




UNIVERSITY OF THE WESTERN CAPE			
 <p>UNIVERSITY of the WESTERN CAPE</p>	<b>ACADEMIC LEAVE POLICY</b>	Council Approval Reference Number	Council R88/7 & R93).
		Implementation Date	1987, amended 1993
		Revision / Amendment Number	C2018/6/12
		Revision / Amendment Date	December 2018
		Policy Owner	Human Resources
		Executive Management Portfolio	Executive Director: HR
		Circulated by:	HR Policy Specialist
		Circulated to:	EMC, SA, Senate, Council

# ACADEMIC LEAVE POLICY OF THE UNIVERSITY OF THE WESTERN CAPE

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## 1. Introduction

This document is a compilation of leave conditions as approved over the years and incorporates new decisions relative to current academic leave conditions. The Academic Leave Policy is to comply with the Basic conditions of Employment Act (BCEA) and the UWC conditions of Service relating to leave.

## 2. Core purpose, outcome, impact and value of the Policy

The purpose of the Academic leave policy is to regulate leave processes and benefits and to manage leave effectively and efficiently.


## 3. Corporate Governance and Rules of the Policy

All academic employees of UWC should comply with the rules of the Policy to ensure legal compliance as well as the establishment of a uniform Policy and process across all departments.

### 3.1 Leave per Annum

Unless otherwise indicated in these rules or in his/her written contract of employment, an academic employee of the University is entitled to the following leave days every calendar year or every leave cycle, as the case may be, while he/she is in the continuous employ of the University:

#### 3.1.1. Permanent academic

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- **Recess leave:** During recess periods only, provided that:
  - An academic employee may be required to provide services, whether it is teaching, administrative or research, on campus during recess periods.
  
- **Accumulative leave:**
  - Twenty (20) days per annum
  
- **Sick leave during each sick leave cycle:**
  - Ninety (90) days full pay and,
  - Ninety (90) days half pay.

### 3.1.2 Resignation of Employees

Immediately upon an employee giving notice of resignation any leave granted shall lapse with effect from the date of such notice, or, if the notice is undated, from the date of receipt of the notice by the Human Resources Department, and any leave applied for or absence from duty after that date shall be deemed to be leave without pay.

The provisions of above do not apply where the leave granted is sick or special leave.

If an employee who has retired from a permanent post, or who has relinquished a permanent post for any reason whatsoever, is re-appointed in

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a temporary capacity, with or without a break in service, such re-appointment shall be regarded as a new appointment for all purposes of leave rules.


### 3.1.3 Annual Vacation Leave

If an employee who is ordinarily eligible for annual vacation leave during recess periods, is absent on sick leave up to and including the last day of a University term and proceeds on leave as from the first day of the next succeeding University term, the recess period intervening shall rank as annual vacation leave unless such recess period is preceded and succeeded by vacation or sick leave without pay, in which case such recess periods will be recorded as vacation or sick leave without pay as the case may be.

### 3.4. Sick Leave

Sick leave shall accrue to an employee on the first day of a sick leave cycle and the full provisions of such sick leave cycle may be granted to him/her with effect from that day. Employees employed during the sick leave cycle will be granted pro-rata sick leave and the full prorata provision will be granted on the day of appointment.

Unused sick leave for a particular sick leave cycle shall lapse at the end of that cycle.

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Sick leave shall be granted to an employee only in respect of the absence from duty owing to an illness, indisposition or injury.

Sick leave may be granted, by way of electronic application and supported by a relevant sick certificate (if applicable) only if Management, or committee of Management mandated by Management, is satisfied that the applicant's condition of health:


- Incapacitates him/her for duty; and
- Does not arise from his/her failure to apply for vacation leave.

If an employee is absent from duty for a continuous period of more than two consecutive days, or on more than two occasions during an eight-week period, owing to illness, he/she shall be granted sick leave only if he/she submits a medical certificate which clearly:

- States that s/he is not capable of performing his/her official duties; and
- Indicates the period necessary for his/her recuperation.

