HUMAN RESOURCES
POLICIES AND PROCEDURES MANUAL
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All Employment related manuals for NRC is under the management of the Human Resources Management and all versions will be altered and distributed from this central point.

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SECTION ONE – INTRODUCTION

1. INTRODUCTION

1.1. The aim of this manual is to:

a. Lay down the framework for facilitating consistent action and behavior in respect of employment relation's management in the company.
b. Lay down the principles or settled rules of action to which operating management and employees are subject.
c. To indicate how the employment relationship should be operated in the organisation.
d. Ensure that all the companies Human resources Practices are in line with the company's Mission, Vision and Values.

1.2 Human Resource Process

This manual has been designed in sections, which will take you through the normal life cycle of a staff member as follows:

Each section has an overall objective, followed by a procedure/policy for each element in that section.

This manual is intended as a working document for use by the HR discipline and line management. The manual is by no means intended to be restrictive, nor is it intended to be confidential – all staff should have knowledge of this manual, its contents and its whereabouts. A copy should be available at each head of discipline for staff to view.

All relevant current legislation has been incorporated into policies, but in an ever changing environment we will continue to update the policies in line with legislative requirements.

Should a specific policy become outdated, the matter should be brought to the attention of the HR Manager. It is imperative that policies/ procedures are not changed at Unit or Department level in isolation.

2. NATIONAL RENAL CARE MISSION AND VISION

2.1 Our Mission

- To create synergy by forming strong relationships with all medical practitioners.
- To attract, employ and retain premier multi-disciplinary teams to provide superior patient care.
- To reduce the total cost of renal patients via early detection, education and healthy start programme.
- To ensure units are monitored by counseling Nephrologists.
- To strive for continues improvement in everything we do.
- To provide clinical information to all stakeholders via the National Renal Care website.
- To provide affordable treatment using appropriate technology.

2.2 Our Vision

To enhance our position as the leading total kidney disease management organization in South Africa and to remain the first choice service provider in the renal care market for all patients, doctors, funders and staff by continuously striving to deliver superior outcomes and affordable care to patients in an ethical manner.

2.3 Our Values

- **Staff Care**
- **Customer Focus**
- **Ethics**
- **Integrity**
- **Passion**

Our value statement

We always strive to be ethical and professional in all that we do. We empower our staff by listening, sharing and training. We are customer focused and stand firm in our beliefs, never

compromising what we represent and never violating our integrity. We are passionate about our business, our people and have intense belief in our ability to deliver optimal care.

3. HUMAN RESOURCE RESPONSIBILITIES

Employees are NRC's most important assets, and as such are recognised as partners. It is therefore crucial that the Human Resources discipline provides support for line management by:

- Creating and Supporting structure within the business units.
- Facilitating the training/ development of staff
- Providing meaningful information timeously to all relevant parties
- Enhancing the ability of all staff to achieve the company's goals.

SECTION TWO – RECRUITMENT AND SELECTION

1. Policy Statement

It is the policy of the company to promote, as far as possible, the principle of "staffing from within". Every attempt will hence be made to identify and develop the potential of existing employees to enable them to fill vacancies as and when they arise. The latter can however not be done at the cost of the operational requirements of the company or in a way that may jeopardise the company's commitment to advancing potential employees from traditionally disadvantages groups. All recruitment and selection decisions will, however always be made in a fair and transparent manner, in accordance with job and organizational requirements and in line with all legislative requirements as a minimum.

2. Objectives

- To ensure that there is fairness in all staffing decisions.
- To ensure equal employment opportunities.
- To ensure that the company attracts, recruit and retain the right people with the right competencies, at the right time.
- To ensure that if recruitment and selection take place against set and defined criteria.
- To ensure that as far as operationally possible all positions first be advertised internally and subsequently externally should suitably qualified candidates not be found internally.
- To facilitate where operationally possible that succession planning is in place.
- To ensure that the correct administrative processes are followed.
- To ensure that all new employee are orientated and familiarized with all relevant company benefits.
- To ensure that all new employees undergo a probationary period in a consistent and fair manner.
- To ensure that the best possible field of candidates is attracted to apply for vacant positions.
- To ensure that recruitment and selection is cost effective

In achieving these objectives, the Company will uphold the rights of the individual, as set out in the Constitution and comply with the laws and statutes regarding fair employment practices.

3. DIFFERENT APPLICATIONS OF LABOUR

The different ways in which labour can be utilised, as well as the circumstances in which it would be appropriate, are described in summary as follows:

3.1 Permanent employment

When a person is employed on an indefinite basis, subject to a probationary period (that is reasonable with reference to the nature of the job) this is normally referred to as permanent employment. During probation employment may be terminated, but with due regard to the reasons and applicable procedures laid down by the Labour Relations Act No.66 of 1995. Is appropriate where a full time vacancy exists or there is an operational need to create a full time position.

3.2 Temporary employment

In this case the employer engages the services of persons for a fixed term or in respect of a particular project. These employees enjoy similar basic conditions of employment to permanent employees, but proportionate to the period of employment (although full entitlement to leave is delayed - 4 months in the case of annual and family responsibility leave and 6 months in the case of sick leave). Upon expiry of the fixed term or termination of the project, the contract may or may not be renewed. It is not necessary to follow any of the procedures mentioned in respect of permanent employment. There must be a good underlying reason for entering into a temporary contract (e.g. a temporary replacement of a permanent staff member, seasonal fluctuation in work load or a particular project that is of a temporary nature). The regular renewal of a fixed term contract can lead to an employee claiming that he/she has a reasonable expectation of a further renewal - not renewing a contract where there is such a reasonable expectation could be regarded as unfair dismissal. Appropriate in cases where the commitment of a full-time employee is required, but only for a fixed term or in respect of a particular project.

3.3 Temporary employment service

As an alternative to employing persons on a temporary basis, an employer may approach a temporary employment service. The labour that is needed is employed by the temporary employment service ("TES") and you are regarded as the client. However, the TES and the client are jointly and severally liable for compliance with the Basic Conditions of Employment Act (i.e. with regard to working hours, overtime, annual leave, sick leave, etc.). As far as security and termination of employment are concerned (i.e. protection against unfair dismissal and unfair labour practices), the responsibility remains with the TES as the employer This type of utilisation of labour is more appropriate in industries where there are projects that require temporary labour or there are seasonal fluctuations in the need for labour, particularly unskilled or semi-skilled labour. Appropriate where there is a need for labour flexibility based on temporary projects or seasonal fluctuation, normally unskilled or semi-skilled labour.

3.4. "Casual" employment

Since the Basic Conditions of Employment Act of 1997 became law the concept of a "casual" employee has virtually fallen away. Any person who is employed for 24 hours or more per month enjoys the protection afforded by the Act. This means that the provisions regarding working hours, overtime and meal intervals would apply. The employee may even qualify for annual leave, sick leave, family responsibility leave, etc. Very seldom appropriate - only for one off cleaning jobs, loading, etc.

3.5. Independent contracting

To determine whether a person can be regarded as a independent contractor includes the following: Would the manner in which the person works and the hours of work be subject to the control or direction of another person?; Will the person forms part of the organisation (business card, uniform, etc.)?; Have the person worked for that person or organisation for an average of at least 40 hours per month over the last three months?; Is there is economic dependency?; Will person be provided with his or her tools of trade or work equipment?; Does the person only works or supplies services to one person or organization?

If one or more of the above-mentioned factors are present, a person who provides a service to the company would be presumed to be an employee until the contrary is proved. Appropriate where certain specialist skills are needed on a temporary basis; the contractor is required to provided a result - supervision and control not required; contractor acts independently and invoices the client.

4. NEPOTISM

It is the policy of NRC to seek the best qualified applicants for positions and to further the careers of those employed regardless of whether they have close relatives already employed by the company. The basic criteria for appointment and retention are appropriate qualifications, experience and professional development.

Family relationships shall therefore constitute neither an advantage nor a deterrent to appointment and retention at the company provided the individual meets and fulfils the appropriate appointment and professional development standards.

"Nepotism" is defined as favouritism in appointment or advancement based on family relationship.

For the purpose of policy "close relatives" are defined as spouse, domestic partner, parent, mother-in-law, father-in-law, step-parent, children, son-in-law, daughter-in-law, step-child, brother, step-brother, brother-in-law, sister, step-sister, sister-in-law, grandchild, aunt, uncle, nephew and niece.

Employment of "close relatives" is therefore limited only where necessary to provide reasonable assurance that each employee can carry out the responsibilities of his/her particular position as objectively as possible. Apart from this reasonable limitation, there is to be no discrimination against the employment or continued employment of any person because of his/her relationship to a member of the company staff. Where employment of "close relatives" would be in conflict with the stipulations below, the problems may sometimes be avoided by adjustment of duties assigned to one or both of the individuals or by modification of the administrative relationships of their positions, or both.

Stipulations:

- "Close relatives" may not be employed in positions where such employment will result in the existence of a supervisor/sub-ordinate relationship.
- "Close relatives" may not be employed in positions where one will have responsibility for reviewing and approving financial/budget/purchase transactions or in recommendations and/or decision making in any matter concerning appointment, promotion, salary, retention or termination of a "close relative".
- Procurement Contracts may not be entered with "close relatives" unless the contracts have been awarded through an open and public process that includes prior public notice and subsequent disclosure of all proposals considered and contracts awarded.
- No member of staff may be appointed as the supervisor/promoter in respect of any "close relative".

If a situation arises to deviate from the above stipulations, a detailed motivation must be submitted to the CEO of the company to consider the individual case.

This policy will be applicable to all members of staff, permanent, temporary, or part-time.

5. RECRUITMENT AND SELECTION PROCEDURE

5.1 Filling of Permanent Posts

Whenever a position becomes vacant or a new position is created, the Head of Department or Regional Manager shall prepare a Staff Requisition Form **(See ANNEXURE 2A: REQUISITION FOR STAFF)**. The requisition, together with a job description and job specification for the position, is to be routed to the Human Resources Department. Where the approval from the CEO must be obtained.

Based on the approved Staff Requisition Form, the Human Resources Department will proceed with the necessary action.

No posts will be filled without the approval of the CEO.

5.2 Filling of Temporary Posts

The Head of Department/Regional Manager must also complete the Requisition for Staff form and submit to Human Resources who will obtain the necessary approval. Same procedure as above must be followed.

5.3 Contract Employees

The Head of Department/Regional Manager must also complete the Requisition for Staff form and submit to Human Resources who will obtain the necessary approval. Same procedure as above must be followed.

Contract employees should only be employed under the following circumstances:

- To replace an employee who is absent for a long period (e.g. maternity, leave/ illness)
- To assist with a specific task for a specific period
- To extend employment for a limited period on reaching retirement age
- The contract period can not be used to replace the probationary period (e.g. to assess the potential employee)

Contract employees are entitled to similar Conditions of Service as permanent employees, but on a pro-rata basis excluding pension and medical aid. Consult your Human Resources Department if it is necessary to employ a contract employee for more than six months.

To ensure that the contract employee does not legitimately expect further employment after the contract has expired, all contract employees must be issued with a specific contract detailing functions and time period applicable **(See ANNEXURE 2B: LETTER OF TEMPORARY APPOINTMENT)**.

5.4 National Transfers between Regions/Departments

The Regional Managers/HOD of both the transferring unit/department and receiving unit/department must agree on the transfer. The Regional Manager/HOD of the receiving unit must complete a change of detail form **(See ANNEXURE 2C: DETAIL CHANGE FORM)**. The change of detail from must be submitted to the Human Resources Department prior to the inter regional/department transfer. The Human Resources Department must issue the employee with a revised Letter of Appointment.

Any information (as per the new employee details above) that must be updated not currently on the current employee file should be submitted to the Human Resources Department.

Permanent and Temporary Transfers within Region

The Unit Managers of both the transferring unit and receiving unit must agree on the transfer. The Regional Manager must complete an internal transfer form **(See ANNEXURE 2T: INTERNAL TRANSFER FORM)**. The form must be submitted to the Human Resources Department prior to the transfer. In the case of a permanent inter unit transfer the Human Resources Department must issue the employee with a revised Letter of Appointment.

Any information (as per the new employee details above) that must be updated not currently on the current employee file should be submitted to the Human Resources Department.

5.5 Recruiting Methods

Recruiting method will include:

- Internal recruitment within NRC

- Internal recruitment within subsidiaries
- Referrals by current staff
- Coincidental applications on file
- External sources (e.g. Newspapers)
- Employment Agencies

Should the cost of the replacement exceed that budgeted for, either for procurement or remuneration as per the requisition for staff, such expenses are to be authorised by the CEO, prior to committing the company to these.

The Human Resources Department is responsible for bringing current vacancies to the attention of current employees. Internal advertisements for senior positions will be circulated to all the Units in the company, depending on the position vacant. Internal advertisements should where possible run for a period of 2 weeks.

The Human Resources Department will be responsible for the following prior to making an offer:

- Reference check - Obtain reference check from current employer only after permission is obtained from the applicant. **See ANNEXURE 2D: REFERENCE CHECK FORM**.
- Security / Financial Clearance - Only done for positions where a clean criminal and/or credit record is an operational requirement. See Qualification Check - Only if necessary **(ANNEXURE 2R: SECURITY AND CREDIT LIST).**

ADVERTISING

If a new post has not been evaluated or if there are substantial changes to the duties attached to an existing post, a job description must be submitted to Human Resources Department for evaluation prior to advertising the vacancy.

ADVERTISEMENT

On receipt of final approval from the CEO, the Human Resources Department will:

- Place the full advertisement Internally
- Include the shortened version in a composite advertisement which will be forwarded to the advertising agent.
- Send the approved advertisement to relevant manager concerned and advise him/her of the media and the date of advertising.

At this point, the HRM will contact the Manager regarding dates for the interview meetings.

On receipt of the bromide from the advertising agent, the HRM will check it before instructing the advertising agent to proceed with the advertisement.

DETAILS TO BE REFLECTED IN THE ADVERTISEMENT:

- Company's Employment Equity statement
- Title of position
- Department/Unit
- Region
- Main duties
- Closing date for applications
- Full contact details of HRM/ agency administering the vacancy

CONTENTS OF ADVERTISEMENT:

Advertisements must comply with the accepted format and should:

- Be consistent with the job requirements.
- Attract the interest of potential applicants only.
- Reflect the minimum qualifications, skills and experience required for an appointee to be able to perform the job adequately and must reflect an alternative, in terms of experience, for a non-professional qualification
- Reflect the essential inherent attributes, if any, required of the successful applicant.

MEDIA:

All advertisements will be placed in media accessible to most applicants.

WAIVER OF ADVERTISING

Some exceptional circumstances in which advertising is not necessary may include but are not limited to the following:

- The appointment of a person who has been given written notice of termination of his/her employment elsewhere in the company as a result of operational restructuring.
- The appointment of a person who has been selected through an earlier process and trained for a particular position under a succession planning arrangement.
- The appointment of a person to another position, at the same level, in the same department as a result of re-organisation in which the total complement of staff remains the same.

Please contact Human Resources Department for guidance.

RE-ADVERTISING OF A VACANCY

If no suitable candidate is identified both internally and externally, the Human Resources Department will be required to revisit the advertisement and the media used before the vacancy will be re-advertised.

5.6 Selection

All applicants are required to complete an employment application form. The Human Resources Department will do primary screening of applicants, draw up and discuss a short list with the Head of Department/Regional Manager/Unit Manager. Interviews and final selection of candidates will be carried out by the Head of Department/ Regional Manager/Unit Manager (or a selection committee) of the relevant department in which the vacancy exists. The employment package will be authorised by the Human Resources Department with approval from the CEO. See **ANNEXURE 2E: GENERAL INTERVIEW QUESTIONNAIRE.**

Selection Criteria

Criteria will be determined by specific requirements of the job, and may include:

- Registration and/or enrolment requirements of the South African Nursing Council (Nursing staff only)
- Registration with the South African Health Professionals Council (Technologists and Technologist Students only)
- Job requirements as reflected on the job description

- Specific skills required
- Positive reference from previous employers
- Career aspirations of the applicant

Equal opportunities will be given for all applicants as set out in the Employment Equity Act, and other relevant legislation.

CONFIDENTIALITY

All documentation and discussion pertaining to any selection process is to be treated with the strictest confidence and the successful candidate may be advised only after the CEO has approved the appointment.

5.7 Placement

The employee will be placed according to:

- Company requirements

No re-appointments may be made without prior written approval of the Human Resource Manager. All applicants are treated equally and must meet the same set of criteria when they apply for employment at our company.

5.8 Interviewing

A summary should be recorded on the General Interview Questionnaire after the interview by the Head of Department and the Human Resources Manager.

5.9 The Appointment

The Human Resources Department will:

- Make the offer to the successful applicant. **ANNEXURE 2F.**
- Follow-up the offer with a letter of appointment before the starting date **(see ANNEXURE 2G: LETTER OF APPOINTMENT)**.
- Ensure that the successful candidate sign the acceptance of appointment **(ANNEXURE 2H: ACCEPTANCE OF APPOINTMENT)**.
- Supply the successful applicant with the standard Employee Handbook **(See ANNEXURE 2I: EMPLOYEE HANDBOOK RECEIVED)** explain the Conditions of Service
- Send “Regret Letters” to unsuccessful applicants.

6 DOCUMENTATION

6.1 Documentation for Full Time Employees

All full time employees are required to complete/provide the following documents prior to employment or on the first working day OR during orientation.

- Acceptance of Letter of Appointment
- Provident Fund Beneficiary Form
- Medical Aid membership Form (where applicable)
- Proof of previous medical aid membership (where applicable)
- Salary deposit form/bank details

- Hepatitis B Immunisation Form.
- Tax on Bonuses Form.
- Certified copies of qualifications.
- Copy of current SANC receipt (Nursing Staff).
- Copy of Professional membership (Technologists).
- Copy of Identification document
- References.
- Copy of Drivers Licence (where applicable).
- Employee Information Form.
- Authority to have access and to read personal e-mails and to monitor internet access.

6.2 Booklets

- The following booklets should be given for employees to keep:
- Conditions of Service Booklet.
- Provident fund Booklet.
- Medical aid booklet – (provided by medical aid with card)

The employee must sign acknowledgement that he/she has received and understood the content of the above mentioned booklets.

6.3 Temporary/Casual Employees

Temporary / Casual employee must complete the following documents:

- Salary deposit form/bank details.
- Employment application form.
- Letter of Temporary appointment.

6.4 Personnel Files

It is the responsibility of the Human Resources Department to ensure that a personnel file is opened for each new employee and that it is kept up to date.

File Content

Each personnel file should contain the following information:

- Personnel File checklist **(see ANNEXURE 2J: PERSONAL FILE CHECKLIST)**
- Job Description
- Requisition for Staff form
- Detail change form (if applicable)
- Application form
- General Interview Guide
- Biographical Questionnaire
- Letter of Appointment
- Criminal/Credit Clearance form (if applicable)

- Reference check
- Copy of Identification document
- Medical Aid application form
- Employee Booklets received
- SANC receipt(Nursing only)
- Copy of professional membership form (Technologists)
- Leave forms (all types)
- Performance Appraisals
- IR documents/Discipline/Grievance/Counselling
- Loan forms
- Other general information.
- Authority to have access and to read personal e-mails and to monitor internet access.

7. ORIENTATION (INDUCTION)

7.1 Introduction

The Oreintation programme is a guide to orientate new employees to the organisation, and to the job, in order that they settle in and become effective as quickly as possible.

7.2 Objectives of effective orientation

- To ensure that the new employee fit in and feel comfortable over the longer term.
- To that the new employee is introduced to the company culture.
- To ensure that the new employee is shown “The Big Picture”.
- To ensure that all job responsibilities and rewards are explained.
- To ensure that all administrative matters are dealt with.
- To provide reality checks.
- To reduce labour turnover and improve staff retention.

7.3 The orientation Process

It is imperative that all new permanent employees are subject to the orientation process. All new employees must sign the Orientation Checklists. Administration staff must only complete **ANNEXURE 2K: EMPLOYEE ORIENTATION CHECK LIST – GENERAL ORIENTATION** Dialysis staff must complete **ANNEXURE 2K: EMPLOYEE ORIENTATION CHECK LIST – GENERAL ORIENTATION PROGRAM** and **ANNEXURE 2L: EMPLOYEE ORIENTATION CHECK LIST – GENERAL NURSING ORIENTATION**.

The orientation programme is a guide to orientate new employees to the organisation, job, unit, department and team, in order that they settle in and become effective as quickly as possible.

Literature on the subject of orientation and or induction has showed over the years that this discipline should not be taken lightly or ignored. Literature has proven that effective orientation leads to improved staff retention, employee commitment and even customer satisfaction. According to Dirks (2004) staff members who are properly trained and welcomed

at the beginning of their careers feel good about their choice of employer, fit in quickly with peers and colleagues and readily contribute new ideas. These employees also speak well about the company to friends and family and they represent you more confidently to customers, business partners and suppliers.

It must be stressed that first impressions do count, especially to new employees. If we do not do the right things at the beginning this can cost the company dearly. Employees who do not start right don't tend to stick around long. The latter contributes to the "start over syndrome" where we have to recruit, train and orientate new employees all over again and again. The negative spin off of this is that the employees who stick around may also become infected and they may begin to wonder ……should we be looking for new employment, too? The danger in our industry where everybody knows everybody is that word travels fast and this may have a negative impact on our future recruitment efforts.

Most of us somewhere in our careers were the new person. Some of us may identify with the following - We did not know anyone, we were unsure whether we made the right decision by leaving our previous employer for the new one. We were not really sure what we were supposed to do or we were left on our own because our manager was absent or always in meetings. There was no space, etc. According to Hacker (2004) new orientation nightmares range from introducing the new employee to 147 people the first day, none of whose names he/she can remember, to pointing to a desk or cubical lying on the floor telling him/her, "It's yours; assemble it!"
In hindsight those of us who stayed may joke about these incidents later on and think that it was funny, but we need to remember how this made us feel. The bottom line is that this approach is not right and we know it.

We must also remember that sessional or contract employees will also be members of the team and we want them to be equally productive and motivated as our permanent employees. Their orientation will be more limited, but we need to give them what they will need to get off to a good start.

We should never assume that employees know or should have known, we all now what "assumption" did.

As committed and responsible managers it is our responsibility to ensure that our staff "start right" from the word go. The team must also help the new employee feel comfortable.

THE PROCESS

The manager must ensure that a contingency plan is always in place in the event that he/she will not be present in the beginning. Where the manager is not present due to other commitments i.e. leave, visits etc he/she must delegate the responsibility to another capable person in the team to ensure that there are no "blank periods" during the process.

Please take note that orientation of a new employee is more than introducing the new employee to colleagues and completing the standard paper work. The objective of the orientation programme is to provide new employees with the big picture from the top down. We should also ensure that we do not overwhelm new employees with information during the first week on the job. New employees do not have to be exposed to every detail of the business during the first few days at work.

You are not alone in the process the human resources professional will assume a certain amount of responsibility for orientating new employees, but the manager will be responsible for specific orientation to the department/unit and the team must help the new team member feel comfortable.

What is in it for you?

- It can reduce turnover – Research proved that most new employees make a mental decision to leave or stay in the organisation within the first few days or weeks on the job.
- It cuts down on mistakes.
- It clarifies the quality of standards and expectations by which performance will be measured.
- It empowers new employees to be confident.
- It helps the new employee to feel welcome.
- It costs money – and lots and lots of money when we lose good people.

