support departments whose activities critically support these projects, that there is no annual shut down periods noted.
- 2.1.3** If an employee has by choice or by virtue of his/her starting date not accrued enough paid leave days for any shutdown period then the balance of the days short will be deemed as Unpaid Leave. Any request by an employee for a specific allowance/waving on this rule would be at the express discretion of Senior Management and shall be decided upon based on the merits of that request. Any such decision taken in such an instance would be final and no additional deliberations will be entered into.
- 3. Remuneration for work done during annual leave (Special Occurrences)**
- 3.1.1** If an employee (in cases of an operational emergency/project demand/any valid and justifiable reason deemed such by the Employer) is tasked/requested to perform work during annual leave and the employee has agreed to such a request, then such hours worked will be credited to the employee as a non-monetary leave credit. Which would mean that the employee would be able to access this leave sacrificed in future as annual leave.
- 4. Overtime worked to be redeemed as Annual Leave instead of being paid out:**
- 4.1** The Employer may at his own discretion and based on specific operational and cost requirements require that employees working within specified environments not be paid out for overtime tasked but these hours be deemed as additional paid time off
- 4.2** The employee may reversely request that Overtime worked be redeemed as Annual Leave. However, any decision to do so would be at the sole discretion of the Employer. It is important to note that this practice is not and should not be seen as standard or expectable by the employee.
- 5. Selling of Accrued Leave**
- 5.1.1** The selling of leave in any case is frowned upon by Labour legislation and can easily be deemed as an unfair labour practice. The employee must therefore have no expectation that the monetary value of leave can be paid out any other time than at the point of termination of employment. However, any decision to make any allowances in respect of the 'selling' of Leave due during active employment would be at the sole discretion of the Employer and based on the specific merits of such an incident. Such an allowance made shall also not be deemed as creating any precedent for either the affected employee or any other employee who may wish to make such a request.
- 6. Maternity Leave**
- 6.1** A pregnant employee is entitled to a maximum of four months unpaid maternity leave.
- 6.2** Maternity leave must commence not later than four weeks before the expected date of birth of the child and the employee may not return to work for six weeks after the birth of the child.
- 6.3** The Pregnant employee must inform the Employer in writing (no later than 4 weeks before the leave will start) of the date from which this leave will be taken and the date on which the employee will return to work.
- 6.3.1** An employee must notify the employer in writing of the date that such leave is to commence and when the employee will return to work. Such notice must be given at least one month before the child is expected to be born,
- 6.4** It is clearly noted and confirmed herein that due to the dynamic nature of the Operational and Project based environment that CJA functions in, that the employer cannot guarantee that any employee returning from Maternity Leave would be deployed into the exact same position and scope upon return to work as operational determination may have been made during the employees absence which may have altered

Rev. No.	Date Created	Review Date	Changes	Prepared by	Reviewer	Approval Managing Executive	CJA Telecommunications (Pty) Ltd
5	16/10/2018	07/2025	Revised	M. Croukamp	P. Harrison	H. Diedericks	

	Quality Management System	Document No:	QMS/HR/PO/010
	Leave Policy	Page 3 of 5	

both the positional deployment structure and/or scope of the project or department the employee was allocated to previously.

7. Parental Leave

7.1.1 As Employee of CJA and in terms of the Labour Laws Amendment Act an employee is entitled to 10 days parental leave

7.1.2 Parental leave entitles an employee to 10 consecutive days' leave (not 10 working days):

- after the employee's child has been born
- an adoption order has been granted by a competent court, or
- a child has been placed in the care of the prospective adoptive parent

7.1.3 As indicated by the Amendment Act, such leave will be unpaid, and employees will therefore have to submit claims to the Unemployment Insurance Fund to qualify for payment during the periods of absence from work.

7.1.4 Contributors will not be entitled to be paid from the Unemployment Insurance Fund for parental, adoption or commissioning parental leave if they were not employed and contributing to the fund during the 13 weeks prior to applying for such benefits.

7.1.5 Parental Leave (surrogacy)

7.1.6 Employees that entered in surrogacy arrangements with a surrogate mother will also be entitled to 10 weeks consecutive leave after the birth of the child. Where there are two commissioning parents to such a surrogacy agreement, one will qualify for ten days parental leave and the other for 10 weeks surrogacy leave. The selection of choice may be exercised at the option of the commissioning parents.

7.1.7 An employee must notify his or her employer in writing of the date that such leave is to commence and when the employee will return to work. Such notice must be given one month before:

- the child is expected to be born,
- the date that the adoption order will be granted,
- the child is placed in the care of a prospective adoptive parent, or
- the birth of the child in terms of a surrogacy agreement.

8. Sick Leave

8.1 A sick leave cycle is a period of 36 months employment with the Company immediately following the date of commencement of employment, or the completion of the prior sick leave cycle.

8.2 The employee is entitled to 30 days Paid Leave over the 36 month cycle

8.3 During the first 6 months of employment, the employee is entitled to 1 day sick leave for every completed month worked.


8.4 On the first working day of month number 7, the balance of the 30 days becomes available to the employee, less any days taken sick during the first 6 months of employment.

8.5 Sick Leave does not accrue nor does it carry over. Any such Leave that is unclaimed at the end of the 36-month cycle is forfeit. The new 30 day entitlement will be available from the first day of the next cycle.


8.6 If an employee has used all his entitled sick leave days before the end of a 36 month cycle no sick leave will be awarded to the employee until the start of the new cycle. Any such leave occurrences will then be processed as Unpaid Leave within the month of the occurrence. Annual Leave accrued cannot be processed in lieu of sick leave.