Management may refuse to accept a medical certificate if it is not issued and signed by a medical practitioner or any other person who is certified to diagnose and treat patients and who is registered with a professional or similar body established by an Act of Parliament.

Notwithstanding the submission of a certificate, Management may, in its discretion and for cogent reasons, refuse to grant sick leave with pay in

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respect of any absence from duty to which the certificate relates, and in such case the absence shall be regarded as unauthorised.


If an employee to whom accumulative leave has been granted in the case of academic employees becomes ill after he/she has left his/her duties to proceed on leave, that portion of accumulative leave during which he/she was indisposed, may be converted into sick leave if:

- a) The employee submits a medical certificate that complies with the requirements prescribed by sick leave rules above; and
- b) The necessary sick leave days are available to the employee in terms of these rules.

Leave without pay granted to an employee may not be converted into sick leave.

Sick leave without pay, not exceeding a continuous period of 365 days, in any particular sick leave cycle may be granted to an employee who has used all his/her paid sick leave provided for in these rules, provided that:

- a) The sick leave so granted may be made irrespective of whether the employee has been granted additional sick leave with half pay; and
- b) If an employee has been granted the sick leave without pay provided for in these rules, he/she shall not, during the relative cycle, be granted any further leave, of whatever nature, to cover his/her absence from duty owing to illness, unless:

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- c) The granting to an employee of sick leave without pay is subject to the submission by him/her of a satisfactory medical certificate in respect of each absence in excess of two consecutive days, provided that Management may waive the production of a medical certificate in respect of absences for periods less than two consecutive days.


### **Injuries on Duty**

An employee who is absent from duty owing to an injury sustained in an accident arising out of and in the course of his/her duties or owing to a disease contracted in the course of and as a result of his/her duties, may be granted special sick leave with full pay for the period he/she is incapacitated for his/her normal duties, or, if the matter falls within the scope of the Compensation for Occupational Injuries and Diseases Act (Act 130 of 1993) or the Occupational Diseases in Mines and Works Act (Act 78 of 1973), special sick leave with remuneration equal to the difference between full pay and the compensation payable to him/her in terms of these acts.

Special sick leave shall not be granted if Management is of the opinion that the accident is due to the serious or wilful misconduct of the employee.

If an employee who has been granted the maximum number of sick leave days provided for in these rules is after such leave not yet able, for health reasons, to resume his/her duties, Management may in its discretion, grant the employee such further sick leave it deems fit on such conditions and for such period it deems appropriate.



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An employee may, on his/her written application, be granted accumulative leave he/she may have to his/her credit in lieu of sick leave with half pay or sick leave without pay, provided such application is submitted not later than thirty days after he/she has resumed his/her duties.

If an employee to whom accumulative leave has been granted in the case of an academic employee becomes ill after he/she has left his/her duties to proceed on leave, that portion of accumulative leave during which he/she was indisposed, may, with the approval of Management, be converted into sick leave if:

- a) The employee submits a certificate by a medical practitioner; and
- b) The necessary sick leave is available in terms of these rules.

If an employee who has been granted the maximum number of days of sick leave provided for in these rules is after such leave not yet able, for health reasons, to resume his/her duties, Management may:

- a) On the submission of a satisfactory certificate by a registered medical practitioner;
- b) If s/he is satisfied that the employee at that particular time is not permanently unfit to resume his/her normal duties; and
- c) If the employee has no accumulative leave to his/her credit;

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in its discretion, grant the employee further sick leave with half pay not exceeding ninety (90) days in anyone cycle in respect of separate periods of absence and in respect of different kinds of illnesses.


Notwithstanding anything to the contrary contained in these rules, Management may require that a certificate by a registered medical practitioner be submitted before sick leave is granted.