THE STAGES OF THE PROCESS

When considering the best way to orientate a new employee we need to become creative in our own ways of doing things and or develop rituals. We need to start thinking "outside of the box".

This process is based on the phases as proposed by Hacker (2004).

Stage 1 - Pre-hire Stage

The stage commence once the new employee has accepted the offer of employment, but before the employee physically commences working.

This stage allows for a lot of creativity and or "thinking outside of the box".

Step 1: The following "starting right" rituals can be put to use:

- Send a welcome card – send a card signed by everyone in the unit/department to the new employee at his home or place of work. Encourage the team to write a brief note – the more personal the better.
- Distribute an announcement – distribute an announcement to current staff and include some details about the new employee even a photograph.

You can also use your own ideas and or add to the list. If you use something that is not on the list that works, please feel free to share your ideas with us all, so that we can spread the word.

Step 2: Pre-assess training needs

- During this step a pre-assessment of the new employee's training needs are done.
- After the pre-assessment the necessary training must be scheduled before he or she starts. Please note that the training scheduled will only take place once the employee physically commences duty. New employees with limited or no experience will be allocated to the relevant training unit/department. The details of where training will take place will be given after the pre-assessment. This will ensure that the employee is able to make the necessary arrangements in advance (no surprises). Training may be both of an internal and external nature depending on the function. By doing this we are sending a clear message that we are organised and serious about providing educational opportunities.

Step 3: Probation expectations

- You need to inform the employee what you expect will have to accomplish during the first three months of employment. You can explain to the new employee that you

expect that he/she is able to function independently in the renal discipline as a nurse, technologist etc.

- Make notes of these expectations in order to discuss them during the first week of employment. The employee will then be aware of the expectations from day one and there will not be any "grey" or unknown areas regarding the future expectations. The tone is set for success.

Step 4: Scope of practice

- The manager must define the employee's scope of practice during the first three months of employment, these will include, but is not limited to the following:
    - Authority to make decisions regarding the patient or work with or without obtaining input, permission or guidance from someone else.
    - Make sure that you explain and discuss your reasons for your decision(s) during his/her first day at work.

The scope of practice of the new employee must be determined before the employee commences duty (this can be based on previous experience, job etc). The manager must make sure that everything is included that is important to the job. These will help the employee to understand in advance where his/her responsibility and authority begins and ends in the initial stages. The employee will also be clear on what will be expected from him/her in terms of his/her scope of practice after the initial period of limited scope of practice.

Step 5: Reality Check

Inform the candidate of the pressures and realities of your company, your unit, your team, your customers and the competition.

Step 6: The employment pack

The employment pack includes the following:

- Application form
- Provident Fund Beneficiary Form
- Provident nomination of beneficiary form
- Medical Aid membership Form
- Mandatory master file information form
- Salary deposit form/bank details
- Provident fund application form
- Biographical questionnaire
- Uniform order form
- EEA1 form
- Employee booklets received form
- Internet access form
- Hepatitis B Immunisation Form.
- Conditions of Service Booklet.
- Medical aid information pack – (provided by medical aid with card)
- Performance evaluation form (provided by unit)

- KPA document (provided by unit)
- Competency document (provided by the unit)

Phase 2 - Post Hire Stage

The phase commences once the employees physically commences duty.

Step 1: The manager should greet the new employee in-person

- The manager must be available to do this, if not possible this important task must be designated to an alternate.

Step 2: Complete employment forms and relevant documentation.

- The following will be reviewed:
    - History of the company
    - Structure of the company
    - Vision, Mission, Values
    - Company Culture
    - Compensation programme
    - Company benefits
    - Conditions of service
    - Personnel policies
    - All other related information

The above topics that will have to covered will be listed in the orientation check list attached hereto. These must preferably covered by the Human Resources Department.

The “Big Picture”.

Explain the following to the new employee:

- The history of the company.
- The company’s present situation.
- The company’s future goals.
- Our customers.
- Challenges.
- Our reputation.
- Major competitors.
- Our market position.
- Our current focuses i.e. operations, expansion, technological advancement etc.

Step 3: Unit specific orientation topics – these are not limited to the following topics, you can also again include your unit specifics (remember to spread the word on things that work).

- The following topics will be covered:
    - **Introduction to the Department** i.e. Personnel, Role of Department in the Company etc.
    - **Unit/Department Culture** i.e.”How do things really work around here? What importance do people attach to style, dress, and presentation? Is punctuality

very important? Do meeting start on time? Are long hours the exception or expected? etc.

- **Facilities** i.e. Store room, Clinic room, Fire extinguishers, escape route, disaster file, Staff facilities, Sluice room, etc.
- **Unit/Department Policies with regard to:**
  - **Personnel** i.e. Attendance register, Hours of duty, Requests, Overtime, Leave, Sick notes, Tea and meal times, On call system, Dress code, Staff allocation, Supervision, Unit routine, Performance appraisals etc.
  - **General Unit Administration** i.e. Admission system, Admission register, Charging, Transfers of patients, Repairs and Maintenance, Funds etc.
  - **Stock and Equipment** i.e. Stock ordering, Stock control, Stock take, Emergency trolley, Borrowing from other unit, Central store rooms etc.
  - **Housekeeping** i.e. Cleaning, Linen etc.
  - **Patients** i.e. Disease types admitted to the unit, Doctors Visits, Visiting hours, Complaints, Account enquiries, Smoking/non-smoking policy, Private rooms, Isolation, Telephones, Help in case of an emergency.
  - **Personnel** i.e. Organisational Chart: Unit, KPA's, Performance appraisal, Formal education, Library facilities, In-service training.
  - **Charge** i.e. Admission records, Charge sheets, OCU system and processes, Documentation audit,
  - **Infection Control and Wound Care** i.e. Moist wound healing, Team approach, Dressing tray and dressing procedure, Dressing record, etc.
  - **Hepatitis B Vaccination** i.e. Policy, Records, etc.
  - **Medication** i.e. Doctors orders, Medication chart, Telephonic orders, Calculations, Emergency cupboard, Stock control principles for scheduled and unscheduled medication etc.
  - **Food ordering** i.e. People responsible for food ordering/preparation, Meal times, Diets etc.
  - **Patient Records** i.e. Files, Policies and procedures, etc.
  - **Consent forms**
  - **Resuscitation** i.e. Adult resuscitation, Call for help, Emergency trolley

Please feel free to add to the list.

The above topics that will have to covered will be listed in the orientation check list attached hereto. These must preferably covered by the Unit/Department manager.

Step 4: Meetings and Commitment

Involve the new team member in team meetings as soon as possible. The sooner they become part of the whole, the sooner they will make contributions to the team effort.

Make a commitment at the beginning to make the employee productive from day one.

Step 5: KPA's

Ensure that your KPA's (job description) are current. Share his or her KPA's on day one. Review the KPA's and answer questions and follow up to ensure that all aspect covered are clearly understood. Please note that new employees are often embarrassed to admit that they do not understand.

Step 6: Immediate Supervisor

The immediate supervisor should meet with the new employee to discuss team operations and goals. The supervisor should discuss accountabilities, rules and procedures, off duties, record keeping requirements and initial responsibilities. Ensure that the supervisor or you discuss expectations regarding, breaks, lunch times and time for personal business, including the use of the telephone and internet etc.

Step 6: Be creative

Plan a “bring and braai”, lunch etc so that everybody can celebrate the employees first day or week on the job. Sound weird, but it works, this is your opportunity to really be creative and think outside of the box. We normally do this when someone leaves so way not do it when someone joins the team. The massage should be “Welcome on Board”.

Phase 3 – In-duty Phase

The phase goes beyond the first week and throughout the first three to six months of employment. This phase will cover those areas that do not necessarily have to be covered immediately. Some are ongoing and others may occur several weeks or months after the new employee joins the team.

Step 1: Introduce or reintroduce the new employee

The employee should be introduced to all employees. In the event that some employees where absent when the new employee commenced employment make sure to introduce the new employee to them immediately on their return.

An idea can be that the employee is given a card with the names of all the staff in the unit or department. The “newbie” must then go around and get everybody in the unit/department’s signature. This is also an area to be creative.

Step 2: Office and other equipment

All new employees must be shown how the office and or other equipment work. They must also be sure who to contact in the case of a question or problem. Make sure that the new employee understands your instructions regarding the equipment. Never assume that your instructions were understood the first time, follow-up.

Step 3: Probation period

Explain to the employee what he/she can expect during the first three months of employment. Review the KPA’s and explain that you will monitor his/her progress monthly via the formal performance process. Keep notes of your discussion and expectations. It will help both of you to remain focused.
Establish goals that need to be accomplished during the first three months. Preferably have an action and or development plan in place, mapping the goals to be accomplished. The latter must preferably be broken done in stages i.e. month 1, 2, 3 etc.

Step 4: Buddy System

Develop a buddy system for junior employees and inexperienced employees. Identify “buddies” to be allocated to the new employee for guidance and support.

Step 5: Additional training

Meet with the employee and evaluate the additional training that would assist the new employee to become more productive. Identify GAPS. Include these additional needs in the development plan.

SUMMARY

Please note that the above phases are not all-inclusive. There undoubtedly will be tasks that are specific to your Unit/department that you may want to include. Please ensure that you are clear, concise and consistent when orientating new employees to the everyday routine and business practices of the unit and company.

Please take cognisance of the following scenarios when orientating new employees. First, the new employee may fill the position that was occupied by an outstanding employee and secondly, replace a poor performer. In the first instance the other employees will quickly compare the new employee with the outstanding employee. You and the other team members must be fair when you evaluate the new hire. Compare the new employee against objective criteria not against the superstar. Make sure that new employee does not have to live in the shadow of the former employee who was well liked and respected. With regard to the poor performer ensure that you or any other staff member do not bad-mouth the previous employee who may have been fired or quit. Use the past only to the extend that it points the way to the future. The new employee may have a big job ahead of him/her, especially if the person replaced was a slacker. Recognise the fact and provide the necessary support and assistance to the new employee.

Lastly, remember **THAT THEY ARE NEW**, orientation is not a check list, it is a process to ensure that we “start right” to make it easy and comfortable for the “newbie” for the benefit of all.

7.4 Follow-up Orientation

After thee weeks with the company the employee does the first of two Probation Reviews. See the form in the annexure. This also forms part of the performance management system which is done by the line manager.

The Human Resources Department is responsible to give feedback to the appropriate person in order to apply remedial action.

8. PROBATION

8.1 Introduction

All employees employed by NRC are placed on a three-month probationary period. This enables:

- The employee to assess whether he/she enjoys the work environment and opportunities provided by the company;
- The Supervisor / Manager to assess whether the new employee has the ability, initiative and skills required to function productively in his/her newly appointed position.
- Provide the company an opportunity to evaluate the employee’s performance before confirming the appointment.

Please take note of the following points:

- During the probationary period, the employee's performance should be assessed and the employee should be given reasonable evaluation, instruction, training, guidance and counselling in order to allow the employee to render satisfactory service.
- Probation must be imported into the relationship by including the provision in the letter of appointment as this is not done automatically.
- Probation applies to new employees and not in respect of promotions / internal transfers.
- The employer must set and communicate the standard (both tasks and behaviour) against which the employee is to be measured.
- The employer must give regular feedback. Based on the discrepancy identified appropriate instruction, training, guidance or counselling should take place.
- The decision to terminate the services of a probationer must be preceded by a full consultation with the employee who has the right to representation.
- A dismissal can take place at any stage of the probationary period and the level of substantive fairness for probationers should be seen as the same as that for permanent employees.
- A probationer has a legitimate expectation of permanent employment, which will materialise where the period of probation expires without specific and written indications to the contrary.

During probation employment may be terminated, but with due regard to the reasons and applicable procedures laid down by the Labour Relations Act No.66 of 1995. During and after probation the employer cannot simply give notice of termination of employment in terms of the employment contract. Different procedures have to be followed, depending on whether the intended termination is due to misconduct, poor work performance, medical incapacity or operational requirements. These procedures are rather cumbersome and the employer's failure to follow them could result in a claim for reinstatement or compensation.

8.2 Probation Process

First Week of Employment

In the first week the Unit Manager/Departmental Manager must ensure that the following requirements are met:

- Discuss the probationer's job description. The job description must include the Key Result Areas, activities and performance standards for each activity. Both the Unit Manager and probationer must sign the job description after they have agreed on the Key Result Areas, activities and performance standards.
- Should there be any short-term objectives set, the Unit Manager/Departmental Manager should complete the Short Term Objective Form in the presence of, and in conjunction with the probationer.
- Ensure that the probationer receive a copy of the job description and the Short Term Objective Form.

First/Second Month – Performance Appraisal Form

During the First and Second Month of Probation the following requirements must be met:

- A performance appraisal form must be completed in the week following the completion of the first and second month of the probationary period (depending on the employee's position).
- The Unit Manager/Departmental Head must complete the appraisal form in the presence of the new employee. This form is used to assess whether the new

employee is meeting the agreed performance standards (job description) and short term objectives. This form is also used to determine any training requirements.

- The Performance Appraisal Form and the Short Term Objective Form must be submitted to the Human Resources Department by the 10th day of the following month. The same applies to the completion of the forms for the second month of the probationary period.

Third Month – Performance Appraisal

The following requirements must be met in the third month of the probationer's employment:

- A performance appraisal must be completed by the Unit Manager/Departmental Manager two weeks prior to the completion of the three-month probationary period.
- The Unit Manager/Departmental Manager must also complete the Probationary Period Outcome Form after the performance appraisal is completed.
- Both documents are then to be forwarded to the Human Resources Department on completion. (At least one week prior to the end of the three month probation period.) This form is of the utmost importance as it will determine the future of the new employee at the place of work.
- All other relevant documentation i.e. disciplinary hearings and/or counselling sessions must accompany this form upon submission to the Human Resources Department if not already submitted.

Should the employee display any behavioural problems i.e. absenteeism, the following procedure should be followed:

- **Follow Disciplinary Procedure**

Should the employee display Performance Problems i.e. unnecessary mistakes, the following procedure should be followed:

- **The Counseling Procedure**:

Step 1: Review of standards

The employee's job content and standard should be reviewed. The reasonableness of those standards should be confirmed and, if possible, agreed with the employee. If the employee does not agree that they are reasonable, the manager may require performance of those standards if he/she believes that they are reasonable.

Step 2: Identify sub-standard

The manager should identify shortfalls in the performance using the most objective measurement criteria available. The latter should be discussed with the employee.

Step 3: Identify reasons for sub-standard performance

Reasons why the employee has fallen below the standards should be discussed and identified.

Step 4: Action Plan

If it has been determined that the reason(s) for non-performance lies with the employee, the manager should inform the employee on how to achieve the standard(s) and agree on an action plan. Agreement should also be sought from the employee that the action plan is acceptable and that he/she is capable of achieving the required standards if the action plan is

complied with. If the action plan is reasonable but the employee does not agree with it, for no good reason, it may nonetheless be implemented.

Step 5: Assistance

Thereafter the manager should provide all reasonable assistance which may include suitable training of the employee to enable the employee to achieve the required standards. In the case of physical incapacity, the assistance may include reasonable time off for medical treatment or temporary or permanent transfer to a less onerous job. The latter is only possible id an alternative vacancy exists within the company and the employee meets at least the minimum requirements for the job.

Step 6: Review dates

The employee should be given sufficient time to improve and review dates should be establish\shed in order to monitor progress.

Step 7: Record counseling

The contents of the counseling and the action plan must be recorded in a written document to the employee in the form of a counseling record. It must be signed by the manager concerned as a record to which the parties may refer at a latter stage if necessary. The record could also provide proof of counseling.

Step 8: Further counseling and warning

If the employee does not reach the required standards within the time period set, the manager should engage in further counseling if it is believed that the employee may still be capable of improvement given further assistance and time. The manager should also warn the employee that his/her services may be terminated if he/she fails to perform to the required standards by the end of the time period set.

Step 9: Inquiry and termination

Even after further counseling or a warning and a reasonable time period the employee still does not perform to the required standards, or proves to the satisfaction of the manager that he/she is incapable of achieving the standards, the manager should inform the Human Resources Department of this situation. The Human Resources Department will convene an inquiry to consider the case. At this stage the disciplinary procedure will be followed.

8.3 Extension of Probation period

The period of probation may only be extended for a reason that relates to the purpose of probation. The period of extension should not be disproportionate to the legitimate purpose that the employer seeks to achieve

Process

The following procedure should be followed when probation is extended:

- Inform the employee of the reason why it is necessary to extend the probationary period (based on facts). The contents and records kept of the previous months' performance appraisals should form part of these discussions
- The expected standards to be re-iterated
- Decide on a combined plan for both employer and employee, and specify both responsibilities and duties in order to achieve expected standards

- Give the employee a letter advising him/her of the extension of probationary period. The action plan must be attached to this letter, and the employee should sign an acknowledgement of receipt of the letter.

After The Extension of the Probationary Period

- The employee should again be evaluated on a monthly basis for three months to determine the extent of the problem or improvement
- Should there be a marked improvement in performance, the employee should be appointed on a permanent basis
- If there is still no improvement, the necessary steps should be taken to terminate services.

ANNEXURE 2A

STAFF REQUISITION FORM

Please mark appropriate term

Permanent Position ☐
Temporary Position ☐ From Date: _____ To Date: _____

Position: _____ Department _____

Education & Qualifications required:

_____

_____

Essential Experience:

_____

_____

Special Skills, Mental or Personality Requirements:

_____

_____

Accountable to Position: _____

Job Function: Please attach job description
Please attach job specification

Salary offer: _____ Other Benefits: _____

Required Starting Date: _____

1. EXITING POSITION

If a replacement, complete the following

Employee Replaced: _____ Job Title: _____

Salary: _____ Date Terminated: _____

Reasons for Termination: _____

Requested by Department Manager: _____

Date: _____

Approved by Financial Manager/Regional Manager: _____

Date: _____

2. NEW POSITION

If increase in staff complement, complete the following:

What caused the need for an increase?

_____

_____

Explain why it is not possible to avoid the increase by organisational or other re-arrangements:

_____

_____

Requested by Department Manager: _____

Date: _____

Supported by HRM: _____

Date: _____

Approved by CEO: _____

Date: _____

ANNEXURE 2C

DETAIL CHANGE FORM

Name: _____ Department: _____

Employee No: _____ Effective Date: _____

	CURRENT DETAILS	NEW DETAILS
Effective Date		
Department Code		
Department Name		
Job Code		
Job Description		
Package (2)		
Basic Salary		
Allowance 1		
Allowance 2		
Allowance 3		
Allowance 4		
Allowance 5		

Reason for change: _____

_____

Additional Information: _____

_____

REQUESTED BY (LINE MAN): _____ **DATE:** _____

APPROVED BY (CEO): _____ **DATE:** _____

VERIFIED (HR MAN): _____ **DATE:** _____

ANNEXURE 2D

REFERENCE CHECK FORM

REFERENCES

COMPANY	
REFEREE	
REFEREE'S POSITION	
PERIOD OF EMPLOYMENT	
SALARY EARNED ON LEAVING	
REASON FOR LEAVING	
WORK PERFORMANCE	
SPECIAL STRENGTHS	
WAS CANDIDATE HONEST?	
DID CANDIDATE HANDLE CASH?	
AMOUNT	
PUNCTUALITY	
ATTENDANCE	
GENERAL STATE OF HEALTH	
SUBSTANCE ABUSE AT WORK	
HOW CANDIDATE RELATED TO CLIENTS	
HOW CANDIDATE RELATED TO MANAGEMENT	
HOW CANDIDATE RELATED TO PEERS	
HOW MUCH SUPERVISION NEEDED	
RE-EMPLOYMENT	
GENERAL COMMENTS	
THIS REFERENCE WAS GIVEN IN STRICT CONFIDENCE. PLEASE DO NOT DISCUSS WITH THE CANDIDATE.	

ANNEXURE 2E

GENERAL INTERVIEW QUESTIONS

Name of candidate: _____

Date of interview: _____

1. Take us through your job and academic history from school: (gauge similarities in jobs held to ours, responsibility levels held); indicate why you chose these career steps.

_____
_____
_____
_____
_____

2. What are you looking for now? And indicate reasons behind career choice?

_____
_____
_____
_____

3. Why do want to move into NRC/this position?

_____
_____
_____
_____
_____

4. How would you describe yourself as a person?

_____
_____
_____
_____
_____

5. Examples of key strengths and weaknesses:

_____
_____
_____
_____
_____

6. Have you worked in teams? Your feels about it?

_____
_____

_____
_____
_____

7. Mention one problem that may come up while working in a team? and give an example of how you will resolve it?

_____
_____
_____
_____
_____

8. What have you initiated in your current job?

_____
_____
_____
_____
_____

9. Outline key achievement (s) in your life so far.

_____
_____
_____
_____
_____

10. If not covered above, then ask for an example of an issue where you had to persevere to reach a goal?

_____
_____
_____
_____
_____

11. Why do you think that NRC will take you on?

_____
_____
_____
_____
_____

12. Give me an example of a communication problem experienced with another person, and how did you handle it? What happened if it was your boss?

_____
_____
_____
_____
_____

13. How will you define customer service? And how important is customer care for our business?

_____
_____
_____
_____
_____

14. Where do you see yourself in 3-5 years time?

_____
_____
_____
_____

15. What key challenges do you see yourself coming up against en route?

_____
_____
_____
_____
_____

16. What machines can you operate?

_____
_____
_____
_____
_____

17. Any questions:

_____
_____
_____
_____
_____

General assessment:

_____
_____
_____
_____
_____
_____
_____
_____
_____
_____

ANNEXURE 2I

EMPLOYEE BOOKLETS (RECEIVED)

Enclosed please find your Employee Handbook, Medical Aid and Provident Fund Booklets. You should familiarise yourself with the contents thereof and should you have any queries, please do not hesitate to contact the Human Resources Department.

Kindly acknowledge receipt of these booklets by signing the section below and return the signed slip to the Human Resources Department.

Thank you

∀

I, ……. acknowledge receipt of my Employee Handbook,

Medical and Provident Fund Booklets.