8.7 In the case where any absence claimed as Sick leave for more than 2 consecutive scheduled worked days or any occurrence of more than 2 days within any 8-week period the employee must provide the Employer with a Medical Certificate stating that the employee was unable to work for the duration of the employee's absence on account of sickness or injury.

8.8 The Medical certificate must be signed by a medical practitioner or any other person who is certified to diagnose and treat patients and who is registered with a professional council established by an Act of Parliament

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- 8.9** Only an employee who is too sick to work, may claim paid sick leave. If the employer is in a position to prove that the employee was not too ill to work (medically incapacitated from performing the duties required), disciplinary steps will be taken against the employee.
- 8.10** If an Employee is absent for more than two consecutive days without a medical certificate, the employer does not have to pay the employee. This means that an employee needs to produce a valid medical certificate on the third day in order to receive pay for the full period of absence.
- 9. Family Responsibility Leave**
- 9.1** Employees who have been in employment with this Company for more than 4 months and who work for the Company at least 4 days per week are entitled to 3 days Family Responsibility Leave (full pay) per annum.
- 9.2** Family responsibility leave may be used when:
- 9.2.1** when the employee's child is sick, (*younger than 18 years of age*)
- 9.2.2** upon the death of the employee's
- 9.2.2.1 spouse or life partner
- 9.2.2.2 the employee's parent,
- 9.2.2.3 adoptive parent,
- 9.2.2.4 grandparent,
- 9.2.2.5 adopted child,
- 9.2.2.6 grandchild,
- 9.2.2.7 Or sibling.
- 9.2.3** It is unlawful for the employee to claim Family Responsibility leave for any other instances except that which is listed above.
- 9.2.4** The Employer will require proof of relation and/or proof of event before a leave occurrence can be documented as Family Responsibility.
- 9.2.5** Such proof needs to be given timeously and it is therefore a fair expectation that this documentation be given/forwarded to the employer no later than 14 consecutive days after the event.
- 9.2.6** Family Responsibility Leave does not accrue and does not carry over – any such leave not taken within the 12-month cycle will be forfeit and the employee starts again with the allocation of 3 days from the first day of the next cycle.
- 10. Study Leave**
- 10.1** CJA makes allowance for a maximum of 3 days per annum of paid study leave. There are however strict conditions to this as follows:
- 10.2** This allowance would only be applicable for the actual day of Examination / Test.
- 10.3** Proof needs to be supplied by the employee of the Test to be written prior to Study Leave being approved.
- 10.4** Application and Proof of Exam alone does not guarantee the employee that Study leave will be granted and the decision to approve or deny any such request would be entirely up to senior management – any such decision will be final and no further negotiations will be entered into.
- 10.5** If for any reason the Employer decides that the requested Leave will be deemed as either Paid Annual Leave or Leave without Pay then this decision will apply.
- 10.6** Criteria that would be used in the making of this decision would be amongst others but not limited to:
- 10.6.1** *Field Of Study and Relevance to the best interest of the Company*
- 10.6.2** *Appraisal Rating of the employee and or Overall Work Productivity*
- 10.6.3** *Prevalence of unauthorized leave incidents on the employee's record*

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11. Unpaid Absence (No Work No Pay)

- 11.1 The legislative and regulatory principle as per BCEA of No-Work-No-Pay applies at CJA.
- 11.2 Any unauthorized, uncommunicated or unapproved absence by an employee will automatically be deemed as an unpaid absence and processed accordingly and the employee is reminded to follow all relevant leave/absence procedures to prevent such an occurrence from taking place.
- 11.3 It is also important to note that in light of any Shutdown period, the Employer reserves the right to deem any other Annual leave occurrence as unpaid to ensure that the employee carries sufficient leave forward for a potential annual Shutdown.

12. The Application for Leave Process

- 12.1 Any and all leave occurrences must be recorded and documented. Any failure to do so will result in the absence being deemed as Unpaid and could also be met with disciplinary action against the employee.
- 12.2 **Leave Process prior to the fact:** Where the employee applies/request any type of allowable leave (Annual, Family Responsibility, Study Leave) prior to the commencement of such a leave occurrence.
- 12.2.1 An official Company Leave Request Form must be completed and submitted to the employee's Senior Line manager for consideration at least 10 days prior to the leave start date.
- 12.2.2 However, in respect of any Annual Leave Request which may fall over a National Festive Period and specifically **Easter** and the **December Festive** period, such a request must be submitted at least 21-days prior to the advent of the requested absence from work.
- 12.2.3 An approved and signed Leave Request Form and any supporting documentation (as could be reasonably required by the employer) must be given/forwarded to the HR department for capturing and processing must also be submitted within the same time frame as defined as failure to do so will result in this leave occurrence not being captured properly and any absence processed as unpaid.
- 12.3 **Leave Process after the fact:** The employee **must** document any type of leave or absence from his/her place of work after a leave of absence has taken place within 24hours once returned to work, where the reason for such absence could reasonably be deemed as unplanned, (sudden illness, family emergency etc.) and where the Employee did notify his/her Senior Manager of this incident / sudden event via Email, Phone, SMS or WhatsApp before 8h00 the morning of the occurrence.
- 12.3.1 Failure to do so will result in this occurrence of absence not being captured properly and any absence noted being processed as unpaid.

Unauthorized Absence

13. As per the Company's Documented Adherence Policy it is important to note that the Biometric and Mobile Clocking system will also be monitored on an ongoing basis for any employee absenteeism. Should an unauthorized absence be noted then the employee's relevant Line Manager will be informed. Once the absence has been verified as an incident of Unauthorized Absence such will be processed as Unpaid Absence and will also result in disciplinary action taken against the employee based on the specifics and merits of such an occurrence and as is aligned with CJA Disciplinary code of conduct.

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