Management may at any time require an employee to submit to an examination by one or more registered medical practitioners for a second opinion, nominated by Management, provided that Management shall meet the expenditure connected with such examination.

### **3.5 Special Leave**

Special leave with full pay may be granted to an employee:

- a) To write an examination at a higher education institution or to write any other examination that the Management may approve from time to time;
- b) If he/she is absent from duty as a result of segregation or isolation on medical instruction if he/she has been in contact with a person who has contracted or is suspected of having contracted an infectious or contagious disease, provided that the granting of such special leave is subject to the submission of a certificate by a registered medical

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practitioner indicating the period of and reason for segregation or isolation;


- c) If he/she is absent from duty as a result of his/her arrest or his/her appearance in court on a criminal charge and he/she is subsequently acquitted or the charge is withdrawn, for the period of detention and trial only;
- d) If he/she is subpoenaed to provide testimony in a court of law; and
- e) If, as a permanent academic employee, he/she attends any class of instruction or course for lecturers or any expert congress, conference or symposium approved by Management.

Special leave granted may include any period actually and necessarily occupied in travelling for the purpose for which the leave is granted.

Special leave may be granted for a period not exceeding two (2) months per academic year to academic employees for visits to universities abroad with which this University have established formal exchange linkages.

Management may grant special leave subject to such conditions as it may determine from time to time.

All applications for special leave must be submitted via the web leave system and the necessary documentation, must be submitted, normally at least three weeks before an applicant is due to go on special leave, to the Dean or

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Line Manager for approval whereby the Dean or Line Manager will forward the documents to the Human Resources Office.

The Department of Human Resources will submit monthly reports to the Executive Committee of Senate for its information with respect to academic employees on special leave, stating the relevant particulars (name, department, period, nature of conference, etc.).

### 3.6 Parental leave:


#### 3.6.1 Maternity Leave

Full-time employees, whether permanent or contract, qualify for maternity leave, provided that only those employees who have been in the employ of the University for at least twelve (12) months will qualify for maternity leave with full pay.

Applications for maternity leave should be made at least four (4) weeks, but preferably eight (8) weeks, in advance and should be accompanied by a certificate from a registered medical practitioner detailing the expected date of confinement.

An employee is entitled to take up to a maximum of six (6) months maternity leave but will be required to take a minimum of four (4) months maternity leave of which at least one (1) month must be before the expected date of confinement. (BCEA, Act 75 of 1997, section 25)

The University will pay 100% of salary for the first four (4) months and 50% for the last two (2) months during the maternity leave period for employees earning more than the maximum amount prescribed by

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the Department of Labour's regulations, otherwise payments will be in terms of the provisions laid down by the Department of Labour.

During the maternity leave period all other benefits will remain unaltered. (However, if the employee's contribution exceeds the salary amount for any of the months special arrangements will have to be made between the employee and the University.)

If a period in excess of six (6) months maternity leave is required, the employee will be required to take unpaid leave, unless the staff member is unable to return to work for medical reasons in which case the University may grant normal sick leave.

An employee on maternity leave must inform the University at least one (1) month in advance of the date she will return to work.


No employee shall be required to resign in order to take maternity leave and shall be guaranteed the right to return to the same position at the end of the maternity leave period.

The service of an employee who has taken maternity leave shall be regarded as having been continuous.

No employee of the University shall be dismissed or retrenched whilst on maternity leave.

Pregnant employees will be entitled to take the necessary time off once every month in order to attend ante-natal clinics and a similar arrangement will apply, for up to six (6) months after confinement, in respect of post-natal clinics.

The University remains cognisant of the importance of the safety and health of pregnant and nursing employees in the working environment and shall not require such employee to undertake work that may be prejudicial to their health.

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### 3.6.2 Adoption leave

An employee who becomes the parent of an adopted child below the age of two (2) years of age will be entitled to the same benefits as other employees who become biological mothers (those eligible for Maternity leave), provided that in the case of adoption, the employee is only entitled to the Parental leave after adoption.