Signed : ……. Date : ……

ANNEXURE K

EMPLOYEE ORIENTATION CHECK LIST
GENERAL ORIENTATION

Name	
Unit/Department	
Date of appointment	
Orientation Date	

Responsible manager: **Please complete and authorise the form to verify that the employee was orientated and submit to the Human Resources Department to file on employees personal file.**

Employee: **Please sign the form to indicate that you have been orientated regarding the mentioned policies and procedures.**

1. National Renal Care

- History of the company
- Top structure
- Structure of the company
- Vision, Mission, Values
- Company Culture

2. The Unit/Department

- Background, number of patients, renal disciplines, doctors, etc.
- Unit/Department structure
- Function of the work unit
- Work duties of others in the work unit

3. Conditions of employment

- Hours of work
- Lunch and tea times
- Leave – all types
- Leave procedures – all types
- Reporting of absence
- Dress Code
- Remuneration and deductions
  - Basic salary
  - Pay Date

- Pay Queries
- Changes in personal information
- Allowances
- Statutory and non-statutory deductions
- Annual bonus
- Tax on bonus
- Overtime and payment of overtime
- Probation period
- Notice period
- Medical aid
- Retirement fund and risk benefits
- Employment Handbook
- Completion of engagement documentation

4. Human Resources Policies and Procedures

- Time and attendance
- Short time
- Unauthorised removal of articles from the property
- Parking (if applicable)
- Uniform
- Security protocol
- Non-smoking policy
- Outside business interests and additional employment
- Employee Wellbeing – ICAS
- Performance Management System
- KPA's
- Balanced Scorecard
- Staff development and training
- Disciplinary code and procedure
- Grievance procedure
- Internet Policy
- Sexual Harassment

5. Tour of the department/workplace (if applicable)

6. Health and safety

- Disaster plan
- Injuries on duty
- WCA documentation
- Safety committee and representatives
- Evacuation procedure

7. Other

_____ _____

SIGNATURE ORIENTEE **DATE**

Comments: _____

_____

_____ _____

SIGNATURE ORIENTATOR **DATE**

Comments: _____

_____

ANNEXURE L

EMPLOYEE ORIENTATION CHECK LIST
GENERAL NURSING ORIENTATION

Name	
Unit/Department	
Date of appointment	
Orientation Date	

Responsible manager: **Please complete and authorise the form to verify that the employee was orientated and submit to the Human Resources Department to file on employees personal file.**

Employee: **Please sign the form to indicate that you have been orientated regarding the mentioned policies and procedures.**

1. Introduction to Dialysis Unit

- Personnel working in the unit
- Unit structure
- Role of the Regional Manager
- Role of the Area Manager
- Role of the Unit Manager
- Channels of communication - all
- Introduction to private healthcare
- Nursing training and in-service
- Acuities
- Where to get help and information

2. Facilities

- Store room
- Examination Room (if application)
- PD Room (if applicable)
- Fire extinguishers, escape route, disaster file
- Staff facilities
- Sluice room
- Medical waste containers
- Parking

3. Infection Control

- Infection control
- Hepatitis B immunisation
- Needle stick injuries
- Medical waste

4. Unit specific Policies

- **Personnel:**
  - Unit off duties
  - Working hours and shifts
  - Work schedule changes
  - Leaving work during working hours
  - Rotation between units (if applicable)
  - Requests
  - Overtime
  - Work on public holidays
  - Annual Leave procedure and planning
  - Sick leave
  - Reporting of absence due to sickness or family responsibilities.
  - Lunch and tea times
  - On call system
  - Conduct and Dress code
  - Effective work relationships
  - Professional ethics
  - Staff allocation
  - Supervision
  - Unit Routine
  - One-on-One's
  - Performance appraisals

5. General unit administration

- Admission system
- Admission register
- Transfers
- Holiday patients
- Change of treatment regime
- Repairs and maintenance
- Funds/monies

6. Stock and equipment

- Stock ordering
- Emergency trolley
- Borrowing from other units
- Location of stock
- Care of equipment

7. Scope of practice and Nursing Policies

8. KPA's

- Expectations and standards – KPA's
- Probation period and process
- Performance measurement
- One on One discussion
- Competency document

9. Clinical Department

10. Nursing Documentation

11. Access Care

12. Transplantation

13. CPR and emergency trolley

14. Billings

- Admission records
- Confirmations
- Charging
- Documentation audit
- File procedure

15. Medication ordering and Stock Control

- Replenishing emergency trolley
- Stock take procedure

16. Maintenance of equipment

- Requisition procedure
- Servicing and repairs procedure
- Control of dialysis and other equipment
- Water Management - RO

17. Housekeeping

- Cleaning
- Cleaning of machines
- Linen

18. Catering and Dietician

- Ordering of patient meals
- Meal times
- Diets
- Dietician services

19. Patients

- Renal decease types
- Hospital admission
- Doctors
- Visiting hours
- Complaints
- Account enquiries
- Smoking/non-smoking policy
- Isolation
- Telephones
- Help in case of an emergency
- Confidentiality of patient information

20. General

- How to use the telephone
- Contact list
- Personal telephone calls
- How to use the e-mail
- Keys and key control
- Safety and access control
- After hours access
- How to answer the telephone
- Rules outlining the personal use of equipment
- Confidential information

_____ _____

SIGNATURE ORIENTEE **DATE**

Comments: _____

_____

_____

_____ _____

SIGNATURE ORIENTATOR **DATE**

Comments: _____

_____

_____

ANNEXURE 2M

HEPATITIS B IMMUNISATION

Name	**Department**
Starting date	**Day / Night duty**

Have you been vaccinated against Hepatitis B?

Yes ……. No ……..

If "Yes" what was your surface antibody result?

Positive …….. Negative ……

Do you wish to have the Hepatitis B Vaccine?

Yes ……. No ……...

Signature : …….. Date : …….

Facts about Hepatitis B

1. It is one of at least 6 forms of VIRAL HEPATITIS

2. HB's has been found in virtually all body secretions and excretions

3. Nursing staff may be infected by exposure to infected blood or body fluids and needle stick injuries, etc

4. Hepatitis B can progress into:
   - / Chronic liver disease
   - / Chronic active Hepatitis
   - / Chronic persistent Hepatitis
   - / Primary liver cancer
   - / Cirrhosis of the liver

5. Active immunity can be acquired by the administration of Hepatitis B Vaccine

For office use:

Engerix B 20mg x 3 vials received	
Signature :	Date :

ANNEXURE 2N

TAX ON BONUSES

Employees are given the opportunity to have their discretionary bonuses deducted over a tax year (March to February) to enable them to have their bonus paid in full.

Employees need to be aware that should they leave before their bonuses are due or the bonus is not paid out for whatever reason the onus will be on the employee to retrieve the tax already deducted. Employees who have questions regarding this issue are welcome to contact the Human Resources Department.

Please indicate your choice by completing the bottom section of this memo and returning it to the Human Resources/Salaries Department.

Thank you

Tax on bonus to be spread over the year ☐

Tax on bonus to be deducted in the month the bonus is paid ☐

Name: _____ Employee No: _____

_____ _____

Employee Signature Date

ANNEXURE 2O

BIOGRAPHICAL QUESTIONNAIRE – NATIONAL RENAL CARE

This questionnaire is for the use of the company to collect information of employees for inclusion in the Employee database. All information is confidential and for company purposes only.

GENERAL

Surname	
First name	
Second name	
Birth date	
Title	
ID number	
Tax number	
Drivers license code	
Employee number	
Marital status: Married/Divorced/Single/Separated/Widowed	
Insolvent: Yes/No	
Criminal record: Yes/No	
Religion	
Home language	
Hobbies	
Cost Centre/Department	
Dept/Unit	
Date of employment	

ADDRESS DETAILS

Physical address	
Postal address	
Contact numbers	Home
	Work
	Cell
	Fax Home
	Fax Work
E-mail address	

PASSPORT DETAILS

Nationality	

IF NOT SA CITIZEN:

Residence type: Permanent/Temporary	
Permit number	
Issue date	
Expiry date	
Passport held	
Issue date	
Expiry date	

EMERGENCY INFORMATION

Name of doctor	
Phone number	
Known conditions	
Allergies	

ERO MEMBERSHIP

Union member: Yes/No	
Name of union	
Representative	
Start date	
End date	
Contact number of representative	
Membership number	
Fee payable	
Are you a representative: Yes/No	

EMPLOYEE BANK DETAILS

Bank	
Branch	
Branch code	
Account number	
Holder of account	
Account type: Current/Transmission/Savings	

EMPLOYEE FAMILY DETAILS

Relationship: Spouse/child/adult member	
Surname	
Full names	
Date of birth	
Address	
Contact numbers	Home
	Work
	Cell
Fax numbers	Home
	Work
E-mail address	
Medical dependent: Yes/No	
Tax dependent: Yes/No	
Relationship: Spouse/child/adult member	
Surname	
Full names	
Date of birth	
Address	
Contact numbers	Home
	Work
	Cell
Fax numbers	Home
	Work
E-mail address	
Medical dependent: Yes/No	
Tax dependent: Yes/No	

PREVIOUS WORK EXPERIENCE

Company	
Start date	
End date	
Last supervisor	
Contact number	
Last position held	
Company	
Start date	
End date	
Last supervisor	
Contact number	
Last position held	
Company	
Start date	
End date	
Last supervisor	
Contact number	
Last position held	

EQUITY INFORMATION

This information will be used to manage the company's compliance to the Employment Equity Act.

Do you have a disability: Yes/No	
If yes, please specify	
Employment status: Casual/Contractor/Permanent/Part-time	
Race: African (Ndebele/Sotho/Tswana/Chinese/ Swazi/Xhosa/Indian/Pedi/Tsonga/Zulu/ Other) Asian (Chinese/Indian/Other) Coloured White	

QUALIFICATIONS

Title	
Institution	
Major 1	
Result	
Major 2	
Result	
Graduation date	
Duration	
Description	
Type	
Title	
Institution	
Major 1	
Result	
Major 2	
Result	
Graduation date	
Duration	
Description	

Type	
Title	
Institution	
Major 1	
Result	
Major 2	
Result	
Graduation date	
Duration	
Description	
Type	

I hereby declare the provided information to be correct and valid.

Signature **Date**

ANNEXURE 2P

MANDATORY MASTER FILE INFORMATION

Employee Number	
Surname	
Initials (first 5 only)	
First Name (2 in full)	
Identity Number	
Passport number	
Address (Residential)	
Address (Postal)	
Postal Code	
Language	
Class (E/C/A/B)	
Gender (Male/Female)	
Number of children	
Date engaged	
Spouse's Name	
Spouse's date of birth	
Occupation (Self)	
Revenue Office	
Tax no.	

ANNEXURE 2Q

SALARY DEPOSIT

It is our policy to transfer salaries directly to your bank account. Proof of bank account numbers need to be furnished to us.

Notification of any changes regarding bank accounts must be given to the Salary Department before the 10th of the month.

If the account number is incorrect (or the account closed) the bank will charge us for the reversal. Subsequently you may have to bear the cost of R20,00 if notification is not received in time.

Please complete the Bank Information Form and return to this office as soon as possible.

Name: …… Employee No:……..

Address: ……

Department: ……

Name of Bank: …….

Branch Name: …….

Town: ……..

Branch No: _____

Account No: _____

Type of Account: Current: ☐
Savings: ☐
Transmission: ☐

…….
Signature of Employee

ANNEXURE 2R

SECURITY & CREDIT LIST

The purpose of this list is to serve as a guideline to assist you to determine for what position you need to do Security and/or Credit checks.

The golden rule is that it should be done for positions where a clean criminal and/or credit record is an inherent requirement of the position.

/ All Senior Financial positions
/ Buyer/Ordering Clerk
/ Cashier
/ Credit Controller
/ Driver
/ Pharmacist
/ Salaries
/ Security Guards
/ Stock Controller
/ Storeman
/ Supervisors/Managers

Security and or Credit checks should only be done through a reputable agency. Candidates should be informed of the need and permission requested prior to embarking on check.

ANNEXURE 2S

COMPANY E-MAIL AND INTERNET USER AGREEMENT

Employee Agreement

I have received a copy of National Renal Care's Company Policy Guideline on e-mail/Internet acceptable use. I recognize and understand that the company's e-mail, Internet and/or intranet systems are to be used for conducting the company's business only. I understand that use of this equipment for private purposes is strictly prohibited.

I understand that this e-mail/Internet company guideline applies to me.

I have read the aforementioned document and agree to follow all policies and procedures that are set forth therein. I further agree to abide by the standards set in the document for the duration of my employment / contract with the Company.

I am aware that violations of this company guideline on e-mail/Internet acceptable use may subject me to disciplinary action, up to and including discharge from employment.

I further understand that my communications on the Internet and e-mail reflect the Company, world-wide to our competitors, consumers, customers and suppliers. Furthermore, I understand that this document can be amended at any time.

_____ _____
Employee Signature Date

_____
Employee Printed Name

ANNEXURE 2A

NATIONAL RENAL CARE

INTERNAL TRANSFER DOCUMENT

Employee Number: _____

Employee Name & Surname: _____

Current Unit/Department: _____

Transferring to Unit/Department: _____

PERMANENT TRANSFER:

Date of Transfer (effective date): _____ / _____ / _____

TEMPORARILY (1 month or more) TRANSFER:

Start Date (effective date): _____ / _____ / _____ End Date: ____ / ____ / ____

Change in conditions of service: _____

Employee Signature: _____

Line Manager Signature: _____ (transferring unit/department)

Line Manager Signature: _____ (receiving unit/department)

Authorised by:
Operations Manager Signature: _____ (units ONLY)

Verified by:
HR Officer Signature: _____

Processed by:
Payroll Officer Signature: _____

HR OFFICE USE ONLY:
Addendum- done ☑☒
Addendum- received back ☑☒

Upon all signatures of this form, please ensure that a copy is placed on the employee's file – one copy should be forwarded to HR.

SECTION THREE – EMPLOYEE BENEFITS/CONDITIONS OF SERVICE

1. OBJECTIVES OF EMPLOYEE BENEFITS

NRC's objectives with regard to the provision of benefits will be:

- To ensure that all employees receive equitable employee benefits, which is market related and competitive.
- To treat employees in a consistent and fair manner in respect of benefits.
- To standardise documentation in respect of employee benefits.
- To standardise the conditions of service for all employees employed by the company.
- To ensure that the criteria relating to the qualification of the benefits are fair and equitable.
- To ensure that there is no discrimination with regard to the provision of employee benefits.
- To ensure that the company provide benefits consistent with the relevant legislation.

2. LEAVE

2.1 Introduction to Leave

All forms of leave are a condition of service as determined by NRC, with the exception of minimum statutory requirements.

For ease of reference, this policy has been divided into the following categories:

- Annual Leave
- Sick Leave
- Study Leave
- Family Responsibility Leave
- Maternity Leave
- Unpaid Leave
- Public Holidays

2.2 Leave Procedure

An Application for leave to be submitted for any period during which an employee is not at work, irrespective of the nature thereof and the level of occupation. Properly completed application forms must, where possible, be submitted as follows:

- Annual Leave – at least one month before the commencement date of leave
- Study Leave – at least one month before the commencement date of leave
- Maternity Leave – three months before the commencement of leave
- Paternity Leave – Prior notice of intention to take Paternity Leave should be given at least one month in advance, however the form should be submitted on first working day after return from such leave. (Verbal notification should be given as soon as possible on the first day of absence).
- Sick Leave – on the first day of return from absence. (Verbal notification should be given before 10H00 on the first day of absence or as soon as possible if the employee is not capable).
- Family Responsibility Leave – where possible in advance, otherwise as soon as the employee returns from such absence. (Verbal notification should be given before 10H00 on the first day of absence)

- Authorised Unpaid Leave – where possible in advance, otherwise as soon as the employee returns after such absence.

Employees are not entitled to "work-in" leave, nor may any form of leave be encashed except where the employee is leaving our employ and is entitled to annual leave. It is imperative that all employees take a minimum of 2/3rd of annual leave entitlement in any one calendar year. This is particularly important in our industry where employees need to have a complete break from work in order to rest.

Leave forms must be completed in full, with the following information:

- Full first name and surname
- Job Title
- Employee number
- Unit (Richarsbay, Milpark)
- Region (Cape, KZN)
- Leave Period (From – To)
- Type of leave and number of days

The Employee must sign the form and attach documentation (e.g. death or sick certificate) if applicable, to the leave form before it will be approved. The employee must sign any changes on the leave form.

Employees must ensure that their leave form has been authorised by their Manager before proceeding on leave.

Unit Managers/Department Heads must ensure that the employee qualifies for leave before approving the leave form.

The leave book or leave form should be submitted to the Human Resources Department where the leave is signed off. The top copy of the form is retained by Human Resources Department. The Unit Manager/Department Manager will have the duplicate copy in the leave book for audit purposes.

Please note that the start and end date recorded on the leave form is inclusive of the leave period. Therefore leave commences on the start date depicted and ends on the end date depicted.

2.2.1 Reporting of Absence (Unplanned absence)

It is the employee's responsibility to inform the line manager verbally (personally or telephonically) of any unplanned leave (including sick leave). Verbal notification should be given prior to the commencement of the employees shift or as soon as possible if the employee is not capable. Short Message Services (text messages) or electronic communication (e-mail) will not be accepted in this regard.

2.3 Annual Leave

Administrative staff are entitled to 15 (fifteen) working days leave per annum. Dialysis staff are entitled to 19 (nineteen) working days leave per annum. Annual leave will accumulate monthly i.e. 1.25 days per month for administrative staff and 1.58 days per month for dialysis staff. The latter will not apply to administrative staff employed prior to 01 December 2002.

Annual leave may not be accumulated, except as provided for in the case of statutory leave. The statutory leave credited (in terms of the Basic Conditions of Employment Act) during a 12 (twelve) month leave cycle must be taken within 6 (six) months of such accrual. The balance of the annual leave must be taken within the 12 (twelve) month period, following the period of accrual.

Employees on fixed term contracts are entitled to 1 days leave for every 17 days worked per month or 1.25 days if the employee works a full month.

Leave balances in excess of 25 days is seen as excessive, and should be monitored and brought to the employee's attention. As from 1 April 2003 leave may not accumulate. It is the responsibility of the employee to ensure that annual leave is taken within his/her leave cycle. All leave in excess of the 25 days must be taken within six months after the end of the employee's previous annual leave cycle. Leave not taken will be forfeited. The annual leave cycle commences on the employee's anniversary date and the period of the cycle will be twelve (12) months.

Leave over and above the annual leave entitlement (i.e. negative balances) will be deemed as unpaid leave unless previously authorised by management.

Employees are only entitled to take the number of days accumulated at the time leave is applied for.

No employee will be allowed to take leave during his/her notice period.

Public Holidays which fall during employees' period of leave do not count as part of annual leave.

2.4 Sick Leave

All members of staff are entitled to a sick leave entitlement as follows:

- 30 (thirty) working days per over a three year cycle on full pay.

The company shall be entitled to require evidence of medical incapacity as provided for in terms of the basic Conditions of Employment Act, before granting paid sick leave:

- The company is not required to pay an employee if the employee has been absent from work for more than two consecutive days or on more than two occasions during an eight-week period and, on request by the employer, does not produce 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.
- The medical certificate must be 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 council established by an Act of Parliament.
- If it is not reasonably practicable for an employee who lives on the employer's premises to obtain a medical certificate, the employer may not withhold payment in terms of subsection (1) unless the employer provides reasonable assistance to the employee to obtain the certificate.

Despite the sick leave entitlement referred to above, during the first 6 months of continuous employment an employee is entitled to 1 day paid sick leave for every 26 days worked or 1 hour for every 26 hours worked.

The employer reserves the right to request a medical certificate after one day absence if excessive incidence of sick leave exists.

On termination sick leave has no cash value. Sick leave not taken, cannot be accumulated, and falls away at the end of each 3 year (36 month) cycle.

Note – The above do not apply to an inability to work caused by an accident or occupational disease as defined in the Compensation for Occupational Injuries and Diseases Act, 1993 (Act No. 130 of 1993), except in respect of any period during which no compensation is payable in terms of this Act.

2.5 Maternity Leave

Maternity leave is granted to employees subject to the following:

- 3 months paid maternity leave is granted at 33% of basic salary only.
- A fourth month, if required, will be granted as unpaid leave.
- Employees may take accumulated annual leave prior to the commencement of maternity leave.
- The paid maternity leave is only paid for two pregnancies. Maternity leave in excess of the two will be granted as unpaid maternity leave.
- Leave and sick leave will continue to accumulate during maternity leave and the employees bonus or increment date is not advanced.
- The company contribution of both medical aid and pension/provident continue to be paid in full. It is recommended that the employee's contribution be paid before proceeding on maternity leave. In exceptional cases the employee's pension/provident contribution may be suspended.
- All arrangements with regard to pension/provident and medical aid, UIF card etc, should be discussed and finalised with your Unit Manager/Department Head and Human Resources Department prior to commencement of leave.
- Human Resources are to confirm all maternity arrangements, including date of return to work at least 4 (four) weeks, in writing prior to commencement of leave **(see ANNEXURE 3A: MATERNITY LEAVE CONTRACT**).
- The maternity policy also applies to mothers adopting a baby and runs from time of adoption.

An employee may commence maternity leave:

- At any time from four weeks before the expected date of birth, unless otherwise agreed. Maternity leave should be taken one month prior to confinement (i.e. 36 weeks into pregnancy); or
- on a date from which a medical practitioner or midwife certifies that it is necessary for the employee's health or that of her unborn child.

An employee may return to work/commence duty:

- No employee will be allowed to work for six weeks after the birth of her child, unless a medical practitioner or midwife certifies that she is fit to do so.
- May return two months after confinement. An earlier return to duty will be allowed with medical documentation to support an early return.

Miscarriage:

An employee who has a miscarriage during the third trimester of pregnancy or bears a stillborn child is entitled to maternity leave for 6 (six) weeks after the miscarriage or stillborn, whether or not the employee had commenced maternity leave at the time of the miscarriage or stillbirth. This must be substantiated by a Medical Certificate.

Protection of employees before and after birth of a child:

The company will as far as possible protect employees before and after childbirth.

2.6 Family Responsibility Leave

Staff members with at least 4 (four) months' service within the company is entitled to 3 (three) days family responsibility leave per leave cycle.

The above will apply where an employee's child is sick.

Before paying an employee the company will require medical evidence to support an application for Family Responsibility Leave. Family responsibility leave will only apply to own, step or adopted children.

An employee may take family responsibility leave in respect of the whole or a part of a day.

An employee's unused entitlement to leave in terms of this section lapses at the end of the annual leave cycle in which it accrues.

2.7 Compassionate Leave

In the event of death or life-threatening illness of immediate family, employees may apply for compassionate leave to attend to domestic arrangements.

Immediate family is regarded as:

- Spouse or life partner
- Own, step or adopted children
- Parents
- Biological brothers or sisters
- Legally adopted brothers or sisters
- Parents-in-law
- Own Grandparents
- Own Grandchildren

Compassionate leave of between 3 – 5 days per incident may be granted at management's discretion. Compassionate leave will only be paid when proof is provided (e.g. death certificate, medical evidence etc).

2.8 Paternity Leave

At time of birth of own children, 3 – 5 days paternity leave may be granted. Proof of birth must be supplied.

Paternity leave will also apply in cases of adoption.

2.9 Unpaid Leave

To provide employee with a facility which will enable them to take unpaid leave if and when the occasion arises that such a facility is required.

- Unpaid leave, must where possible be applied for in advance, and a leave form must be completed
- Unpaid leave is at management's discretion and the right is reserved to decline this leave in the event that management is not satisfied with the merit of the application
- An employee will be required to take unpaid leave in the event that both Sick Leave and Annual leave have been exhausted. In this event the employee must be advised in writing that any absence will be treated as unpaid
- Unpaid leave must be deducted from salaries in the month following the period of absence.

2.10 Study Leave

All leave for study purposes must be by prior agreement between the Company and the employee and will be given for company approval courses. Timeous submission of the examination roster is essential for proper leave planning. All study leave is subject to

discussion with and approval by the appropriate authority. The following general conditions will apply:

- Employees are to submit an application form for leave together with the examination roster, at least one month in advance for proposed study leave.
- Employees are entitled to the day of the exam and 1 day prior to the exam, i.e. two working days per subject with a maximum of 4 exam sittings per year.
- In order to qualify for study leave, staff members undertake not to resign from the company for a period of 1 year or a period equal to the length of the period of study leave. The company may grant staff members' permission to resign within this period provided staff members refund the company.

2.11 Encashment of Leave

It is not company policy to enchase any leave. Encashment of leave will be at the sole discretion of the CEO or HR Manager.

Procedure

Employees who wish to encash leave must apply in writing to the Human Resources Department. The application must be accompanied by a motivation and a recommendation from the Regional Manager.

Each individual application for leave encashment will be considered on its merits.

If an application for encashment is approved by the CEO or HR Manager the following minimum requirements will apply to all such applications:

- The minimum requirement of two weeks annual leave has to be taken in each leave cycle.
- The employee has taken at least 10 days annual leave in the past twelve months.
- The employee has a balance of 10 days annual leave to cover the minimum requirements in the next twelve months.
- The employee may not encash more than 10 days.

The encashment of leave may only take place via the payroll system during the normal monthly payroll and will be subject to taxation.

Annual leave encashment is calculated on Basic pay and is paid at the rate applicable in the month in which it is encashed.

Note - Basic pay is defined as all monies payable excluding all shifts or occupational allowances.

3. LOANS

3.1 General Loans

It is company policy not to grand any personal loans. No personal loans will be granted under any circumstances.

General loans for home improvements are available form the Provident Fund Administrator. The application for these loans is subject to the approval form the fund and Management.

3.2 Loans for Study Assistance

3.2.1 Objective

To provide a degree of financial assistance to permanent employees who wish to further their education and to develop in a direction that is mutually advantageous for employees and the company.

3.2.2 Procedure for Study Loan Assistance

The scheme will work on a system whereby the company shall pay for all approved courses of study (excluding books, stationery, accommodation etc) at the outset of the course and reclaim the total amount over a period equal to the duration of the course. A rebate depending on results is applicable as per details on paragraph 4.

All applications for study loans must be routed through the National Human Resources structures with appropriate recommendations from line managers. Official documentation from the proposed course must accompany the application **(see ANNEXURE 3B: APPLICATION FOR STUDY ASSISTANCE)**.

Applications to be evaluated and approvals coordinated on a National basis to ensure consistency within the given guidelines. Authorisation to be obtained from National level.

Rebate of the loan will be subject to the following rules and conditions:

- Passes of 75% and above would entitle the employee to a 50% rebate of total fees.
- Pass marks of between 50 – 74% would entitle the employee to a 25% rebate of total fees
- Below 50% or failure of the course would result in a “no-rebate” situation.

Non completion due to non-attendance for reasons other than health would bar the employee from future applications for a two-year period and a repayment of the loan in full.

Study loan amounts may not exceed one month’s gross salary.

3.2.3 Undertaking by Employee

On completion of your study course, the employee irrevocably undertake unless the parties agree in writing to the contrary, to work for and to be employed by National Renal Care for a period equal to the duration of your study course. Such period shall be undertaken at the department/unit where the employee works at the time of completion of studies, unless otherwise agreed to by National Renal Care. Such period shall exclude periods of unpaid leave, maternity leave or extended sick leave taken by the employee **(see ANNEXURE 3C: STUDY CONTRACT)**.

In the event that the employee fail or refuse for whatever reason to comply with the above requirement, the employee shall be obliged and required and irrevocably undertake to refund to National Renal Care the amount equivalent to the outstanding costs incurred by National Renal Care for the studies. Any relevant reimbursements received by National Renal Care in terms of the Skills Development Act will be taken into consideration in the calculation of such outstanding costs. Such refund is due and payable within one (1) month of the employee indicating such failure or refusal, unless otherwise agreed by both parties.

In the event of employees leaving our employ for whatever reason, the full balance outstanding on the study loan shall be repayable on termination.

Employees will be required to complete the necessary documentation and submit the relevant documentation in support of their application.

4. UNIFORM POLICY

4.1 ADMINISTRATIVE/NON DIALYSIS STAFF

4.1.1 Objective of dress code

The purpose of a dress code is to build and enhance the status and image of National Renal Care employees and to project a professional corporate image.

The dress code will apply equally to all administrative staff (males and females) at all levels in the company. The only time the dress code does not need to be adhered to, is by special instruction of management in the event of a special occasion.

4.1.2 Official Dress Code

- All administrative staff must be presentable at all times.
- Working attire must appear neat and professional at all times and this refers to clothing, clean and neat hair and nails and groomed makeup (where applicable). Loose seams, hems and lost buttons are not acceptable.
- Acceptable shoes or sandals to be worn at all times.
- Court shoes or lace up shoes should be worn with stockings.
- The wearing of jewellery should be limited to earrings, watched, necklaces and bracelets, the wearing of any other facial jewellery (eye rings, lip rings) will not be considered presentable. Religious jewellery will be allowed if presentable and prior authorisation should be obtained from management.

The following items may not be worn to work (unless a special arrangement exits i.e. casual day):

- takkies
- jeans
- tracksuits
- T-shirts
- Revealing or overly tight clothing
- Shorts

The dress code is versatile as there is no specific corporate uniform for administrative staff, and exceptions on the above will only be considered for medical reasons or if allergies are experienced. The latter must will only be considered if supported by a medical certificate.

Staff need to match their clothing as far as colours of clothing items and shoes are concerned and any accessories should be worn in a professional manner to compliment clothing.

4.2 DIALYSIS/UNIT STAFF

4.2.1 Objectives

The purpose of a corporate uniform is to build and enhance the status of National Renal Care employees and to project a professional corporate image.

This policy will apply to all members of staff who are required to wear the approved corporate uniform designated for their job category.

This policy covers the Corporate issue and does not include protective / safety clothing which remains a Unit decision.

4.2.2 Uniform Allocation

Permanent staff will receive uniform issues, which will be determined by their job category. Frequency of issue will be every 18 months, or such period as is deemed reasonable.

The following allocation will apply:

4.2.2.1 Unit Staff (Nurses, Technologist, Students, Stock Controllers and Support Staff):

- 3 Nursing suits (Pajamas)

4.2.2.2 Acute Staff:

- 3 tops / 2 bottoms

4.2.2.3 Technical Staff:

- 3 tops / 2 bottoms

4.2.3 Corporate colours:

The corporate colours are Navy, Light Blue, White and a corporate print.

4.2.4 Uniform Issues

- Orders are placed on the 7th of each month. Delivery will be between 4 and 6 weeks from date order placed.
- The anniversary date for all dialysis staff becomes the same i.e. delivery date of main issue and then every 18 months thereafter or such period as deemed reasonable. Individual anniversary dates will fall away.
- There will be 2 order forms to be completed. One for the company issue and another for any private orders (optional issues) the staff may wish to make. Private orders will be for the staff member's own account and must be placed through the Human Resources/Uniform Coordinator. Private accounts may be deducted from payroll over a 3-month period.
- For staff commencing employment after the fitting/delivery date, they will have to order uniforms and then fall in line with the company's anniversary date. Staff joining our employ within 9 months of the next issue date will wait for the annual issue.
- The supplier will control the fitting ranges.
- Contract and sessional staff will not qualify for staff uniforms but will be required to conform to the corporate colours and adhere to the dress code.
- The staff member is responsible for size selection, and the supplier cannot be responsible for changes in size between fitting and delivery. Such changes will not warrant a return / replacement.
- Once orders are signed by the staff member no cancellation or alteration will be accepted.

4.2.5 Delivery of Uniforms

- Uniforms will be delivered separately packed in a plastic bag for each staff member with a delivery note. The Unit Manager or designated person at the unit should

check this against the order form. Any incorrect or faulty orders should be reported to the Uniform Coordinator immediately.

- In the event of a dispute between the parties of any kind or nature, upon the written request of either party, each of the parties will appoint a senior representative from management whose task it will be to meet for the purpose of resolving such dispute. Such representatives will discuss the matter in dispute and negotiate in good faith in an effort to resolve the dispute on amicable terms. No formal proceedings may be commenced until either or both of the designated representatives conclude in good faith that amicable resolution through continued negotiation of the matter in not likely to occur.

4.2.6 Accounting Procedure

- When the fit is confirmed the order is to be signed by the Unit Manager and the staff member.
- The delivery note is to list each separate order with the staff name and a total of the garment orders. It is to be checked and signed by the co-ordinator.
- The Human Resources Manager is to reconcile the delivery notes against the statement. Regular audits on this are to be conducted by the Financial Manager.
- The Human Resources Official /Uniform Co-ordinator is to maintain a staff register showing name, number, section, date uniform ordered and date issued. The Financial Manager will use this schedule to check that there are no ghost orders, duplicated orders or orders over and above the agreed renewal basis.
- Monies from private orders/special orders must be accounted for.

4.2.7 General Guidelines

4.2.7.1 Adherence to Uniform Policy

Although the corporate uniform is designed to be versatile, certain exemptions will be considered on the following grounds:

- Religious Requirements
- Jewish – Yarmulke
- Muslim – Scarves in compliance with corporate uniform
- Other religious beliefs will be considered if supported by means of a letter from the congregational / religious leader.
- Medical reasons
- If allergies are experienced and supported by medical certificate
- Pregnant employees – may wear maternity apparel (in corporate colours)

4.2.8 Loss of garments

Stolen, damaged or soiled garments will be replaced at the employee's own cost.

4.2.9 Alterations

The supplier will not be responsible for alterations. Any alterations will be for the employee's own cost.

4.2.10 Purchase of additional Garments

Employees who wish to purchase additional units of clothing, or optional items that are available, may only buy that which is designated in their job category. The costs of private orders / optional items is for the employees own account and must be paid for in cash or by means of a stop order on their salary.

4.2.11 Laundering of Garments

Will be as advised by the supplier.

4.2.12 Protective Clothing

All staff working with patients are to protect themselves at all times by wearing the necessary protective clothing and or equipment i.e. safety glasses, gloves etc. which will be provided by the company. The company will not be held responsible for any injuries or infections which may occur as a result of staff members not wearing the prescribed protective clothing and or equipment.

All protective clothing and or equipment will remain the property of the company and must be returned on termination of employment.

4.2.13 Extreme sizes

Where extreme sizes are not available, the supplier will provide the fabric and pattern and the employee will need to arrange their own tailoring. The costs of such tailoring will be for the employee's own account.

4.2.14 Employees leaving our employ

Where uniforms have been issued these becomes the property of the employee.

4.2.15 Uniform Dress Code

- It is compulsory for all staff to wear their uniforms in such a way that the corporate image of NRC is enhanced. It is expected of temporary/agency/sectional staff to dress within the corporate colours.
- Uniforms must only be worn during working hours at NRC Units and to travel to and from work, they may not be used for private purposes.
- Staff who wear uniforms must appear neat and professional at all times. Loose seams, hems and lost buttons are not acceptable.
- NRC name badges must be worn at all times.

4.2.16 Accessories

- Navy jerseys, jackets and coats may be worn when not undertaking direct patient care, and are available from a standard range with the supplier. The costs of these orders / optional items is for the employees own account and must be paid for in cash or by means of a stop order on their salary.
- Acceptable clogs with rubber soles or closed shoes may be worn with pajamas, if tackies are worn, they should be neat and clean. Tackies may be white, navy or black. The costs of foot wear is for the employees own account.
- Hair must always be clean and neat. Hair must be away from the face and for persons involved in nursing care, be tied up for infection control purposes and standards.
- Jewellery must be patient friendly and not cause any injuries, and should be worn in a professional manner to compliment the uniform.
- Hands and nails must be well looked after. Nail polish is acceptable but should be neat. Nail polish colour should compliment the uniform.

- Staff should always be neat and groomed in order that a professional image is portrayed.

4.3 SUPPORT STAFF (HEALTHY START, TRAINING PRACTITIONERS AND OTHER)

4.3.1 Objective of dress code

The purpose of a dress code is to build and enhance the status and image of National Renal Care employees and to project a professional corporate image.

The dress code will apply equally to all support staff (males and females). The only time the dress code does not need to be adhered to, is by special instruction of management in the event of a special occasion.

4.3.2 Official Dress Code

This policy will apply to all support staff that will be required to wear the approved corporate uniform designated for their job category. The approved corporate uniform will be the same as the approved Acute Uniform (information and suppliers available from HR).

It is compulsory for all staff to wear their uniforms in such a way that the corporate image of NRC is enhanced. Staff who wears uniforms must appear neat and professional at all times. Loose seams, hems and lost buttons are not acceptable.

NRC name badges must be worn at all times.

4.3.2.1 Non Clinical Duties:

During the performance of non-clinical duties all support staff (males and females) will be required to wear the prescribed uniform.

4.3.2.2 Clinical Duties:

During the performance of clinical duties all support staff (males and females) will be required to wear the prescribed uniform and or the general nursing issue (pajamas).

4.3.2.3 General Dress Code Guidelines

The following items may not be worn to work (unless a special arrangement exits i.e. casual day):

- takkies
- jeans
- tracksuits
- T-shirts
- Revealing or overly tight clothing
- Shorts

Exceptions on the above will only be considered for medical reasons or if allergies are experienced. The latter must will only be considered if supported by a medical certificate.

Staff need to match their clothing as far as colours of clothing items and shoes are concerned and any accessories should be worn in a professional manner to compliment clothing.

4.3.3. Uniform Allocation

All Support staff will receive a fixed allowance every twelve months for the purpose of purchasing corporate wear. This allowance may be reviewed yearly.

4.3.4 Corporate colours:

The corporate colours are Navy, Light Blue, White and a corporate print.

4.3.5 Uniform Issues

- Staff is responsible to place their own uniform orders yearly. Orders are to be placed as soon as an employee commences employment or are appointed in a support role.
- The anniversary date for all support staff becomes the same i.e. delivery date of main issue and then every 12 months thereafter or such period as deemed reasonable. Individual anniversary dates will apply.
- Oder forms need to be completed. One for the company and one with the supplier. Only uniform orders with an official NRC order will be paid. Private orders will be for the staff member's own account and must be placed by the staff member in his/her personal capacity.
- NRC order must be placed through the Human Resources/Uniform Coordinator.
- Uniform orders in excess of the fixed allowance will be for the staff member's own account and may be deducted from payroll over a 3-6 month period.
- The supplier will control the fitting ranges.
- The staff member is responsible for size selection, and the supplier cannot be responsible for changes in size between fitting and delivery. Such changes will not warrant a return / replacement.
- Once orders are signed by the staff member no cancellation or alteration will be accepted.

4.3.6 Delivery of Uniforms

- Uniforms will be delivered in terms of the agreement with the supplier. Any incorrect or faulty orders should be reported to the Uniform Coordinator immediately.
- In the event of a dispute between the parties of any kind or nature, upon the written request of either party, each of the parties will appoint a senior representative from management whose task it will be to meet for the purpose of resolving such dispute. Such representatives will discuss the matter in dispute and negotiate in good faith in an effort to resolve the dispute on amicable terms. No formal proceedings may be commenced until either or both of the designated representatives conclude in good faith that amicable resolution through continued negotiation of the matter in not likely to occur.

4.3.7 Accounting Procedure

- General policy applies.

4.3.8 General Guidelines

4.3.8.1 Adherence to Uniform Policy

Although the corporate uniform is designed to be versatile, certain exemptions will be considered on the following grounds:

- Religious Requirements
- Jewish – Yarmulke
- Muslim – Scarves in compliance with corporate uniform
- Other religious beliefs will be considered if supported by means of a letter from the congregational / religious leader.
- Medical reasons
- If allergies are experienced and supported by medical certificate

- Pregnant employees – may wear maternity apparel (in corporate colours)

4.3.9 Loss of garments

General policy applies.

4.3.10 Alterations

The supplier will not be responsible for alterations. Any alterations will be for the employee's own cost.

4.3.11 Purchase of additional Garments

General policy applies.

4.3.12 Laundering of Garments

Will be as advised by the supplier.

4.3.13 Extreme sizes

Where extreme sizes are not available, the supplier where possible will provide the fabric and pattern and the employee will need to arrange their own tailoring. The costs of such tailoring will be for the employee's own account.

4.3.14 Employees leaving our employ

General policy applies.

4.3.15 Accessories

- Navy jerseys, jackets and coats may be worn when not undertaking direct patient care, and are available from a standard range with the supplier. The costs of these orders / optional items is for the employees own account and must be paid for in cash or by means of a stop order on their salary.
- Acceptable clogs with rubber soles or closed shoes may be worn with pajamas, if takkies are worn, they should be neat and clean. Takkies may be white, navy or black. The costs of foot wear is for the employees own account.
- Hair must always be clean and neat. Hair must be away from the face and for persons involved in nursing care, be tied up for infection control purposes and standards.
- Jewellery must be patient friendly and not cause any injuries, and should be worn in a professional manner to compliment the uniform.
- Hands and nails must be well looked after. Nail polish is acceptable but should be neat. Nail polish colour should complement the uniform.
- Staff should always be neat and groomed in order that a professional image is portrayed.

5. MEDICAL AID

5.1 Introduction to Medical Aid

All employees are required to join the Company's Preferred Medical Scheme, as a condition of service, unless proof is provided of membership of another scheme. The Company will only subsidise the Preferred Medical Scheme .The scheme is subsidised by a fixed R-value per employee on the scheme.

The current Medical Scheme was chosen by NRC, following lengthy investigations into market practice and taking into account employee requirements.

The fund works on various options from which an employee can elect from. The employee is responsible to choose the option best suited to his/her individual needs.

Membership of the Medical Aid will terminate on the last working day or on retirement. The company will not be responsible for medical aid cover for retired employees.

5.2 Medical Aid Procedure

- All new employees are required to provide proof of membership of another scheme or they will be required to join the Company's Medical Scheme
- New employees who were previously on another fund for the required period will have no waiting periods imposed (periods of membership will be according to the rules of the medical aid).
- New employees joining a medical scheme for the first time, or who have not been covered in their last position will have certain waiting periods imposed (waiting periods will be determined by the rules of the medical aid).
- Where medically appropriate, exclusions will apply.
- Once the documentation has been completed, the Application form should be sent to Human Resources before the 15th of the month in which the employee commenced service. HR will forward the application to the Administrators.
- The Administrators will produce a membership card and booklet, which will then be sent to the postal address recorded on the Application form.
- In the event of any queries or the membership number being required as a matter or urgency the Human Resources Department will liaise directly with the Administrator.
- Employees will be given an annual choice to amend medical aid options and savings levels. This choice will be given in the latter part of the year and will be effective 1 January each year. Once employees elect a new option they will not be allowed to amend during the year.

No employee will be allowed to resign from the medical aid scheme, unless they are joining another scheme or leaving our employ. Where an employee joins another scheme such termination will only be effective on the 1st of the following month. The employee should give at least one (1) month notice of his/her intention to terminate membership and or of any changes to membership.

It is the employees responsibility to correctly complete the application form and supply all relevant documentation i.e. membership certificates of previous funds. The employer will not be accountable for any delays caused by incomplete forms etc.

6. LONG SERVICE

The purpose of this section is to reward employees who have given loyal and long service with providing additional benefits in a fair and equitable manner.

6.1 Procedure

6.1.1 Human Resources

Human Resources are to produce a monthly printout reflecting all employees who qualify for long service, determined by continuous employment (NRC). Human resources will arrange for certificates to be issued and framed. Human Resources will arrange a card centrally to be sent to unit.

6.1.2 Area Manager/Regional Management

The Area/Regional Manager will receive all framed certificated for his/her relevant employee(s). The relevant Area/Regional Manger will be responsible to arrange a handing over ceremony. The Area/Regional Manger will also be responsible for the purchase of the gift voucher and flowers (order number to be obtained from OCU) to the corresponding value(s) indicated below.

6.2 Entitlement

- 5 Years
  - All employees, irrespective of category, to receive an extra 3 days leave per annum.
  - Certificates to be awarded on anniversary date.
  - R400.00 voucher.
  - Bouquet of flowers with card from CEO (value at approximately R200.00)
- 10 Years
  - All employees, irrespective of category, to receive an extra 2 days leave per annum.
  - Certificates to be awarded on anniversary date.
  - R800.00 voucher.
  - Bouquet of flowers with card from CEO (value at approximately R200.00)
- 15 Years
  - All employees, irrespective of category, to receive an extra day (1) leave per annum.
  - Certificates to be awarded on anniversary date.
  - R1200.00 voucher.
  - Bouquet of flowers with card from CEO (value at approximately R200.00)
- 20 Years
  - Certificates to be awarded on anniversary date.
  - R2000.00 voucher.
  - Bouquet of flowers with card from CEO (value at approximately R200.00)

6.3 Implementation

In respect of the above service the leave entitlement is to be implemented for all affected employees on their next leave cycle. The policy will be implemented with effect from 01 March 2005.

7. PROVIDENT FUND

Membership of the Company's Preferred Provident Fund is compulsory as from the date of employment. The contributions to the fund will be determined by the rules of the fund.

All staff must complete a nomination of dependent form. This form is supplied with the employment pack.

The fund makes provision for death and disability benefits. These benefits only apply to the employee.

The administrator is responsible to provide a provident fund booklet to the employee.

8. RETIREMENT AGE

In accordance with National Renal Care's policy, you have to retire on the last working day of the month in which you become 65 years of age. Early retirement will also be granted in accordance with the rules and benefits of the Provident Fund.

9. COMPANY CELL PHONES

Cell phones are an integral, essential and vital communication medium in facilitating efficient and effective communication between the Company, its personnel, patients, business partners, etc. when conducting business on behalf of the company.

It is the policy of the Company to reimburse key personnel/persons/areas (requiring a cellular service) for all business-related cellular costs incurred when conducting business on behalf of the company.

Method of reimbursement will be by way of a "Split-Billing" arrangement with the appointed Service Provider, and subject to the Airtime-only Categories & Limits as set out below.

9.1 CELLULAR SERVICE BILLING

Effective 1st February, 2004 all cellular services were transferred to a **"Split-Billing"** arrangement with the Service Provider. That is: -

- The Company has relinquished all existing cell phone facilities in favour of the user/s except where the service is considered an important contact number. In these instances, and at the discretion of the CEO, the Company will retain ownership.
- Effectively, the user takes ownership of the equipment and service, which he/she can use, without restrictions/limitation, in his/her personal capacity.
- All existing and future cell phone users will be required to establish a personal credit facility with the Service Provider. The Company (Operations Centre Unit will assist to facilitate this.
- All cell phone users will be subject to a maximum monthly spend-limit for business usage. (Refer to **"Spend- Limit Categories"** section below) with the **above-limit** amount being for the personal account of the user, which the Service Provider will bill directly to the user.
- The "excess" airtime usage (for the account of the user) will be at the same corporate rates/tariffs presently enjoyed by the Company.

9.2 INTERNAL CELLULAR SERVICE APPLICATIONS

Where a cellular service requirement/need has been identified, the Department/Regional Managers will formally request approval from the Operations Centre by forwarding a written motivation to the Human Resources Manager. Motivation to include name of intended user, reason for requirement, job-title/function, qualifying spend-limit category (as defined in **"Spend-Limit Categories"** table below) and duly completed **SERVICE PROIVDER** personal-account application form. (**See ANNEXURE 3D: HUMAN RESOURCES AUTHORISATION FORM**).

9.3 AIRTIME USAGE CATEGORIES AND LIMITS

As per finance policy.

PLEASE NOTE:

The above airtime-only limits are based on anticipated activity/usage and not on seniority of function/s

Under/below-limit usage in one period is not cumulative and cannot be used to offset/justify over-usage in any subsequent period/s.

Written applications by users seeking reimbursement for over-usage will only be considered if approved for submission by the user's immediate manager, and forwarded to the Human Resources Manager. Monthly subscription fee/cost will be additional to above airtime limits.