The following will apply if both parents are UWC staff members:

- 3.6.2.1 Only one staff member will be eligible for Parental leave;
- 3.6.2.2 The other staff member will be eligible for Parenting Partner leave as per section 3.6.3.


### 3.6.3 Parenting Partner leave

An employee who becomes the parent of a newborn or an adopted child below the age of two (2) years of age may, on application, be granted parental leave on full pay for a maximum period of ten (10) consecutive working days, to be taken within thirty (30) calendar days of the birth or adoption of the child.

### 3.6.4 Commissioning Parental Leave

An employee, who is a commissioning parent in a surrogate motherhood agreement, is entitled to:

- (a) Commissioning parental leave of at least ten weeks consecutively; or
- (b) The Parenting Partner leave referred to in section 3.6.3.

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### 3.6.5 Childcare facilities:

The University is committed to the concept of the provision of childcare facilities although it is recognised that it may not be financially possible to provide an all-encompassing facility.

### 3.7 Occasional Leave


The Rector, or person designated by him/her, may in his/her discretion allow an academic employee to use accumulative leave days he/she has to his/her credit to attend to private matters of an urgent nature, and if such member of staff has no accumulative leave to his/her credit, he/she may be granted leave without pay for that purpose, provided that occasional leave thus approved shall not be regarded as a break in service.

### 3.8 Family Responsibility Leave

The University will, on application to the Dean or Line Manager, grant paid family responsibility leave, not exceeding three (3) days per year, to an employee:

- a) When the employee's child is sick; and
- b) In the event of the death of the employee's spouse or life partner or the death of the employee's parent, adoptive parent, grandparent, child, adoptive child, grandchild or sibling.

An employee may take family responsibility leave in respect of the whole or part of a day. Before granting an employee leave taken by him/her in terms

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of the provisions of above, reasonable proof may be required of the event for which the leave was required.

### **3.9 Study Leave: Academic Employees**


Management may grant study leave to permanent academic employees for such studies or research as Management may approve from time to time.

Subject to the conditions regarding the maximum period of study leave that may be granted to an employee, study leave is granted by Management on the basis that for each day of accumulative leave standing to the credit of the employee Management will add an equivalent number of days (leave on 50/50 basis)

Study leave on a 50/50 basis with full pay up to a maximum of twelve (12) months and afterwards study leave for a period not exceeding twelve (12) months may be granted in the discretion of Management, provided that if a study period of three (3) years is required at a recognised higher education institution abroad, Management may grant study leave with or without pay for such period (if employees have enough leave credits, they may use these leave credits before unpaid will apply).

Recess periods falling within a period of study leave and are preceded and succeeded by study leave without pay, shall be regarded as leave without pay.



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Recess periods other than those contemplated, shall not be taken into account for the purpose of determining the period of leave.(Credits calculated on actual days, exclude the recess periods)


Unless Management otherwise decides, an employee must have completed a period of at least two (2) years of continuous employment at the University from the date of his/her appointment as an employee before he/she may be granted study leave.

Study leave shall, normally, commence on the first day of a semester, unless the employee to whom study leave has been granted is to proceed abroad to study and the academic year at the other university differs from that at this University.

The study or research programme an employee wishes to follow must receive the approval of Senate or a committee thereof.

The employee concerned must, before his/her period of study leave commences, provide the University with an undertaking in writing:

- a) To remain in the service of the University for a period at least equal to the period of study leave granted to and/or utilized by him/her; and
- b) To pay the University such an amount as Management may determine from time to time should he/she resign from the employ of the

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University and such resignation becomes effective before the expiry of the period contemplated in a) above.

On return from study leave, an acceptable report on the work carried out must be submitted to the Senate or a committee thereof.