9.4 CELL PHONE APPROVALS

The Operations Centre will in every instance, approve the provision of the cellular service for the employee.

The Human Resources Department will, upon validation of the applicant's qualification for a cellular service within the appropriate function category, facilitate the lodging of application documents with the Service Provider.

9.5 CELL PHONE PROCUREMENT AND ISSUING PROCEDURE

Completed **SERVICE PROVIDER** personal-account application form, together with copies of applicant's Identity documents, cancelled cheque or Savings account statement, must be forwarded to the Operations Centre who in turn will process the application as follows: -

Forward duly completed personal account application to **SERVICE PROVIDER** (Gauteng) for supply and delivery of cell phone, on a two-year airtime contract, at negotiated Company rates.

Delivery/ies of cell phone/s will be effected direct from **SERVICE PROVIDER** to the user.

Contracts for cell phones will be limited to a 24-month period (maximum) where after an **"upgrade"** (replacement) of the cell phone will be effected and a new 24-month contract entered into. Please note that the Handset remains the property of National Renal Care and must be returned to OCU when the upgraded handset has been received by the user.

Any user wanting a different cell phone model/type to that supplied FOC (free of charge) with the upgrade can do so providing he/she bears the cost of such price-differential.

9.6 LOST/STOLEN CELL PHONES

In the event of cell phones being lost or stolen, costs for replacement thereof will be borne by the relevant user.

Should the motivation for usage have been approved, the replacement shall not be optional.

Procedure to be followed by user when cell phone is stolen:

Telephonically contact the Service Provider immediately upon discovering the theft.

Advise Service Provider of theft and request the simcard be blocked immediately.

Proceed to nearest police station and report the theft.

Obtain case/docket number from police after case has been reported.

Advise Service Provider (in writing) of police case number and instruct them to **blacklist** the cell phone.

9.7 BILLING AND ACCOUNTING PROCEDURES:

The Service Provider will direct the billings, being the **"Airtime-Limit" plus subscription cost or "actual" charges (whichever is the lesser)**, to OCU.

The excess/above-limit amount will be billed to the user, by the service provider.

Managers of the respective departments/units will peruse, allocate and authorise for payment, all billings received pertaining to their respective areas and forward for inclusion in the normal creditor processing cycle (refer creditors processing section contained in the "Finance" p & p statement).

10. COMPANY PETROL CARDS

NOT APPLICABLE

11. COMPANY CREDIT CARDS

QUALIFYING CRITERIA AND POLICY TO BE DETERMINED BY THE CEO.

It is proposed that limits be introduced depending on the employee's level in the organisation.

The company will be responsible for the monthly card payment within the monthly call limits as long as the employee qualify for the service and remains in the employ of the company. All accounts in excess of the above will be for the employee's account, unless proof is provided that expenses were for business purposes.

12. PURCHASING OF EMPLOYEE GIFTS AND PARAPHERNALIA

The purchasing of any Employee Gifts and Paraphernalia (e.g. Flowers, cards, etc) must be authorized by the CEO or Marketing Director.

Non compliance of the above requirement will render the purchaser of any of the above liable for the cost(s) incurred.

13. COMPANY E-MAIL AND INTERNET USER POLICY

13.1 Introduction

This policy describes National Renal Care's guidelines with regard to:

13.1.1 use of company owned or sponsored personal computers, laptops, notebooks, and related hardware and company owned software;

12.1.2 access to and disclosure of electronic mail messages sent or received by employees or contractors of the company with use of the Company's e-mail system.

13.2 Management's Right to Access Information

National Renal Care respects the individual privacy of its employees. However, employee privacy does not extend to the employee's work-related conduct or to the use of Company-provided equipment or supplies. You should be aware that the following guidelines may affect your privacy in the workplace.

The electronic mail system has been installed by National Renal Care to facilitate business communications. Although each employee has an individual password to access this system, it belongs to the Company and the contents of e-mail communications are accessible at all times by National Renal Care's management for any business purpose. These systems may be subject to periodic unannounced inspections, and should be treated like other shared filing systems. All system passwords and encryption keys must be available to Company management, and you may not use passwords that are unknown to your supervisor or install encryption programs without turning over encryption keys to your supervisor. All e-mail

messages are Company records. The contents of e-mail, properly obtained for legitimate business purposes, may be disclosed within the Company without your permission. Therefore, you should not assume that messages are confidential. Back-up copies of e-mail may be maintained and referenced for business and legal reasons.

13.3 Personal Use of E-Mail and Internet Facilities

Because National Renal Care provides the electronic mail and internet system to assist you in the performance of your job, you should use it for official Company business. Incidental and occasional personal use of e-mail is permitted by National Renal Care, but these messages will be treated the same as other messages. National Renal Care reserves the right to access and disclose as necessary all messages sent over its e-mail system, without regard to content. Since your personal messages can be accessed by National Renal Care's management without prior notice, you should not use e-mail to transmit any messages you would not want read by a third party. For example, you should not use the National Renal Care's e-mail for gossip, including personal information about yourself or others, for forwarding messages under circumstances likely to embarrass the sender, or for emotional responses to business correspondence or work situations. In any event, you should not use these systems for such purposes as soliciting or proselytizing for commercial ventures, religious or personal causes or outside organizations or other similar, non-job-related solicitations. If National Renal Care discovers that you are misusing the e-mail system, you will be subject to disciplinary action, which may include dismissal.

13.4 Forbidden Content of E-Mail Communications or Internet

You may not use National Renal Care's e-mail or internet system in any way that may be seen as insulting, disruptive, or offensive by other persons, or harmful to morale. Examples of forbidden transmissions, software, programmes or websites include sexually-explicit messages, cartoons, or jokes; unwelcome propositions or love letters; ethnic or racial slurs; or any other message that can be construed to be harassment or disparagement of others based on, inter alia, their sex, race, sexual orientation, age, national origin, or religious or political beliefs. Use of the Company-provided electronic communication systems in violation of this guideline will result in disciplinary action, which may include dismissal.

13.5 Password and Encryption Key Security and Integrity

Employees, other than designated Network Supervisors, are prohibited from the unauthorized use of the passwords and encryption keys of other employees to gain access to the other employee's e-mail messages.

13.6 Corporate Policy Guideline

13.6.1 Acceptable uses of the Internet and company e-mail

The company provided Internet and e-mail access is intended to be for business reasons only. The company encourages the use of the Internet and e-mail because they make communication more efficient and effective. However, Internet services and e-mail are company property, and their purpose is to facilitate company business. Every staff member has a responsibility to maintain and enhance the company's public image and to use company e-mail and access to the Internet in a productive manner. To ensure that all employees are responsible, the following guidelines have been established for using e-mail and the Internet. Any improper use of the Internet or e-mail is not acceptable and will not be permitted.

13.6.2 Unacceptable uses of the Internet and company e-mail

The company e-mail and Internet access may not be used for transmitting, retrieving or storage of any communications of a discriminatory or harassing nature or materials that are

obscene or X-rated. Harassment of any kind is prohibited. No messages with derogatory or inflammatory remarks about an individual's race, age, disability, religion, national origin, physical attributes or sexual preference shall be transmitted. No abusive, profane or offensive language is to be transmitted through the company's e-mail or Internet system. Electronic media may also not be used for any other purpose which is illegal or against company policy or contrary to the company's best interest. Solicitation of non-company business or any use of the company e-mail or Internet for personal gain is prohibited.

13.6.3 Communications

Each employee is responsible for the content of all text, audio, programmes or images that they place, retrieve or send over the company's e-mail/Internet system. No e-mail or other electronic communications may be sent which hides the identity of the sender or represents the sender as someone else or someone from another company. All messages communicated on the company's e-mail/Internet system should contain the employee's name.

Any messages or information sent by an employee to another individual outside of the company via an electronic network (e.g., bulletin board, online service or Internet) are statements that reflect on the company. While some users include personal "disclaimers" in electronic messages, there is still a connection to the company, and the statements may be tied to the company.

All communications sent by employees via the company's e-mail/Internet system must comply with this and other company policies and may not disclose any confidential or proprietary company information.

13.6.4 Software

To prevent computer viruses from being transmitted through the company's e-mail/Internet system, there will be no unauthorized downloading of any unauthorized software. All software downloaded must be registered to the company. Employees should contact the designated Network Supervisor if they have any questions. National Renal Care is not responsible for material viewed or downloaded by users from the internet, users accessing the internet do so at their own risk.

13.6.5 Copyright Issues

Copyrighted materials belonging to entities other than National Renal Care may not be transmitted by employees on the company's e-mail/Internet system. All employees obtaining access to other companies' or individuals' materials must respect all copyrights and may not copy, retrieve, modify or forward copyrighted materials, except with permission of the designated Network Supervisor. Failure to observe copyright or license agreements may result in disciplinary action up to and including termination.

13.6.6 Security

The company routinely monitors usage patterns for its e-mail/Internet communications. The reasons for this monitoring are many, including cost analysis/allocation and the management of the company's gateway to the Internet. All messages created, sent, or retrieved over the company's e-mail/Internet are the property of the company and should be considered public information. The company reserves the right to access and monitor all messages and files on the company's e-mail/Internet system. Employees should not assume electronic communications are totally private and should transmit highly confidential data in other ways.

13.6.7 Violations

Any employee, who abuses the privilege of company facilitated access to e-mail or the Internet, will be subject to corrective action up to and including termination. If necessary, the company also reserves the right to advise appropriate legal officials of any illegal violations.

The following general guidelines may be used for the purposes of taking disciplinary action against employees.

	Category	**1st Occurrence**	**2nd Occurrence**	**3rd Occurrence**	**4th Occurrence**
1.	Loading illegal software or offensive material onto a company computer	Final Written Warning / Dismissal			
2.	Accessing pornographic or discriminatory material	Written Warning	Final Warning	Dismissal	
3.	Changing the configuration of computer hardware or software without proper authorisation	Verbal Warning	Written Warning	Final Warning	Dismissal
4.	Removing a computer, software or hardware from company premises without authorisation	As per the Company's disciplinary code on theft / unauthorised possession			
5.	Purchasing computer equipment without proper authoirsation	Written Warning	Final Warning	Dismissal	
6.	Contracting for the development of computer software or related services without proper authorisation	Written Warning	Final Warning	Dismissal	
7.	Accessing information available on company computers or networks to which you are not properly authorised	Final Warning	Dismissal Warning		
8.	Distributing harassing, embarrassing, sexually explicit or otherwise unlawful or inappropriate information (e-mail or files)	Final Warning	Dismissal		

13.6.8 Email Signatures

All email messages are required to have the following standard signature and disclaimer attached to all outgoing messages.

Name of Sender
Designation of Sender
Telephone Number:
Facsimile Number:
Email address:

"The information contained in this communication is confidential and may be legally privileged. It is intended solely for the use of the individual or entity to whom it is addressed

and others authorised to receive it. If you are not the intended recipient you are hereby notified that any disclosure, copying, distribution or taking action in reliance of the contents of this information is strictly prohibited and may be unlawful. National Renal Care is neither liable for the proper, complete transmission of the information contained in this communication nor any delay in its receipt."

13.6.9 Queries and Clarification of Policy

Where an employee is uncertain as to the content of this policy, or requests further clarification issues which are addressed in this policy they are required to contact the designated Network Supervisor for clarification.

13.6.10 Virus Protection

All employees are to ensure that their computer is enabled with the Company approved virus protection software. To avoid the transmission of viruses, employees should first scan diskettes or CD-ROM's for resident viruses prior to accessing information on the diskettes or CD-ROM's.

Where an employees suspects that an email message or an attachment, diskette or CD-ROM may contain a virus he/she is required to contact the designated Network Supervisor.

13.6.11 Use of Personal Computers, Hardware and Related Company Assets

Personal computers, hardware, software and related company assets, must be safeguarded against environmental hazards (dust, excessive heat, damp, lightning etc) and unauthorised use at all times.

As with other Company assets, no computer hardware or software may be removed from the Company's premises without authorisation from the employee's supervisor.

Laptops and other moveable computer devices must be locked away or secured when the employee is away from his/her work area. While an employee is away on extended absence from the workplace, not making use of such devices or on leave must be handed to the Supervisor for safekeeping.

Purchases of all computer hardware, software, and peripheral hardware must be approved by the employee's Departmental Manager and the CEO in accordance with Company purchasing procedures.

All computer, hardware and software problems must be reported to the designated Network Supervisor for resolution.

All employees who use company e-mail and internet must sign **ANNEXURE 3F - COMPANY E-MAIL AND INTERNET USER AGREEMENT.**

14. COMPANY CARS

Insurance excess payments

All drivers of company are liable for excess payments in the event of an accident. Should it be proved that the driver of the company car were not responsible for the cause of the accident, and our insurer are able to claim the excess from the guilty party's insurance, your excess payment will be refunded to you. Please note that National Renal Care is not responsible for any excess payments.

Modifications to company cars

No modifications of any nature are allowed to be made to company cars without the authorisation of the CEO.

Extras

Any extra's fitted to the car e.g. Radio, CD player, Tow bar etc. is for the account of the person using the vehicle. These extras once approved by the CEO must be paid immediately on presentation of the suppliers invoice. NRC will under no circumstances be liable for any payment not authorised by the CEO in writing.

Private use of company cars

No private use of the pool cars is allowed unless authorised by the CEO. All fuel used for private use, is for the account of the authorised user.

Authorised drivers

Only employees of the company are allowed to drive company cars. No exception unless authorised in writing by the CEO and subsequent completion and signature of the terms and conditions applicable to the use of company assets (**ANNEXURE 3E: ASSETS HANDED TO STAFF MEMBER**).

New drivers

All new authorised drivers will be subject to the provisions of this policy and insurance excess payments.

Log Books

Pool cars must have log books. Log books to be completed on a trip to trip basis. Failure to keep a log book will result in the withdrawal of the vehicle.

Maintenance

Company cars to be serviced according to the specifications of the dealer and or manufacturer. Company cars must always be kept clean and tidy. No smoking is permitted in any company car.

15. SALARY ADVANCE

15.1 Objective

To provide a degree of financial assistance to permanent employees in the case of emergencies or funerals.

15.2 Procedure for Advances

- Applications for advances must be made on the salary advance form (**see ANNEXURE 3G)** and the employee must sign the accompanying acknowledgement of debt **(see ANNEXURE 3G).**
- The complete form must be submitted to HR in order to confirm that it is in accordance with the policy criteria.

15.3 Policy Criteria

- The advance must not exceed 25% of the employee's monthly gross salary. Where the advance is taken over two months the amount will be dived into two equal payments and each deduction may not exceed 25% of the employee's monthly gross salary.

- The advance must be deducted in the month that it was taken if paid on or before payroll cut-off. The HR Director can approve that the advance is deducted over a maximum period of two (2) months.
- The advance can only be granted three (3) months after the previous advance has been paid off (if applicable).

15.3 Authorisation

- The HR Director authorise the advance in terms of policy considerations.
- The CEO or Financial Director authorises the payment of the advance.

ANNEXURE 3A

NATIONAL RENAL CARE MATERNITY LEAVE CONTRACT

Name: _____ **Date:** _____

Rank: _____ **Department:** _____

RE: Maternity Leave Contract

Please note the following information regarding your maternity leave.

1. Details and dates for leave
   - 1.1 Annual leave from _____ to _____ total days ____
   - 1.2 Maternity Leave from _____ to _____ total days ____
   - 1.3 Unpaid leave from _____to _____ total days _____
   - 1.4 Due back on duty _____

2. Three (3) months paid maternity leave may be taken at 33% of your basic salary.
3. You may take one month unpaid leave (as per company protocol). This must be approved prior to commencing your maternity leave and will be clearly marked on your UIF card.
4. While you are on unpaid leave, the company will continue to pay the company contributions of both medical aid and pension/provident fund. You will be expected to make arrangements regarding your share of these deductions. Where the employee chooses to suspend her contribution to the provident fund the employer will only continue to pay the risk benefit (approximately 3%). These arrangements must be made with the Human Resources Department before commencing your leave.
5. While you are on maternity lave you will continue to accumulate annual and sick leave and your bonus / date is not advanced
6. If applicable, a UIF card will be available to you on your last working day and we will assist you wherever possible in obtaining maternity benefits.
7. If you terminate your service during maternity leave you will be held liable for any monies paid for the period that you have received remuneration from the company whilst being on maternity leave. You will have to repay what you earned during the period of paid (one third of basic salary) maternity leave.
8. The company has elected to pay you one third of your basic salary for the first three months of maternity leave. You hereby agree to remain in the company's service for minimum period of six months of returning to work. Failing this, you have to repay the full amount earned during the period of maternity leave.

Finally we would like to take this opportunity of wishing you and your family a happy confinement.

Retirement fund instruction form member: _____

Medical Aid instruction form member: _____

Other instructions from HR: _____

Yours sincerely

_____ _____

CEO **HUMAN RESOURCES MANAGER**

I ACKNOWLEDGE AND ACCEPT THE ABOVE CONDITIONS

_____ _____

Signature **Date**

ANNEXURE 3B

POLICY DOCUMENT AND APPLICATION FOR STUDY ASSISTANCE

Objective

To provide a degree of financial assistance to permanent employees who wish to further their education and to develop in a direction that is mutually advantageous for employees and the company.

Procedure for Study Loan Assistance

The scheme will work on a system whereby the company shall pay for all approved courses of study (excluding books, stationery, accommodation etc) at the outset of the course and reclaim the total amount over a period equal to the duration of the course. A rebate depending on results is applicable as per details on paragraph 4.

All applications for study loans must be routed through the National Human Resources structures with appropriate recommendations from line managers. Official documentation from the proposed course must accompany the application.

Applications to be evaluated and approvals co-ordinated on a National basis to ensure consistency within the given guidelines. Authorisation to be obtained from Regional level.

Non completion due to non-attendance for reasons other than health would bar the employee from future applications for a two-year period and a repayment of the loan in full.

Study loan amounts may not exceed one month's gross salary.

Undertaking

On completion of your study course, you hereby irrevocably undertake unless the parties agree in writing to the contrary, to work for and to be employed by National Renal Care for a period equal to the duration of your study course. Such period shall be undertaken at the department/unit where you work at the time of completion of studies, unless otherwise agreed to by National Renal Care. Such period shall exclude periods of unpaid leave, maternity leave or extended sick leave taken by you.
In the event that you fail or refuse for whatever reason to comply with the above requirement, you shall be obliged and required and hereby irrevocably undertake to refund to National Renal Care the amount equivalent to the outstanding costs incurred by National Renal Care for your studies. Any relevant reimbursements received by National Renal Care in terms of the Skills Development Act will be taken into consideration in the calculation of such outstanding costs. Such refund is due and payable within one (1) month of you indicating such failure or refusal, unless otherwise agreed by both parties.

In the event of employees leaving our employ for whatever reason, the full balance outstanding on the study loan shall be repayable on termination.

Employees will be required to complete the necessary documentation and submit the relevant documentation in support of their application.

STUDY LOAN REQUEST FORM

Employee Details

Employee Name : _____ Emp No: _____

Department/Unit where employed : _____

Date Employed : _____ Current Position: _____

Current Salary : _____ Amount of Loan : _____

Repayment Plan : _____

Details of Study

Name of Institution : _____

Proposed Study Field : _____

Recommended by Manager: _____

If for any reason my services with NRC are terminated whilst there is still a balance on this loan owing, I then authorise the company to deduct the full balance outstanding from any monies due to me.

I understand and accept all conditions as outlined in the Study Assistance Policy:

_____ _____
Employee Signature Date

All conditions compiled with: _____ _____
(**Human Resources)** Date

Final Authorisation: _____ _____
(Chief Executive Officer) Date

Paid by Cheque Number: _____ Date: _____

ANNEXURE 3D

HUMAN RESOURCES AUTHORISATION FORM

NAME OF EMPLOYEE: _____

POSITION: _____

DEPARTMENT/ UNIT: _____

_____

(Please tick where appropriate)

1. **CELL PHONE AUTHORISATION**

   CATEGORY : …….. USER LIMIT : …… ☐

2. **PROCUREMENT (BUSINESS) CARD** ☐

   User Limit : R …….

   Bank Limit (not to exceed) R ……. (FOR OFFICE USE)

Authorised by (signature) : ……..
: **CEO**
Date : ……..

Comments: _____

_____

ANNEXURE 3E

ASSETS HANDED TO STAFF MEMBER

NAME OF EMPLOYEE: _____

POSITION: _____

DEPARTMENT/ UNIT: _____

_____

(Please tick where appropriate)

Assets Issued to staff member. Please tick the applicable item(s):

☐ **Office Keys**

☐ **Laptop**

☐ **Cellular Phone**

☐ **Petrol Card**

☐ **Credit Card**

☐ **Safe Keys**

☐ **Nedinform Card(s)**

☐ **Company Car**

Assets received back from staff member on termination etc. Please tick the applicable item(s):

☐ **Office Keys**

☐ **Laptop**

☐ **Cellular Phone**

☐ **Petrol Card**

☐ **Credit Card**

☐ **Safe Keys**

☐ **Nedinform Card(s)**

☐ **Company Car**

I, ……. Hereby acknowledge that I have read and understand the terms and conditions and policies applicable to the above, I also hereby authorize the company to make any relevant deductions from my salary regarding the loss damage regarding the possession of the above company property.

Signed : ……. Date : ……..

ANNEXURE 3F

COMPANY E-MAIL AND INTERNET USER AGREEMENT

Employee Agreement

I have received a copy of National Renal Care's Company Policy Guideline on e-mail/Internet acceptable use. I recognize and understand that the company's e-mail, Internet and/or intranet systems are to be used for conducting the company's business only. I understand that use of this equipment for private purposes is strictly prohibited.

I understand that this e-mail/Internet company guideline applies to me.

I have read the aforementioned document and agree to follow all policies and procedures that are set forth therein. I further agree to abide by the standards set in the document for the duration of my employment / contract with the Company.

I am aware that violations of this company guideline on e-mail/Internet acceptable use may subject me to disciplinary action, up to and including discharge from employment.

I further understand that my communications on the Internet and e-mail reflect the Company, world-wide to our competitors, consumers, customers and suppliers. Furthermore, I understand that this document can be amended at any time.

_____ _____
Employee Signature Date

_____
Employee Printed Name

ANNEXURE 3G

SALARY ADVANCE FORM

Employee Details:

Employee Name: _____ Department: _____

Employee No: _____ Amount: _____

Details of any other extraordinary deductions: _____

_____

Reason for advance: _____

_____

I apply for the abovementioned salary advance and authorise National Renal Care to deduct the loan repayments from my Salary as follows:

_____

If for any reason my services with the Hospital are terminated whilst there is still a balance on this advance owing, I then authorise the Company to deduct the full balance from any monies due to me.

Date: _____ Signature: _____

Recommended:

_____ _____
(Unit Manager/Department head) Date

In accordance with Policy:

_____ _____
(Human Resources department) Date

Approved:

_____ _____
(CEO) Date

OFFICE USE ONLY

Period Employed: From _____To _____ Year(s) _____ Month(s) ____

Outstanding Loans (NRC): _____ Other Loans: _____

Current Salary: R _____

Paid by Cheque No: _____ Date: _____

ACKNOWLEDGMENT OF DEBT

Employee Details:

Employee Name: _____ Department: _____

Employee No: _____ Amount: _____

This is to certify that I _____ have received an R _____ salary advance from National Renal Care.

I hereby authorise National Renal Care to deduct the advance from my Salary as follows: _____ or, at the sole discretion of the Manager, or, should I leave National Renal Care in whatsoever manner.

I understand that, as the granting of salary advances has been suspended/cancelled, this is a special concession by Directors and Management.

This advance must be kept in the strictest of CONFIDENCE.

_____ _____

Signature Employee **Date**

_____ _____

Signature Witness **Date**

OFFICE USE ONLY

Paid by cheque No: _____ **Date:** _____

Cheque Issued by: _____ Date: _____

SECTION FOUR – EMPLOYMENT PRACTICES

To ensure that that the application of all employment practices affecting staff are fair, consistent and equitable.

1. KEEPING OF RECORDS

It is company policy that all employment records are kept for the minimum time periods as stipulated by the relevant legislation governing employment relations.

The following records will be kept by the company for the time periods as depicted:

- Accident records – 7years
- Application for job – unsuccessful – 1year
- Apprentice records and remuneration – 3years
- Expense accounts – 4yers
- Payrolls – 7years
- Personal records of executives – Permanent
- Salary revision schedules – 7years
- Staff records after employment ceases – 7years
- Tax returns – employees – 4years
- Time and piecework records – 7years
- Unemployment insurance card – Until service terminated
- Wage and Salary records incl Overtime – 7years
- Workmen's Compensation documents – 3years

2. SMOKING POLICY

We have a non-smoking policy in all of our buildings. Smoking is only permitted in specially designated areas.

3. SELLING OF GOODS ON COMPANY PROPERTY

Employees will only be allowed to sell goods or other paraphernalia on company where prior written approval has been obtained from the CEO.

This policy also applies to external people who would like to either demonstrate or sell their products on the company's premises (including lunch times).

4. SECURITY SEARCHES

It may be necessary from time to time to search employees or their cars when they enter or leave the company's premises. The purpose thereof is to ensure the security of all Company property, staff, patients and their families.

This policy has been incorporated in the letter of employment and by signing the acceptance the agree that National Renal Care or an agent authorised by National Renal Care, may search the employee, or a container in the employee's possession, or vehicle driven by the employee or under the employee's control or supervision when he/she enter National Renal Care's property or premises, and when the employee is within National Renal Care's property or premises, and when the employee leave National Renal Care's property or premises. The employee also agree that National Renal Care may search, or authorise an employee or agent to search any desk, box, cabinet locker or container or place used or occupied by the employee or in the employee's possession or under the employee's control. The above searches will be conducted in the employee's presence, or the presence of an employee representative.

5. THEFT, MISAPPROPRIATION OF COMPANY PROPERTY

Employees must ensure that they obtain permission before removing any property form company property. Permission must be obtained from the person in charge of the Unit/Department (see ANNEXURE 4A: PERMISSION TO REMOVE ITEMS FOR PRIVATE USE).

6. CORPORATE SPONSORSHIP AND GIFTS

The following process must be adhered to in order to ensure that all dealings with suppliers and or business partners are conducted in a professional and ethical manner.

No employee may approach any supplier of business contact for donations / sponsorships or gifts without the approval of the CEO.

For corporate sponsorship / donations, all requests must be approved by the CEO, and the request should be made by a member of the Management Team.

In the event that a supplier wishes to make a gift for example over Christmas, such gift may not exceed R500 in value or as approved by the CEO.

Please note that any Gift received from any third party over the value of R500.00 must be declared and entered into the NRC gift register kept by the HR director. Declaration can be made via e-mail.

Employees found requesting gifts and or donations shall be subject to disciplinary action which may include dismissal, as we regard this as a breach of integrity.

All suppliers shall be notified of the above policy by the Regional Teams.

7. TIME KEEPING

7.1 RECORDING OF ATTENDANCE

It is company policy that all employees will have to sign on and off in the official attendance register provided.

It is the responsibility of the Unit/Department Manager to ensure that staff signs the attendance register on a daily basis.

This section also applies to sessional, temporary and casual staff.

7.2 HOURS OF WORK

7.2.1 Administrative Staff

The hours of work in respect of administrative staff shall be 40 (forty) hours per week excluding lunch times.

All employees will be required to work 8 hours per day. The latter excludes lunch time.

7.2.2 Dialysis/Unit Staff

The hours of work in respect to unit staff (Nurses, Technologist, Students, Care Workers, and Support Workers shall be 42 hours per week including lunch times.

The daily hours will be determined by the requirements of the unit.

7.3 OFFICIAL HOURS

7.3.1 Administrative Staff

The official hours of duty of an employee on working days, unless otherwise stated in the staff member's letter of appointment, shall be as follows:

- 07H30 to 16H00 (Including lunch time of 30 minutes)
- 08H00 to 16H30 (Including lunch time of 30 minutes)
- 08H30 to 17H00 (Including lunch time of 30 minutes)

The allocation of these times will be at the discretion of the departmental manager and must fit in with the operational requirements of the department.

The above are working hours do include tea breaks. Where tea breaks are granted, the tea breaks should be taken according to the requirements of the Department.

The services of a member of staff shall, within reason, be available to the company outside of normal working hours.

7.3.2 Dialysis/Unit Staff

The official hours of duty will be determined in accordance with the operational requirements of the unit in which the employee is employed.

The allocation of these times will be at the discretion of the unit manager and must fit in with the operational requirements of the unit.

The above are working hours do include tea breaks. Where tea breaks are granted, the tea breaks should be taken according to the requirements of the Department.

The services of a member of staff shall, within reason, be available to the company outside of normal working hours.

7.4 Variation

Notwithstanding the provisions of paragraph 7.2.1 and 7.2.1, the hours of duty of a staff member may be prescribed by the operational requirements of the company, department or unit, provided that the working hours per working day shall not exceed the statutory limits.

The official hours referred to in paragraph 7.3.1 and 7.3.2 may be varied with the approval of the CEO/Regional Manager/Head of Department by application of “flexi time” as defined. Permission to work “flexi time” shall be at the sole discretion of the CEO/Regional Manager/Head of Department concerned, and may be withdrawn or varied at any time. The core time during which staff is required to be on duty is 08h45 to 15h45.

7.5 Lunch Time

The company requires employees to take at least 30 minutes lunch per day. It is the responsibility of the employee to take lunch during the times prescribed by his/her unit or department. No lunch time may be accumulated in order to take time off in any working day. Employees may also not accumulate tea time in order to extend lunch time. Employees who decide to take lunch for longer than the official 30 minutes will have to extend their working time as accordingly.

7.6 Infringements

The following incidents are regarded as infringements of the Time Keeping system:

- Signing on without your Manager’s authorisation more than 5 minutes after your scheduled starting time or on more than four occasions in any four week cycle.

- Signing off without your manager/supervisor's authorisation more than 5 minutes before your scheduled time on more than four occasions in any four week cycle.
- Failing to sign on when you arrive for work.
- Failing to sign off when you leave work.
- Failing to sign off and on when you leave the workplace during working hours.
- Allowing another staff member to complete the register on your behalf.

Any infringement will be handled according to the disciplinary procedure.

The Unit/Department Manager must encourage their Staff members to follow the Time Keeping Procedures closely, as this will ensure that attendance and time worked are accurately recorded.

7.7 Management Responsibilities

All Departmental and Unit Managers are responsible to check the attendance registers on a weekly basis. Managers must check these records in detail and deal with all exceptions, these being absenteeism and short time. These must be recorded on the monthly exception report. These must be submitted to the Regional Manager on a Monthly basis. The Manager must sign the report and initial all the changes before it is submitted to the Regional Manager.

These reports will be filed and used for reference and audit purposes.

Overtime sheets must accompany the report sent to Regional Managers. These will serve as a second control mechanism to ensure that the correct overtime have been included on the report. The report is submitted to the Regional Manger for approval.

ANNEXURE 4A

PERMISSION TO REMOVE ITEMS FOR PRIVATE USE

Date : _____
Item : _____

Quantity : _____

Asset Register Number : _____

Handed to : _____

Reason : _____

_____

I, _____ Unit/Department Manager of _____ certify that permission has been granted for the above item / s to be removed from the premises.

_____ _____
Signature Date

(This form is to be issued to all units/departments and must be completed in duplicate. One copy to be handed to Security, the other copy to be retained by the person removing the item).

SECTION FIVE - WORKPLACE RELATIONS

1. OBJECTIVES OF WORKPLACE RELATIONS

To effectively regulate the interaction between the employer and employees, this section outlines mechanisms:

- To ensure that any action is taken at the lowest possible level
- To ensure fair and equal treatment and consistent treatment for all employees
- To facilitate both upward and downward communication.

2. DISCIPLINARY PROCEDURE

2.1 POLICY STATEMENT

It is management's belief that a formal Disciplinary Procedure is essential for the efficient operation of the business, the safety, fair and consistent treatment of all employees and for ensuring healthy industrial/employment relations. To achieve this aim, the following principles must be observed:

a. Administering discipline is the duty of management.

b. Management will, in the first place, seek to correct an employee's poor performance or conduct through informal counselling by his direct supervisor. The latter will be an attempt to apply discipline promptly at the lowest possible level.

c. Management will apply the formal disciplinary process only when informal counseling has been unsuccessful or the actions of the employee have been such that informal counseling is inappropriate.

d. Management accepts that no employee will be disciplined without a fair hearing and an opportunity to clearly state his case, unless the employee in question waives this right by failing to attend such a hearing through his/her own choice. In such an instance, the hearing can/may proceed in his/her absence.

e. Clear evidence of a breach of the Organisation rules and regulations or unsatisfactory performance must be established prior to dismissal by means of the proper disciplinary procedure.

f. Careful consideration must be given to the circumstances before disciplinary action is taken.

g. Management will strive, whenever possible and with due regard to the circumstances of each case, to be consistent in taking disciplinary action.

h. The contents of any document handed to the employee in terms of this disciplinary procedure shall be explained to him/her.

i. An employee against whom disciplinary action has been instituted in terms of the disciplinary procedure shall not be entitled to invoke the grievance procedure of the company should he she disagree with the disciplinary action taken by management.

2.2 Disciplinary Procedure

Disciplinary Investigation

In instances where facts of the incidents are unclear an investigation will be arranged to verify the facts of the alleged breach of the Disciplinary Code. No disciplinary action will be taken as a result of the investigation but based on the evidence found it may be decided that a disciplinary hearing should be arranged at a later date.

Handling Discipline in an Informal Way

Informal discipline takes place when the Manager, based on the evidence or information obtained from witnesses or at an enquiry, is of the opinion that it is not so serious to warrant a formal hearing.

Informal discipline is carried out on a consultation basis between the employee and Manager.

Please note that it is still important to keep record of this consultation and to file it in the employees' file unless the employee is found not to be guilty.

To assist managers to manage absenteeism in the workplace a checklist is provided **(see ANNEXURE 5A: SUPERVISORS CHECKLIST FOR ABSENTEEISM)**.

Formal Discipline in a Formal Way

In the event where the Manager who investigates the alleged transgression believes there is sufficient evidence to support his/her case and that it is a serious or repetitive transgression, he/she will initiate a formal disciplinary hearing.

Step 1: Initiating a disciplinary hearing

When a complaint has been received or there is an apparent offence requiring disciplinary action:

- The employee must be notified by his Manager or any other person who has the authority to represent Management, that a disciplinary hearing will take place.
- The notification must be in writing and must state the following :
    - Nature of the alleged offence
    - When and where the hearing will take place
    - Details of the Chairperson
    - The employee's rights

It is also important to ensure that it is done in a language that the employee can reasonably understand. Minimum of 48 working hours (2 working days) of the hearing should be given to the employee concerned. The employee should also be advised of his/her right to be assisted by a shop steward or fellow employee. The disciplinary procedure must commence within 5 working days of being notified of the alleged offence and be concluded within 30 days, unless otherwise mutually agreed upon.

Suspension on Full Pay:

In special circumstances where serious misconduct is or appears to be involved, an employee may be suspended pending the disciplinary hearing. This suspension is without prejudice to the employee in any way whatsoever.

Reasons to suspend an employee on full pay before a disciplinary hearing:

a. The employee may change the evidence or interfere with witnesses. This may be the case if an investigation is to begin or is in progress.
b. The employee's presence may affect the productivity of other employees.
c. The nature of the unacceptable behavior is such that the employee / employer relationship is seriously affected.

Suspension must be done in writing giving the following information:

a. Reason for the suspension.
b. The date the employee must return to work or the date by which he/she will be contacted again. In the case of when the employee will be contacted again, how he/she will be contacted again. Suspension should never be open-ended but may be extended.
c. What access he/she has to his/her workplace during the time of the suspension. From whom he/she must get permission in order to visit his/her workplace. (In the case of a disciplinary hearing he/she may want to contact his/her representative or to arrange witnesses.)

Step 2: Conduct the hearing

The hearing is conducted in accordance with the Checklist.

Step 3: Evaluate the evidence

Assess and evaluate the evidence in terms of which evidence is:

- Corroborated
- Not denied
- Contradicted Materially

Consider the reliability and consistency of witnesses' testimony.

Consider whether the complaints (charges) are appropriate and correct in light of the evidence present.

Consider which version on balance of probability (i.e. Reasonable to believe) is most likely. (Where reasonable doubt exists, this should favour the alleged offender.)

Prepare and write down your findings under the following headings:

- Complaints
- Alleged offender's submissions and evidence
- Other evidence put forward
- Hearing officials conclusions
- Hearing official's findings: "guilty or not guilty". The Chairperson must give reasons (i.e. why, how, when, where) for arriving at the conclusion.

Inform the employee and his representative of your findings.

Handle queries, but do not debate the findings.

Ask the employee to submit evidence in mitigation.

Adjourn to decide on the sanction to be imposed.

Step 4: Making the Decision on the Sanction to be imposed

The following questions should be evaluated by the Chairperson.

- Is the act committed by the employee a serious breach of regulations / procedures, or serious misconduct (extent of damage).

- Does the employee have knowledge of the rule and the consequences of a breach of the rule?
- Is the rule valid and has it been consistently applied.
- Consider the following :
- Intent
- Mitigating circumstances
- Employee's performance, service and disciplinary record and personal circumstances.
- Potential to rehabilitate employees behaviour
- Assess whether these factors may mitigate against the sanction.
- Consistency and precedent – has a similar offence been committed by another employee and what action was taken? Were the circumstances in that case similar or different?

Determine appropriate penalty: i.e. verbal warning, written warning, final warning or a dismissal.

Inform the employee and his representative of the penalty giving reasons for the decision in writing.

Handle queries, but do not debate the sanction. Inform the employee that he has the right to appeal to a higher level of authority and identify who this person would be. Such appeal must be in writing clearly stating reasons within 7 working days.

Types of Sanction:

Verbal Warning

A verbal warning is an informal warning of which record must be kept.

Written Warning

A written warning may be given either when a verbal warning has failed or where the offence is of such a nature that a verbal warning would not be adequate.

Final Written Warning

A final written warning may be given either where a written warning is considered inadequate because of the seriousness of the offence or where a written warning has failed. **NB: Failure to heed a final warning may result in a dismissal.**

Dismissal

Dismissal may occur where a person fails to heed a final written warning or where the severity of the offence warrants dismissal.

Retention of Warnings on Employee's file

Warnings must be retained on the employee file and are valid for the following time periods.

- Verbal recorded on file 3 months
- Written first warning 6 months
- Final warning 12 months

The full disciplinary records should be on file, inclusive of supporting documentation.

General

- When dismissals take place due to the severity of the misconduct, the employee may be dismissed without notice pay following a hearing.
- In the event of other dismissal the employee is entitled to notice pay.
- Consultation with Human Resources Manager should take place prior to a dismissal.

3. DISCIPLINARY CODE

To ensure orderly behavior and to regulate the interaction between the employer and employees the company has certain standards, rules and regulations. The disciplinary code is intended to provide a framework of these standards, rules and regulations which ensures that employees know and understand what the company is expecting from them and what the employees can expect. The disciplinary code also prescribes the penalties which are likely to be imposed by the company should employees transgress the rules. The Disciplinary code provides examples of minor and major transgressions which may lead to disciplinary action and the code is not intended to be exhaustive of possible offences nor prescriptive for the only disciplinary sanction.

3.1 Introduction to the Disciplinary Code and Procedure

a. The implementation of the disciplinary code and procedure by the company is important to ensure the effective functioning of the organization, and to achieve the set goals and objectives. The disciplinary procedure is therefore the instrument by means of which the organization can maintain effective discipline in the workplace.

b. The disciplinary code and procedure is intended to provide a framework of these standards, rules and regulations which ensures that employees know and understand what the company is expecting from them and what the employees can expect in terms of disciplinary action should an employee transgress any rule or deviate from appropriate behavior.

c. The Company may exercise disciplinary action against an employee for good cause not stipulated in the Disciplinary Code.

d. Every employee has the right, if he so wishes, to be assisted in any disciplinary action by a colleague or co-worker of his choice. The representative may present evidence, cross-question witnesses and raise questions.

e. Unless the action of misconduct warrants summary dismissal as per the disciplinary code, an employee will not be dismissed without having had the benefit of a disciplinary hearing.

f. Employees should be given at least 48 hours prior notice of the holding of a disciplinary enquiry.

g. The Company shall apply the provisions of the Labour Relations Act No. 66 of 1995, and any other related amendments to the Act, if so effected.

h. The Disciplinary Code as reduced in matrix form is only to serve as a guideline in terms of the appropriate disciplinary penalty. Although this is the recommended disciplinary action, a degree of flexibility should be maintained in order to apply the appropriate degree of discipline.

i. The Disciplinary Code and Procedure is not intended to and does not set out all the grounds on which disciplinary steps may be taken and the common-law grounds for discipline and termination of employment exist hand-in-hand with this disciplinary code and procedure. Where there are not specific regulations set out, integrity, ethical behavior and responsibility should be a guide.

j. The Human Resources Manager may be requested to give guidance or assistance at any stage of the of the disciplinary

3.2 Definitions

"Management" shall include employees from supervisory level upward for the purpose of discipline.

"Management" is defined as those capacities with authority to discipline and counsel and is specifically described as: Supervisors, Managers, Director and Executive Officer.

"Day" shall mean, for the purpose of this procedure, a normal working day and including Sunday, Saturday and Public Holidays.

"Conduct" (misconduct) by an employee is interpreted to be the unauthorised and / or inappropriate action by the employee in contravention of the rules and regulations of this code.

"Capacity" (incapacity) shall be defined as the sub-standard performance of an employee in contravention of the organisation code by reason of incapacity due to illness / poor performance.

"Disciplinary Hearing" refers to a formal meeting, chaired by a manager of the company or any of the companies subsidiaries, to obtain the relevant facts of the allege misconduct, and to take the necessary corrective action.

"Operational Requirements" is defined as the functional demand of the operation by reason of technological, economical and practical restructuring.

"Employee Representative" shall mean a colleague or co-employee.

"Appeal" refers to a meeting, chaired by an independent senior manager, to review the case on the merits, where the employee feels that a disciplinary hearing/enquiry has not been properly conducted, that all evidence has not been taken into account or that certain mitigating circumstances exists, which were not taken into account by the chairperson of the disciplinary hearing.

3.3 GENERAL RULES

a. Disciplinary action should strive to be corrective or constructive.

b. Discipline and dismissal are regarded as part of Management's responsibility (as per the Disciplinary Code) which will be exercised:

- Where the work performance or behavior of employees deviates from the accepted standards.
- Where the work performance or behavior of employees is unsatisfactory.
- Where the employee fails to meet his/her terms and conditions of employment.
- To prevent/resolve conflict in the establishment.

c. The severity of disciplinary action will depend upon the circumstances of each case and mitigating factors will be given proper attention. Importantly, the penalties set out in the code are intended to act as guidelines. Circumstances may therefore justify the imposing of a penalty more or less severe than that recommended in the guidelines.

d. Although contravention of the code may also constitute criminal acts, the company shall not be precluded from acting in terms of this procedure where criminal steps against the employee have been taken or from initiating criminal steps against the employee at any time.

e. As the offences stated in the code are not intended to be exhaustive, the company may exercise disciplinary action against an employee who has committed an offence, which has not been stated in the disciplinary code.

f. The managers responsible for exercising disciplinary action will use their discretion and on occasions may prefer to give a verbal warning for a minor transgression.

g. A verbal and written warning shall remain valid for a period of six working months.

h. A third offence, or unrelated offences, warranting a written warning could result in dismissal pending the outcome of the disciplinary enquiry save for the final written warning which will remain valid for a period of twelve working months.

i. The signing of a verbal/written warning by an employee means that he/she acknowledges receipt thereof, and not acceptance of the contents. Should he/she deny the allegations contained therein, it must nevertheless be signed by the applicable employee. An appeal may be lodged against said given warning. If an employee refuses to sign a written warning, the written warning shall nevertheless be valid and operative.

j. Warnings to employees are cumulative only if warnings issued are in the same offence category as per the Code. Written warnings will be kept in the employee's personal file even after expiration only in order for "The Company" to retain a comprehensive history of each employee's performance during the employment contract.

k. Employee representative are required to obtain permission to be absent from their places of work in order to act in terms of this procedure, which permission shall not be unreasonably withheld. The employee representative, with the consent of the employee concerned, shall be entitled to have sight of the disciplinary record of the employee.

l. If a manager referred to herein is unavailable, the company may designate another manager to deal with the matter.

m. The employee shall be entitled to appeal internally in respect of a disciplinary enquiry, consequent to which the employee was dismissed.

n. As the disciplinary process is an in-company procedure, neither party will be represented by a person who is not an employee of the company. This shall not, however, preclude the company appointing a person who is not an employee as chairperson of any hearing in terms of this disciplinary code and procedure.

o. The Disciplinary Code forms part of the terms and conditions of employment and applies to all employees of "The Company".

p. "The Company" is entitled to suspend an employee on full pay pending an investigation into any breach of the Disciplinary Code or the Employment Contract.

q. An employee should be willing to submit himself/herself to a breath test and/or a blood test by a qualified doctor should his/her behavior / performance necessitates this.

r. Where the employment of an employee is terminated with notice, Management may pay the employee in lieu of the appropriate notice period and may require the employee to physically leave the place of employment and "The Company's" premises immediately.

s. Summary dismissal means termination of employment without notice and without payment in lieu of notice.

t. Management may, as an alternative sanction to dismissal (which is regarded as the ultimate sanction) suspend and employee without pay for a period commensurate with the severity of the particular disciplinary offence.

u. In the event that an employee wishes to challenge a finding after the exhausting of the procedure, the employee may refer the issue to the Commission for Conciliation, Mediation and Arbitration for conciliation and/or arbitration or to the Labour Court or any other body agreed upon by the parties.