Accumulative leave shall not be taken by an academic employee for less than one (1) full term and then only when such leave shall have accrued and is available, provided that Management may in its discretion authorise an employee to take such accumulative leave as may have accrued to him/her or a portion thereof at any time.

### **3.10 Unpaid Leave**

Council may grant unpaid leave to any permanent full-time employee of the University.

As unpaid leave has significant adverse implications for the University, such leave may only be granted where:

- The employee has, as a result of illness, exhausted all his/her sick leave days (including sick leave days on half pay) and a medical practitioner certifies that such employee will need a further period of convalescence before he/she can resume his/her duties; or

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- The employee intends to improve his/her formal academic qualifications and does not have a sufficient number of leave days standing to his/her credit in order to complete the qualification he/she has enrolled for; or
- Such leave being granted to an employee will serve the strategic interests of the University.

Applications for unpaid leave as well as recommendations for such leave must make plain the strategic importance for this University of granting such leave.


Unpaid leave will only be granted for a maximum continuous period of 365 days.

Should an employee to whom the maximum of 365 days of unpaid leave has been granted wish to extend such period of leave, a new application for unpaid leave must be submitted in terms of this leave policy.

An employee on unpaid leave will be responsible for the full contribution to the medical aid and the retirement fund. On receiving the contribution from the employee, UWC will pay it over to the relevant fund.

### **3.11 Accumulative leave taken as Vacation Leave**

In exceptional circumstances Management may in its discretion grant permission to an employee to utilize his/her accumulated leave as vacation leave.

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### 3.12 Application for Leave

Except for sick leave, application for leave must normally be made well in advance of the intended commencement date of such leave.

### 3.13 Leave not utilised

Accumulative leave not taken by an employee **will not**, be paid out to such employee in cash or in kind on his/her resignation from the employ of the University or whilst he/she is still in the employ of the University.

### 3.14 Pay out of Accumulated Leave on Retirement of Employees


When an employee reaches retirement age and he/she decides to retire and Management has granted the required approval, the University will, unless indicated otherwise by law, pay out to such employee the number of accumulative leave days standing to his/her credit.

The maximum number of accumulative leave days to be paid out is the following:

- a) Academic employees appointed *before 1 January 1999*: a maximum of 365 days.
- b) Academic employees appointed *after 1 January 1999*: a maximum of 90 days.

### 3.15 General

Unless Management otherwise decides, no person employed in a temporary part-time capacity will be granted leave in terms of these rules.

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Save for any provisions in terms of any law or regulation made there under, leave of absence as provided for in these rules cannot be claimed as of right and will only be granted after considering the needs of the University.


The granting of all leave of absence is subject to approval by Management and leave already granted may be withdrawn by it at any time.

Except in the case where an employee is suspended from duty or where an employee is prevented by his/her sudden illness or by other circumstances that are acceptable to the Management from remaining on or reporting for duty, he/she may not leave or stay away from work until he/she has applied in writing for leave and has been advised that such application has been approved.

Any unauthorised absence from work shall be regarded as leave without pay, notwithstanding any disciplinary measures which may be instituted against such employee.

All leave, of whatever nature, whether with or without pay, shall count for the purpose of salary increments.

In the event of circumstances arising justifying a departure from the provisions of these rules, Management may grant leave to an employee or classes of employees on such conditions as Management may approve.

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Management may determine special leave privileges for an employee or classes-of employees as well as other leave matters that are not covered by these rules.

Management may at any time require an employee to take the whole or a portion of the accumulative leave due to him/her, provided that the maximum period of such leave prescribed by rules may not be exceeded.


#### **4. Relevant Statute and Compliance**

This is an internal process guided by the Basic Conditions of Employment Act. All UWC employees should comply with the Policy because non-compliance will have a direct impact on UWC.

Statutory Compliance includes compliance with:

- BCEA, Labour Relations Act,
- Income Tax Act; and
- UIF Act.

All leave must be recorded on the web leave system to ensure strict leave management.