3.4 DISCIPLINARY CODE OF OFFENCE

Examples of offences which may lead to penalties such as summary dismissal, dismissal with notice pay, suspension or a verbal, written or final written warning are stated below:

Classification of offence	**Offence**	**Action 1st Offence**	**Action 2nd Offence**	**Action 3rd Offence**	**Action 4th Offence**
Offences relating to absenteeism and other time keeping obligations	Leaving company premises while on duty without authorisation.	Written Warning	Final Written Warning	Dismissal	
	Leaving place of duty while on duty without authorisation.	Written Warning	Final Written Warning	Dismissal	
	Unauthorised absence from work without a valid reason.	Written Warning	Final Written Warning	Dismissal	
	Loitering in the cloakrooms or on company premises while on duty.	Written Warning	Final Written Warning	Dismissal	
	Failing to report absence to company at the earliest possible opportunity.	Written Warning	Final Written Warning	Dismissal	
	Bad time keeping such as late coming or leaving work early.	Verbal warning and/or counseling	Written Warning	Final Written Warning	Dismissal
	Failing to produce a medical certificate when required to do so.	First Written Warning	Final Written Warning	Dismissal	
	Failing to report for overtime work when agreed to do so without a valid reason.	Final Written Warning	Dismissal		
	Desertion – Absent from work for five or more consecutive working days without valid reasons.	Dismissal			
	Fraudulent timekeeping, such as clocking via another employee or allowing another employee to clock one in.	Dismissal			
Offences relating to work ethic and the employee's work obligations	Negligence in carrying out duties.	Final Written Warning	Dismissal		
	Gross negligence in carrying out duties.	Dismissal			

	Dereliction of duty	Final Written Warning	Dismissal		
	Gross Insubordination or insolence.	Final Written Warning	Dismissal		
	Refusal to carry out lawful instruction.	Final Written Warning	Dismissal		
	Poor quality of work, or failing to maintain company standards.	Verbal Warning and/or counseling	Written Warning	Final Written Warning	Dismissal
	Poor Work Performance	Verbal Warning and/or counseling	Written Warning and/or counsellin g	Final Written Warning	Dismissal
	Sleeping on duty	Dismissal			
	Having financial or other interests in the business of a supplier, competitor or any interest in a business which might be construed as a conflict or interest, without written authorisation from the company.	Dismissal			
	Failing to comply with company procedures.	Written Warning	Final Written Warning	Dismissal	
Offences relating to Company Property and Assets	Theft or fraud from or in respect of the company, a fellow employee, patient, supplier or visitor.	Dismissal			
	Intentional or grossly negligent damage to company, visitors, suppliers', patients' or employee's property or loss of company property.	Dismissal			
	Poor maintenance or neglect of equipment, material, vehicles or any company property.	Final Written Warning	Dismissal		
	Driving a company vehicle without authority.	Dismissal			
	Reckless or negligent driving on company premises or use of company vehicle.	Final Written Warning	Dismissal		
	Removal of company property without authority from the company.	Dismissal			
	Being in possession of company property without	Dismissal			

	authorisation.				
	Excessive personal use of company telephones, e-mail or internet.	Written Warning	Final Written Warning	Dismissal	
	Using company property for personal purposes without written authority.	Dismissal			
	Using company property for the distribution or accessing of offensive material or information.	Final Written Warning	Dismissal		
	Accepting or giving or taking steps to acquire or give gifts or money from or to a supplier, client, employee or their agent which does or could give the appearance of being capable of influencing actions.	Dismissal			
	Disclosing company records or information of a confidential nature without authorisation.	Dismissal			
	Failing to report damage to company property, employees', patients' or visitors' property immediately.	Written Warning	Final Written Warning	Dismissal	
	Industrial espionage or bribery.	Dismissal			
Offences of dishonesty.	Any dishonesty, including conspiracy, theft (or attempted theft), fraud (or attempted fraud), forgery or giving false or misleading statements to the company or to patients, suppliers, employees or persons having dealings with the company.	Dismissal			
	Misappropriation of company property.	Dismissal			
	Changing a medical certificate or using a false one.	Dismissal			
Offences to the person or dignity of a fellow employee or any other person the employee comes into	Abusive or insulting language, signs or behavior.	Final Written Warning	Dismissal		

contact with the course of his/her work.					
	Serious disrespect, impudence or insolence.	Dismissal			
	Promoting or engaging in racist incitement of being racially abusive or engaging in discriminatory behavior based on sex, creed, political beliefs, sexual orientation or the like, including jokes of this nature.	Dismissal			
	Harassment, including sexual harassment, unsolicited sexual behavior, innuendo, suggestion or gesture and other inappropriate behavior of a sexual or discriminatory nature.	Dismissal			
	Threat to employees, patients, suppliers or visitors.	Dismissal			
	Assaulting a person or fighting with any person or persons linked to the company, whether on or off company premises or unruly behavior.	Dismissal			
Offence of intimidation.	Intimidating or inciting employees, including in respect of unlawful work stoppages.	Dismissal			
Offences relating to Health & Safety	Creating or causing or allowing any condition or situation at work that could endanger the general safety or health of employees or other persons or which caused injury.	Dismissal			
	Failure to use protective clothing and/or equipment when required.	Written Warning	Final Written Warning	Dismissal	
	Failure to carry out company health and safety policies and procedures.	Final Written Warning	Dismissal		
	Smoking in a non-smoking area.	Final Written Warning	Dismissal		
	Failing to immediately report an accident or injury on duty.	Final Written Warning	Dismissal		
Alcohol or	Under the influence of	Final	Dismissal		

drug related offences	alcohol or drugs on company premises (unauthorised).	Written Warning			
	In possession of alcohol or drugs not prescribed to the possessor on company premises.	Final Written Warning	Dismissal		
	Unlawful distribution of alcohol or drugs on company premises	Dismissal			
Possession of dangerous weapons	Being in possession of a firearm or dangerous weapon on company premises, unless authorised by the company in writing.	Final Written Warning	Dismissal		
Breach of company security measures.	Failing to submit to a search.	Dismissal.			
	Being present in an area in which the employee is not permitted.	Final Written Warning	Dismissal		
General Offences	Breach of confidentiality, whether in respect of information regarding or belonging to the company or its patients.	Dismissal			
	Anti-competitive behaviour, engaging in any form of anti-competitive behavior.	Dismissal			
	Distributing notices, posters etc. which may be contrary to the interests of the company or distasteful, or removing or altering company notices without the company's written permission.	Final Written Warning	Dismissal		
	Abuse of company privileges	Final Written Warning	Dismissal		
	Unauthorised statements or comments to the press or third parties regarding the company.	Final Written Warning	Dismissal		

3.5 Disciplinary procedures

a. Discipline should be initiated as soon as reasonable practicable after the alleged transgression comes to the attention of management.

b. Management shall be required to determine whether the alleged transgression constitutes misconduct or is more properly dealt with as incapacity or poor performance, in which regard it would be more appropriate in the first instance to counsel an employee in an endeavor to have the employee meet the standards required by the company. It should be noted that in this process relating to incapacity or poor performance (which is not the subject matter of this Disciplinary Code and Procedure), it may be appropriate to warn the employee formally (and in appropriate circumstances, progressively) so that the employee is aware that continued incapacity or poor performance could result in the termination of the employee's services.

c. Management shall in all circumstances be required to determine the appropriate level of disciplinary action to be initiated against the employee by having regard to the provisions of the code and the circumstances of the alleged offence.

d. It is envisaged in terms of this procedure that an employee shall be entitled to representation by a fellow employee or shop steward if one is chosen.

e. Prior to taking disciplinary action an employee is to be informed of the fact that formal disciplinary action is to be initiated and the nature of the allegations against the employee as well as the employee's right to representation.

f. Where possible, disciplinary action should be taken by the transgressing employee's direct line manager.

g. Any party to the disciplinary process is entitled during this process to obtain guidance from senior management in respect of the procedures contemplated in the disciplinary process as well as in respect of previous decisions taken by the company in respect of the particular allegation facing the employee.

3.5.1 Suspension

During an investigation into any offence allegedly committed by an employee and/or pending the institution and/or finalisation of disciplinary action, a manager may decide that in the interests of the employee and/or the company, the employee should be suspended from work on full pay until the conclusion of the investigation or enquiry.

Step 1

3.5.2 Warnings

It shall not be necessary to give an employee written notice of the allegations an employee or to provide advance notice of the allegations when it is anticipated that only a verbal or written warning could result.

Verbal Warning

In cases or minor breaches of discipline the employee's line manager, if necessary, issue a formal verbal warning to an employee in the presence of the employee's representative, if one is chosen by the employee, with a view to correcting the situation.

Written Warning

If it is believed that an employee has committed an offence and a verbal warning is inappropriate, the line manager shall make it clear to the employee that the first formal step in the disciplinary procedure is being taken.

At a meeting between the parties the complainant and/or line manager of the employee shall advise the employee of the charges and allow the employee and his representative if one has been chosen a fair and reasonable opportunity to make representations and/or to call any witnesses.

If the line manager is satisfied that a written warning is the appropriate disciplinary action, the line manager shall record an account of the offence on a warning form, indicate that the warning is a written warning, state the date the warning was issued.

The line manager shall request the employee to sign if after its contents have been explained to the employee.

If the employee refuses to sign the written warning, the written warning shall nonetheless be valid and operative. The line manager shall indicate on the written warning that the employee refused to sign.

The employee shall be given a copy of the written warning by the line manager.

The written warning form shall be submitted by the line manager for filing to the Human Resources Department.

A written warning shall lapse after 6 months and a lapsed warning shall not be taken into account in deciding subsequent disciplinary action.

Step 2

Final Written Warning and Dismissals

If a final written warning/dismissal is the disciplinary action which appears to be appropriate, a line manager shall decide whether a disciplinary enquiry is necessary and/or whether the suspension of the employee is appropriate.

In addition, the complainant shall furnish the details of the incident complained of to the Human Resources Department, of the purpose of drafting a notification to attend a disciplinary enquiry.

Before any employee is dismissed or issued with a final written warning for a breach of company rules or ethics, a disciplinary enquiry shall be convened.

3.5.3 Disciplinary Enquiries

Disciplinary enquiries should be chaired, where practical, by a manager no less senior than the employee being disciplined.

At the hearing, the following people will be present:

- the employee charged with misconduct (the accused);
- the representative of the accused (if s/he chooses to have one);
- an independent chairperson;
- the Human Resources Practitioner of the company.
- the representative of the employer, putting the charges to the employee (prosecutor);
- witnesses from both parties;
- a note-keeper (optional); and
- interpreter (optional).

The employee's rights

Every employee has the following rights which will be observed during disciplinary proceedings/enquiries:

- To be given advance warning of any charge against him/her (at least 48 hours)
- To be advised of the charge
- To be given time to prepare his/her defense.
- To be allowed a formal hearing or enquiry.
- To be present at a formal hearing or enquiry.
- To be represented at a formal hearing or enquiry by a representative of his/her choice, such representative being an employee of "The Company".
- To cross-examine any person giving evidence and to ask questions of any evidence produced.
- To call witnesses to testify on his/her behalf
- To an interpreter – if necessary – who is an employee of the company (if possible).
- To appeal within five working days against any penalty which may be imposed to a higher level of management.

The order of proceedings

At the beginning of the hearing, the **prosecutor will put the charge** to the employee. The employee will have the opportunity to **plead** guilty or not guilty. If the employee pleads guilty, the chairperson may continue to determine an appropriate penalty (after hearing submissions from parties about mitigating and aggravating factors). If the employee pleads not guilty, evidence should be presented.

The prosecutor has to **present the case of the employer** with the aim of proving on a balance of probability that the accused is guilty. The employee (or his/her representative) will then get an opportunity to **cross-examine** (question) the witnesses of the employer. Hereafter, the prosecutor has an opportunity to **re-examine** the company witnesses to clear up any confusion.

The employee then gets an opportunity to state his/her case. The **employee testifies first** and may then be **cross-examined** by the prosecutor. The employee's representative may ask him/her some questions in **re-examination** to clarify any uncertainties, which arose during cross-examination. The **employee's witnesses** are allowed to testify next. The may also be **cross-examined** by the prosecutor and may then be **re-examined** by the employee or his/her representative.

At the end of the hearing, the chairperson decides whether the employee is **guilty or not guilty**. Should the decision be that the employee is not guilty, it is the end of the matter. Should the verdict however, be that the employee is guilty, the chairperson should state his/her decision and then allow both parties (the employee or his/her representative) and the prosecutor an opportunity to state **mitigating or aggravating factors** and what the sanction should be in their view. The chairperson then has to decide on the sanction (penalty). This may be given there and then, after a short break or within a reasonable time (not more than five days). The chairperson's decision should be given **in writing, with reasons** for his decision.

The employee should be informed that s/he has a **right to appeal**. If the company does not provide for an appeal (which is not compulsory by law), the employee must be reminded that he/she could take the case further in a bargaining council, the CCMA or in another agreed way (e.g. private arbitration).

3.5.4 Mitigation

a. The chairperson of the disciplinary enquiry may request the complainant and/or the manager responsible for personnel administration to furnish evidence in mitigation/aggravation or as to severity of the offence, if any.

b. Examples of mitigating factors include:

- Length of service;
- Past disciplinary record;
- Provocation (e.g. in the case of an assault charge);
- Other circumstances;
- Remorse

c. The chairperson of the disciplinary enquiry shall only decide on the penalty after he has considered mitigating and/or aggravation.

d. The chairperson shall keep or facilitate that minutes of the enquiry proceedings are kept and shall record decisions made on the disciplinary enquiry form and shall hand the minute to a representative of the appropriate Human Resources Department, or filing.

3.5.5 Step 3

Appeals

a. A former employee or employee who regards any disciplinary action taken as unjustified may appeal against the disciplinary action in writing, within 5 days of being informed of the disciplinary action.

b. An appeal hearing shall be considered by a manager more senior than the manager who imposed the discipline. If a higher level does not exist or is not appropriate, a manager of the same level as the manager who imposed the discipline shall hear the hearing.

c. An employee wishing to lodge an appeal shall fill out an appeal form, including a statement outlining the grounds for appeal and shall hand it to the Human Resources Department for recording and for arranging an appeal hearing.

d. An appeal hearing in respect of a dismissal is not a rehearing of the disciplinary enquiry. The appeal chairperson shall hear the appeal by reading the documentation from the enquiry, including the record of the disciplinary enquiry and hearing arguments by or on behalf of the employee and the company.

e. The chairperson conducting the appeal shall exercise his/her discretion regarding whether new or additional evidence will be received from the employee of the company and whether or not any witnesses should be recalled.

f. The appeal chairperson may either approve, reject, increase or vary the disciplinary action already imposed and may, in his/her discretion, refer the matter to the disciplinary enquiry or new disciplinary enquiry into the same or similar allegations.

4. APPEALS

4.1 Procedure

Should the employee wish to appeal against the Chairperson's disciplinary sanction he/she must inform the Human Resources Department of his/her intention.

The Human Resources Department will forward the Appeal Form to the employee and will advise him/her to complete and return it within five (5) working days of the discipline taken.

The Human Resources Department will inform the complainant and alleged offender (employee) of the time, date and venue of the hearing and who the Chairperson will be in the Confirmation of an Appeal Hearing Form, once all the arrangements for the hearing have been finalised. This hearing has to take place within three (3) working days after the appeal was lodged and concluded within 30 days, unless otherwise mutually agreed upon.

All relevant documentation, pertaining to the appeal case must be given to the Chairperson and the employee (if requested) 24 hours in advance. Trade union representation may be allowed during the appeal stage.

The Chairperson must use the Appeal Checklist and Guidelines in handling the appeal.

Findings will be made available to the employee in writing within seven (7) working days.

In situations where the Chairperson has upheld the decision to dismiss, the Chairperson must inform the employee that he/she can refer the dispute to the Commission for Conciliation, Mediation and Arbitration (CCMA). The appeal hearing will be the final internal dispute resolution procedure to an employee before he can refer the dispute to the CCMA.

5. DISPUTES

5.1 What is the CCMA?

CCMA stands for Commission for Conciliation, Mediation and Arbitration and is an external dispute resolution body, independent of the state, any political party, trade union, employer and employer's organisation

The Commission is a tripartite body, made up of representatives from the state, business and labour and they all have local offices in each of the provinces.

5.2 Functions of the Commission

The Commission educates, advises, arbitrates and conciliates between two disputing parties. In our situation the dispute would be between the company and the employee.

5.3 The Dispute Resolution Process

The employee must refer the dispute to the Commission within 30 days after services have been terminated. The Commission further requires proof that a copy of the referral has been sent to the employer. The Commission will appoint a Commissioner who will attempt to resolve the dispute through Conciliation, if the latter is unsuccessful he can then either refer the dispute for arbitration or Labour Court – depending on the nature of the dispute.

The onus is on the employee to prove that a dismissal took place. If this is proved then the onus is on the employer to prove that the dismissal was fair.

6. INCAPACITY PROCEDURE

6.1 The Purpose of Incapacity Procedure

The purpose of the procedure is to assist managers/supervisors to manage incapacity efficiently by identifying the reasons for the incapacity so they can provide a structured system of assisting the employee to improve his or her performance to the required standards of work required of them in terms of their contracts of employment within a reasonable period of time.

6.2 The Process of Incapacity Procedure.

Phase 1 – Investigation

Investigate the reasons for the poor performance. That is to establish the gap between the employees' actual performance and the required standards.

Phase 2 – Communicate Performance Standards

Once the supervisor has established the gap he/she will need to set up a meeting with the employee.

At the meeting the supervisor indicates to the employee what the difference is between his/her actual performance and the required standards.

Explore and discuss the reasons for the poor performance.

Advise the employee that you wish to explore the next step. Adjourn the meeting for as long as is necessary, setting up the time for the next meeting.

On your own, consider the reasons for the poor performance, investigating further if necessary.

If the poor performance is caused by a lack of training, then remedy this. In this case call the employee in and advise him/her of the plans to provide the training.

If the poor performance is not because of training shortage, then prepare for a Performance Counselling Meeting.

Preparing For a Performance Counseling Meeting

Examine the employee's performance record. Determine whether the employee has ever performed at the required standards before.

If the employee has, then you are probably dealing with a motivation or willingness problem. If not, then it is more likely to be a capacity or incapacity problem.

Note: The unwillingness referred to above is usually caused by personal problems and should be distinguished from an outright refusal to perform, which constitutes insubordination, a form of misconduct. Insubordination should be dealt with through the Disciplinary Procedure.

Prepare for the performance counselling meeting by writing down all the relevant information with regard to the employees' performance.

Phase 3 – Holding a Performance Counseling Meeting

Advise the employee of the details, which you have established in regard to the poor performance.

Advise the employee that the company is unable to accept performance, which is below standard.

Ask the employee if there are any input/suggestions that he/she can make to resolve the problem.

Discuss any input/suggestions with the employee and try to agree on the methods to solve the problem.

Advise the employee of a reasonable date by which his/her performance will be reassessed, reinforcing the standards that must be met.

Set a date for the counselling follow up meeting and advise how he/she will be monitored in the interim.

After the meeting, record everything in writing and send a copy thereof to the employee.

Phase 4 – Monitoring Performance after Counseling

Measure the performance output as determined at the counselling meeting. Do this as often as possible and record the performance levels.

Feedback performance to the employee informally and sensitively each time it is monitored.

If the employee has improved then this should be pointed out to him/her with encouragement. If the improvement is still, however, not up to the required standards, the employee should be advised of this and encouraged to achieve higher levels.

If there is no improvement this should be fed back to the employee.

Prepare for the follow up meeting in the same way as you prepared for the original counselling meeting.

Holding a Counseling Follow up Meeting

Advise the employee of all the information gathered during the monitoring period, linking performance levels with required standards.

If performance standards are being met, then advise the employee thereof, praising him/her for achieving the level. Set a further follow up counselling meeting and continue monitoring. Carry on with this process until the employee is consistently achieving standards. Thereafter, cease further follow up meetings.

If the performance standards have not been met, then advise the employee thereof. Advise the employee that his/her inability to achieve required performance standards puts a question mark against his/her suitability for the job.

Ask the employee if he/she has any further input/suggestions or, in fact, even representations which he/she wishes to make to you considering his/her future with the organisation. Make a note of such input, and, if necessary, give the employee the extra time to consider such inputs/presentations.

Adjourn the meeting, setting a reasonable time as soon thereafter to continue with the discussion.

If it becomes evident that there has been little or no improvement in performance, remind the employee of the possible consequences i.e. termination of his/her services through an incapacity hearing.

Note: Depending on the position or level, the time period allowed for improvement will vary, e.g. an employee in a clerical position may be given up to 2 weeks where as an executive may be given 12 weeks for improvement.

Phase 5 – Holding an Incapacity Hearing

The Incapacity Hearing is similar to the Disciplinary Hearing. The employee must be:

- Notified in writing and the reason thereof.
- Given adequate time to prepare, at least three (3) days.
- Informed of his/her rights, especially with regard to an interpreter.

At the hearing an impartial chairperson chairs the meeting. Both the initiator and the employee make representations to the chairperson. The chairperson will adjourn the hearing for as long as is necessary to give final consideration to the matter.

The chairperson will reconvene the meeting and advise the employee of the outcome of the hearing, which could be termination, transfer or demotion on the grounds of poor performance/unsuitability. The termination of the contract would always be with notice pay.

The employee may appeal against the finding of the hearing, especially termination, via the Appeal procedure.

What to do if it is Not a Performance Problem

There are, however, situations, after investigation, where the supervisor realises that the employee is aware of the required standards and has previously performed to the required standards. In this situation the supervisor will be dealing with negligence and he/she can only address this by taking disciplinary action.

Poor Performance As A Result Of Ill Health or Injury

The supervisor will handle poor performance as a result of ill health or injury, in a similar manner. However, consider:

- Length of service
- Nature of job
- Nature of illness
- Prospects for recovery
- Time off the job

There is, however, a duty on the employer to:

- Accommodate employees if practicably possible, if injured on duty, although do not have to create a new position.
- Ascertain if employee is capable of doing work assigned.
- Ascertain whether duties can be adapted to suit employee.
- Ascertain whether alternative work is available.

7. SEXUAL HARASSMENT

7.1 Introduction

The Company is committed to providing a work environment that is free of any form of unfair discrimination or harassment. This includes any acts or threats that interfere with the performance at work or in study of any individual or group on account of race, gender, sex, pregnancy, marital status, family responsibility, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, political opinion, culture, language or birth.

7.2 Objectives

The company will provide policy and procedures for resolving complaints of sexual harassment to:

- promote a safe secure work environment in which the dignity of all persons is respected and which is free from sexual harassment;
- provide an internal procedure for dealing with issues and complaints of sexual harassment which may arise;
- meet the requirements the Employment Equity Act and Labour Relations Act , 1995 Code of Good Practice on the Handling of Sexual Harassment cases

7.3 General

NRC is committed to maintaining an environment within the company that is free from sexual harassment.

Sexual harassment is seen as unacceptable behaviour.

Sexual harassment is a serious issue, which undermines morale and can adversely affect the ability of staff to achieve their full potential within the company.

The company is committed to taking action to deter sexual harassment, to increase awareness that such behaviour is unacceptable and to ensure that complaints are dealt with fairly and promptly.

7.4 Definitions

Sexual harassment is defined in our legislation as “unwanted conduct of a sexual nature”. The distinguishing characteristics of sexual harassment are that it is conduct with a sexual component, which is unwelcome, unsolicited and unreciprocated.

Sexual attention becomes sexual harassment if:

- The behaviour is persisted in, although a single incident of harassment can constitute sexual harassment, and or
- The recipient has made it clear that the behaviour is considered offensive and or
- The perpetrator should have known that the behaviour is regarded as unacceptable.

It is not only the intention of the alleged harasser that is the issue, but also the complainant’s reasonable perception and experience of the alleged harasser’s behaviour.