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## 5. Definition of Terms within the Policy

Unless the context otherwise indicates:

**“Academic employees”** refers to those persons employed by the University primarily to teach or to do research, including the executive members (as their individual contracts reflect) and the deans.


**“Day”** in the case of academic employees refers to calendar day (unless otherwise stated in the policy) which will include Saturdays, Sundays and any Public Holidays or days on which the University is officially closed (during the December/January recess period)

**“Accumulative leave”** refers to leave accumulated and paid out upon retirement.

**“Management”** refers to the Management of the University of the Western Cape and includes any committee of Management or employee of the University mandated by Management to carry out Management’s functions in terms of these rules.

**“Line manager”** refers to an employee of the University to whom another employee of the University has to report to and to whom he/she is accountable.

**“Medical practitioner”** refers to a person registered as such in terms of the provisions of an Act of Parliament and includes a so registered dentist or a so registered traditional healer.

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“**Recess periods**” refers to periods when under-graduate academic teaching is suspended (normally during the months of April, June/July, September and December/January).

“**Senior management**” refers to the rector, the vice-rector or vice-rectors, as the case may be, the registrar or registrars, as the case may be, the executive director or executive directors, as the case may be, and the deans.

“**Sick leave cycle**” refers to a period of three (3) years from a specific date determined by UWC,

“**Temporary full-time employee**” refers to an employee who has been appointed on continuous contract for a period not less than one (1) month.


“**Temporary part-time employee**” refers to an employee who works less than eight (8) hours a day.

## 6. Policy Procedures (process documentation)

### 6.1. Accumulative Leave for study purposes

Applications for study leave must be submitted to the Senate Research Committee for approval.



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## 6.2. Maternity Leave

Applications for maternity to be submitted via the web leave system and the necessary documentation e.g. Sick certificate/certificate of confinement must be submitted to HOD for submission to HR.

## 6.3. Special leave

Applications to be submitted via the web leave system and the accompanying documentation must be submitted to HOD for submission to HR.

## 6.4. Sick leave

Applications must be submitted via web and the sick certificate must be submitted to the HOD for submission to HR.

## 6.5. Paternity leave

Application must be submitted via the web leave system and the proof of birth must be submitted to HOD for submission to HR.


## 6.6. Family responsibility leave

Applicant must apply via the web leave system and the relevant proof must be submitted to HOD for submission to HR

## 6.7. Unpaid leave

Application to be granted unpaid leave, together with all supporting documentation, must, in the case of an academic employee:

- Be lodged with the Dean of his/her Faculty;

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- The Dean must submit such application (which must indicate the **period** and **number of days** applied for), together with his/her recommendation in writing, to the Faculty's Appointments Committee;
- The recommendation of the Faculty's Appointments Committee is submitted to the Appointments Committee of Senate and Council for final decision; and
- The decision of the Appointments Committee of Senate and Council is reported to Council and conveyed to the applicant in writing.
- HR to process application

### **6.8. Accumulated leave as vacation leave**

Written application must be directed to Management for its consideration, and must be accompanied by a letter of the applicant's Dean or Line Manager, as the case may be, supporting the application.

### **7. Revision Cycle and Maintenance**

#### Date of last review


Policy and was last reviewed in 1994.

#### Proof of approval

UWC Conditions of Service manual, section D7, (Council R88/7 & R93).

#### Date of last review:

The policy was amended in 2018 (refer C2018/6/12).

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### **8. Future Training in respect of the Policy**

Consultants will be responsible to communicate all leave rules and processes to relevant employees.

### **9. Technology Requirements**

Leave is managed via the online HR leave system.

### **10. Bibliography**

- Basic Conditions of Employment Act (BCEA), Act 75 of 1997 as amended;
- Labour Relations Act (LRA), Act 66 of 1995 as amended;
- UWC Conditions of Service manual, section D7, (Council R88/7 & R93).

### **11. Annexures / Appendices**

N/A