7.5 Forms of Sexual Harassment

Sexual harassment may include physical, verbal and non-verbal conduct, which includes, but is not limited to:

Physical

Unwanted and deliberate physical contact;

Verbal

- unwelcome verbal comments of a sexual nature;
- subtle or explicit demands for, or offers of, sexual favours;
- verbal sexual harassment such as unwelcome innuendos, suggestions and hints;
- comments with sexual overtones; sex-related jokes or insults or unwelcome graphic comments about a person's body made in his/her presence or directed to him/her;
- unwelcome and inappropriate enquiries about a person's sex life; and unwelcome whistling directed at a person or group of persons.

Non-verbal

- gratuitous display of sexually explicit written or audio-visual materials;
- transmission or display of offensive email, screen savers or pornographic computer images;
- offensive gestures or actions of a sexual nature including indecent exposure or "flashing";
- persistent unwanted attention: following or stalking behaviour.

Sexual favouritism exists where a person who is in a position of authority favours those who respond to his/her sexual advances, whilst other deserving employees who do not respond to sexual advances are disadvantaged or denied opportunities for example in relation to promotion, nominations for merit awards, training opportunities, etc.

Some forms of sexual conduct, which are considered innocuous by some people, may be considered offensive by others. In addition, different social or cultural backgrounds may lead persons to perceive the same conduct differently. All staff is expected to respect the sensitivities of others especially where there may be variations in the interpretation of acceptable behaviour and accordingly cultural differences may not be used as an excuse or justification for sexual harassment.

Quid pro quo harassment, occurs where an employer, supervisor, member of management or co-employee, undertakes or attempts to influence the process of employment, promotion, training, discipline, dismissal, salary increment or other benefit of an employee or job applicant in exchange for sexual favours. Accordingly, the company has concerns where sexual harassment:

- implicitly or explicitly imposes a condition on staff recruitment, selection, appraisal or career progress;
- interferes with work performance;
- creates an intimidating or offensive working environment and undermines social functioning.

7.6 Responsibilities of all Staff

All staff has the responsibility for upholding the company's sexual harassment policy. Line managers shall have a particular responsibility to ensure that areas within their jurisdiction are free from sexual harassment. This includes:

- ensuring that staff are aware of appropriate and acceptable standards of behaviour;
- making known the company's policy, including the procedures for resolving complaints;
- taking early corrective action to deal with behaviour that may constitute sexual harassment;
- promoting awareness programs designed to prevent sexual harassment in the company.

7.7 Procedures for Resolving Complaints

The company has instituted a set of procedures, which aim to ensure that:

- complaints of sexual harassment are considered seriously and sympathetically and are dealt with promptly and confidentially;
- complainants are protected against victimisation or retaliation for lodging complaints;
- the rights of both the complainant and the alleged harasser are respected.

Where possible and appropriate, complaints should be resolved at the lowest level with a minimum of formal processes.

A person who believes she or he has experienced sexual harassment should attempt to resolve the matter by stating an objection directly to the alleged harasser. If the person feels unable to do this, or if this approach does not result in the cessation of the behaviour, the person may choose to activate the company's internal procedure.

A victim of sexual assault has the right to press separate criminal and/or civil charges against the alleged harasser and these rights are not limited by this policy.

Proceeding

Employees do not have to take formal proceedings if they do not wish to do so and it is suggested that attempts be made to resolve the problem informally in the first instance. This can be done by the employees concerned clearly explaining to the person engaging in the unwanted conduct that the behaviour in question is not welcome, that it offends him or her, or makes him or her uncomfortable, and that it interferes with his or her work.

NOTE The employee may at this stage ask for support or for the initial approach to be made by the Human Resources Manager.

Should there be no resolution to the complainant's satisfaction, formal proceedings will be instituted which will necessitate that the complaint be submitted, in writing, to the Human Resources Manager. The alleged offender will in turn be invited to state his or her case, in writing.

Complaints will be investigated within two (2) working days in as confidential a manner as possible. Management will ensure that any victimisation, which may result from lodging such a complaint, will be dealt with in the utmost severity. Likewise, management will not tolerate false accusations.

Any employee found to be guilty of having harassed another employee would be subject to appropriate disciplinary action up to and including termination of employment. Depending on

the nature and consequences of the sexual harassment, disciplinary steps may include redeployment, relocation or transfer, written warning, and dismissal. A harasser may further be required to attend relevant counselling.

A non-employee who subjects an employee to sexual harassment in the workplace will be informed of company Harassment Policy. Other action, deemed appropriate, may be taken (e.g. Informing the harasser's employer of the unwanted conduct).

The complainant may withdraw the complaint at any stage. Should the complaint not be resolved satisfactorily through internal procedures, either party may, within thirty days of the dispute having arisen; refer the matter to the Commission for Conciliation, Mediation and Arbitration (CCMA) for conciliation in terms of section 135 of the Labour Relations Act.

7.8 Confidentiality

At all stages the utmost care will be taken to ensure confidentiality.

Complainants and respondents will be advised at all stages of the internal procedure to maintain confidentiality and to discuss the complaint only with those who have an official responsibility for dealing with it.

The company will disclose to either party, such information as may be reasonably necessary to enable the parties to prepare for any proceedings contained in this document.

Allegations of sexual harassment are potentially defamatory because they impact on the reputation of the alleged harasser. However allegations made in good faith and through appropriate channels pursuant to this policy and procedures are unlikely to be defamatory. In particular:

- It is not defamation for a person who thinks that they have been sexually harassed to write and deliver a letter to the alleged harasser or speak privately to the alleged harasser about the alleged harassment;
- Statements made in the context of receiving counseling or legal advice are likely to receive the protection of 'legal privilege' and hence fall outside the scope of defamation;
- Allegations that are untrue, motivated by ill-will or malice, or inappropriately conveyed to people who have no legitimate interest in knowing them are likely to breach defamation laws;
- Untrue or malicious counter allegations against the complainant are also likely to be construed as defamation if they are conveyed to persons who have no legitimate interest in the matter.

During the process, limited information (preferably non-identifying) may need to be given to a third party for the purpose of working out a resolution, for example a head of Department or Unit Manager. This may be done with the agreement of the complainant and respondent as part of the process. Such limited information should only be provided on a strictly 'need to know' basis to those who have a genuine and official role in dealing with and resolving the matter. The person who is provided with such information is required to preserve confidentiality.

Information may also be disclosed where there is an imminent physical threat of danger to a person.

Records of proceedings of formal cases will be kept in sealed, confidential files and then disposed of in accordance with the approved disposal schedules utilised by the Human Resources Department.

7.9. Malicious Complaints

If the complaint is found to be vexatious, action against the complainant may be taken under the company's disciplinary procedures.

7.10 Representation

In any proceedings under this policy, either one or both of the parties may be assisted or

represented by a fellow employee.

8. STAFF UNDER THE INFLUENCE OF INTOXICANTS DURING WORKING HOURS / WHILE ON NRC PREMISES POLICY

8.1 Objective of Policy

In order to ensure the safety and care of patients, staff and visitors, no staff member may be permitted to work, or be on the premises of the organisation, while under the influence of intoxicants such as drugs and alcohol. Please make use of the checklist as per **ANNEXURE 5K: CHECKLIST FOR HANDLING A CASE OF PRESUMED INTOXICATION.**

8.2 Procedure to be followed when it is suspected that an employee is under the Influence of Alcohol

The following procedure is to be followed when it is suspected that an employee is under the influence of alcohol:

- The person who suspects that an employee is under the influence of alcohol must immediately contact the alleged offender's Manager, Unit manager or Department Head. Alternatively, if this person is not available, a senior member of Management should be contacted.
- Should such an incident occur on Night Duty, over a weekend, or on a public holiday, the Regional Manager should be contacted.
- The Manager, Unit Manager, Departmental Head or, alternatively the Regional Manager (as mentioned above), must then call the alleged offender to his/her office, in order to determine if the allegations are correct. In doing so, the Checklist for Assessing Intoxication must be completed.

Note: It is essential that a witness and an employee representative nominated or agreed to by the employee, be present at such time.

If, after the abovementioned observations have been taken, it is felt that the employee is under the influence of alcohol, he/she should be given the option to take a breathalyser test.

Should the person refuse to take such a test, this should be noted down and the person sent home. Transport must be arranged, or a family member, or friend, contacted to collect him/her.

Should the person agree to take such a test, the following procedure is to be followed:

- The person must be qualified to conduct the test.
- Breathalyser tests can be obtained from Pharmacies or a hospitals casualty department.
- Ensure that the witnesses repeat, confirm and observe the readings on the instrument.
- Witnesses present for the employee and management should then sign the record of the outcome of the test.
- The breathalyser test should then be sealed and locked away in the Unit or in the H R Department.
- Should the reading be positive, the employee is to be sent home. Transport must be arranged, or a family member, or friend, contacted to collect him/her.

8.3 Procedure to be followed when it is suspected that an employee is under the influence of drugs:

The person who suspects that an employee is under the influence of drugs must immediately contact the alleged offender's Manager, Unit manager or Department Head. Alternatively, if this person is not available, a senior member of Management should be contacted.

Should such an incident occur on Night Duty, over a weekend, or on a public holiday, the Regional should be contacted.

The Manager, Unit Manager, Departmental Head or, alternatively the Senior Person in Charge, or Regional Manager, must call the alleged offender to his/her office, in order to determine if the allegations are correct.

Note: It is essential that a HR Representative be present as a witness. An employee representative nominated by the employee, should also be present at such time.

If after the abovementioned observations have been taken, it is felt that the employee is under the influence, he/she may be requested to take a blood test and urine sample.

Should the person refuse to take such a test, this should be noted down and the person sent home. Transport must be arranged, or a family member, or friend, contacted to collect him/her.

Should the person agree to take such a test, the following procedure is to be followed:

- The Casualty Department / Pathology Lab should be contacted to conduct the test.
- Once this has been done the doctor is to be asked for a written statement, the results of the blood / urine test sealed in an envelope, and locked away. In addition, ensure that all parties concerned have signed the checklist.

Note: Do not lay a charge or attempt to arrange or conduct a hearing while the employee is still under the influence of alcohol or drugs.

Inform the Human Resources Department of the incident as soon as possible in order that the necessary arrangements may be made, i.e. scheduling a hearing.

9. GRIEVANCE PROCEDURE

9.1 Guide to the grievance procedure:

A grievance is any dissatisfaction or sense of injustice, or unfairness felt by an employee in connection with his/her work or employment situation that is brought to the attention of the person(s) in charge of the employee, other than in terms of the Conditions of Service and other than arising from disciplinary action.

This grievance procedure is intended to facilitate the effective handling of grievances that may from time to time present themselves in the working environment. A grievance may be resolved between parties at any of the five steps of the procedure.

The company accepts that it is in the mutual interest of the company and its employees that a formal procedure exists to bring grievances to the attention of the management without fear of discrimination or victimisation.

It is intended that grievances be resolved as expeditiously as possible and as close as possible to their sources. It is incumbent upon supervisors and officials at all stages of the procedure to indicate whether they are empowered to resolve the grievance or whether it should be referred immediately to a stage where it can be resolved.

The aim of the procedure is to deal with grievances in a systematic manner, by endeavouring to establish all the facts. This will require a thorough investigation of the issues at stake.

The procedure also endeavours to standardise the measures for conveying individual and collective grievances through the correct channels.

Experience has shown that a standardised approach to grievances generally improves working relationships among staff at all levels.

Timing is extremely important. Grievances should be handled in accordance with times indicated under each step.

Due to the multilingual nature of our employee complement, it is important that an interpreter is involved where necessary. The interpreter's services may be arranged by the employee involved in the grievance.

This grievance procedure applies to all employees, as defined.

9.2 Principles of the Grievance Procedure:

Responsibility

The responsibility to handle and resolve the grievance rests with line management. Human Resources Department should advise both parties of their rights and responsibilities and be impartial at all times.

Expectations

Management should not attempt to prescribe or restrict the nature of grievances. However, the following do not fall under this procedure:

- Appeal against disciplinary action, as there is provision for this in the disciplinary procedure, unless such disciplinary action is informal then this procedure will apply.
- Any issues which do not relate directly to the working environment or the employer/employee relationship e.g. personal, social or family problems.

9.3 The Grievance Procedure

The procedure to be adopted is as follows:

Informal:

Depending on the nature of the grievance, employees should first try and follow the informal procedure.

Your Manager should be notified of your grievance, and the grievance should be discussed with him/her.

Should you feel that the matter has not been adequately settled, the formal procedure must be followed.

Formal:

Step 1

An employee should bring the grievance to the attention of his/her immediate Manager by filling in the Grievance Report Form. This form is available from the Human Resources Department.

The Department Manager shall attempt to resolve the grievance within three working days (or longer if agreed to by the employee) and shall record such attempt on the grievance report form.

If the grievance is resolved, this is recorded on the form and both the Manager and employee must sign the form. The form is then filed.

Step 2

If the grievance is not resolved at step 1, or the employee is unhappy with the outcome, the form is then handed to the next level of authority. (Line Manager/Departmental Head).

The Line Manager/Departmental Head shall attempt to resolve the grievance within three working days (or longer if agreed to by the employee) and shall record each attempt on the grievance report form.

If the grievance is resolved, this is recorded on the form and both the Manager and employee must sign the form. The form is then filed.

Step 3

If the grievance is not resolved at step 2, the General Manager, on receipt of the grievance form, shall attend to the grievance within three working days (unless agreed to otherwise by both parties).

If the grievance is resolved, this is recorded on the form and both the Manager and employee must sign the form. The form is then filed.

Step 4

If the grievance is not resolved at Step 3, the Regional Manager or nominee, on receipt of the grievance form, shall attend to the grievance within three working days (unless agreed to otherwise by both parties). All attempts at resolution shall be recorded on the form.

If the grievance is resolved, this is recorded on the form and both the Manager and employee must sign the form. The form is then filed.

The final decision will be recorded on the form, which is then filed.

Step 5

If the employee is not satisfied with the outcome, he/she may refer the dispute ("Grievance") to the Commission for Conciliation, Mediation and Arbitration (CCMA).

MEDIATION, ARBITRATION, JUDICIAL SETTLEMENT, STRIKE
COMPANY LEVEL DISPUTES
STATUTORY DISPUTES PROCEDURE
DISPUTE PROCEDURE
GRIEVANCE PROCEDURE ENDS
UNRESOLVED
STEP 5
Top management investigates and discusses
UNRESOLVED
STEP 4
Grievance form and report to middle management
Union or Workers Committee
UNRESOLVED
STEP 3
Grievance and reports submitted to next level of management
HR Department
UNRESOLVED
STEP 2
Formal written Grievance Report (supervisor)
UNRESOLVED
STEP 1
Verbal complaint to immediate supervisor
Employee representative
UNRESOLVED
Employee dissatisfied

10. RETRENCHMENT/REDUNDANCY

The company recognises the need to afford its employees maximum job security and therefore endeavour to avoid retrenchment or redundancy of employees where it is practically and reasonably possible. Retrenchment/Redundancy will be used as a last resort to ensure the continued functioning of the company or any of its divisions/functions/units on a basis of sound and responsible management of the business. It is recognised that the company may terminate and employee's service for reasons relating to operational requirements of the employer's business. The term "operational requirements" refers to economical, technological, structural or similar reasons which may lead to redundancy or retrenchment.

10.1 Definition

Retrenchment may occur if the and when the business activity of the company decreases due to a deterioration of the economic situation, resulting in organisational changes, whereby certain positions in the company will be eliminated due to sufficient work not being available, thereby necessitating a cut-back in the work place.

Redundancy shall mean the reduction of staff on a permanent basis due to the operation of the company, or parts thereof, closing down or undergoing change, or because of the following:

- A relocation of facilities/Units
- Technological or technical changes.
- Atomisation.
- Mechanisation.
- Merges and takeovers.
- Other events which the company deems to be of a serious nature, warranting redundancy of employees.

The same rules, procedures and benefits shall be applicable for both retrenchment and redundancy, subject to the provisions of 10.3 hereunder.

10.2 Objective

To create a formal retrenchment policy and procedure which takes into account the company's responsibility, duty and right to balance manpower levels to the demands of the market and changing technology, and which is substantially and procedurally fair to the employees as well as the company.

10.3 Notification of contemplated retrenchment/redundancies

The first step in the retrenchment process is to inform the relevant trade unions of issues arising within the Company, which may make it necessary to evaluate staffing levels.

10.4 Measures to avoid dismissals due to operational requirements

The company commits itself to consider wherever practically feasible the following alternatives prior to the implementation of retrenchment and redundancy in an endeavour to avoid such action:

Avoidance of Termination:

In consultations with employees and the relevant stakeholders or employee representatives the, company will consider all possible and practical means for avoiding the proposed termination(s) of service.

While it may not be possible or practical to avoid retrenchments/redundancies, the following will be considered prior to a decision to terminate:

- Reducing staff numbers through natural attrition.
- Temporarily suspending recruitment.
- Providing adequate in-service or external training to existing staff in order to equip them for appointment/transfer to other suitable posts within the company.
- An offer of internal transfer not necessarily at the same job/salary level.
- Voluntary resignation with possibly full or reduced benefits.
- The possibility of individuals working short time at correspondingly reduced salary levels.
- Extended unpaid leave or Temporary lay-offs.
- Other proposals advanced by the appropriate representative bodies.
- The abolition or limitation of new appointments affected according to skills required.
- Early retirement.
- The abolition or limitation of overtime except in categories providing emergency services.
- Short time.
- No casual employees.
- Dismissing temporary or contract employees, or non-renewal of their contracts.
- Voluntary retrenchment.

The above is not exhaustive and other aspects may also be considered to avoid actual retrenchment/redundancy, subject always too feasible practicality.

10.5 Procedure

10.5.1 Notice to relevant parties

After the above alternatives have been considered, and are seen as not viable, notification should be sent out to any employees who may be affected and their trade union representatives, informing them of the potential for retrenchments, the reasons therefore, and inviting them to consult.

Non-unionised employees may nominate employee representatives to represent them at this forum. NRC undertakes to give relevant parties (unions and affected non-unionised employees) reasonable notice of their potential for retrenchment. At this stage, proposed dates for consultation should be forwarded to the other parties.

10.5.2 Disclosure of information

The company will disclose all relevant information required by law, including, but not limited to the following:

- the reasons for the proposed dismissals;
- the alternatives that the employer considered before proposing the dismissals, and the reasons for rejecting each of those alternatives;
- the number of employees likely to be affected and the job categories in which they are employed;
- the proposed method for selecting which employees to dismiss;
- the time when, or the period during which, the dismissals are likely to take effect;
- the severance pay proposed;
- any assistance that the employer proposes to offer to the employees likely to be dismissed;
- the possibility of the future re-employment of the employees who are dismissed;
- the number of employees employed by the employer; and

- the number of employees that the employer has dismissed for reasons based on its operational requirements in the preceding 12 months.

The company will not disclose of information that:

- is legally privileged;
- that the company cannot disclose without contravening a prohibition imposed on the employer by any law or order of any court;
- that is confidential and, if disclosed, may cause substantial harm to an employee or the company; or
- that is private personal information relating to an employee, unless that employee consents to the disclosure of that information.

10.5.3 Consultation

Consultation will take place in good faith, and with the intention of finding alternatives to retrenchment where viable, reasonable and practical. Any decisions taken will be deemed to be in the best interests of the Institution and its employees. The company and the other consulting party/parties will endeavor to engage in a meaningful joint consensus-seeking process and attempt to reach consensus on appropriate measures:

- to avoid the dismissals;
- to minimize the number of dismissals;
- to change the timing of the dismissals;
- to mitigate the adverse effects of the dismissals;
- the method for selecting the employees to be dismissed; and
- the severance pay for dismissed employees.

The company will allow the other consulting party an opportunity during consultation to make representations about any matter dealt with above as well as any other matter relating to the proposed dismissals.

The company will consider and respond to the representations made by the other consulting party and, in the event that the company does not agree with them, the company will sate the reasons for disagreeing. The company will respond in writing to any written representations made by the other consulting party/parties.

An agenda will be set up for each consultation session to facilitate discussions and to keep the parties focused. It may also be more practical to split the topics up into different sessions, again to enable the discussion to remain focused.

At each meeting, dates for subsequent meetings should be scheduled and full minutes should be taken.

NOTE: Any employee unreasonably refusing an offer of alternative employment offered by NRC prior to retrenchment may not qualify for the severance package.

10.5.4 Selection

The company will endeavor to select the employees to be dismissed according to the following selection criteria:

- that have been agreed to by the consulting parties; or
- if no criteria have been agreed, criteria that are fair and objective.''.

10.5.5 Confirmation of Retrenchment/Non Retrenchment and Counseling

Once the consulting process is concluded, certain decisions will have been taken by the Company. These decisions will be:

- Whether reduction in staff is in fact necessary.
- If it is necessary, what form will the reduction take – i.e. will current employees be trained to fill suitable vacancies where possible, will they be retrenched; will eligible employees be placed on early retirement or disability retirement?
- How many employees will be affected and how these employees will be selected.
- When retirements / retrenchments will take place.
- What the severance package will be.
- Notification will now be sent to all the "potentially effected" employees as mentioned in point 3 informing them as to whether or not they are in fact going to be retrenched, and the outcome of the consultation.

Unions and or nominated employee representatives will be provided with a list of employees the company plans to retrench at least 4 weeks prior to the proposed retrenchment date. Employees selected for retrenchment will be notified at least 4 weeks in advance of their scheduled date of retrenchment.

The employees who opt for early retirement or who will be retrenched will be encouraged to go for counseling (which will be provided by the company). This counseling will aim at helping employees adapt to their changed circumstances, and will include advice on certain financial aspects such as investment options for the retrenchment package.

10.5.6 Severance Pay

Those employees who will be retrenched must receive a severance package. Retrenched employees will be paid separation benefits equivalent to those they would ordinarily have received in the case of resignation, as well as a severance package. The severance package will be discussed and finalised through consultation, but will be a minimum of 1 weeks salary for every completed years of *continuous* service as a permanent employee, as per the BCEA and the Code of Good Practice. This package will be made up of the following:

- Notice Pay (this may be worked or not – depending on the needs of the Company. Notice will be 1 month or 2 weeks depending on length of service).
- Leave Pay (any outstanding annual leave balance)
- Severance Pay (Minimum of 1 weeks salary for every completed years service)
- Retirement Fund Withdrawal (as per the rules of the Pension/Provident Fund)

Any severance pay paid to an employee, shall be over and above all monies contractually due to such an employee.

"Continuous Service" includes time spent working at other companies in the group (were the employee has been transferred without any break in service). This further refers to unbroken service within the group or company.

An employee who unreasonable refuses to accept the company's offer of alternative employment with the company or any other company in not entitled to any severance pay.

The employee will also be provided with a certificate of service.

10.5.7 Re-employment

Any retrenched employees will be contacted for preferential re-employment for a period of 6 months after the date of retrenchment. All communications in this regard will be sent to the employees' last known address as per NRC records at the time of retrenchment. It is the employees' responsibility to ensure that these details are updated as necessary.

Any offer made by the Company to the retrenched employee in terms of re-employment, must be taken up within 7 days. If the offer is not accepted, the Company will be released from its obligations in terms of the re-employment clause.

Any retrenched employee who secures alternative employment within 12 months of being retrenched shall notify the Company thereof, and such notice shall release the Company of any obligations in terms of this agreement.

10.5.8 General Provisions

Dismissals based on operational requirements by employers with more than 50 employees:

If the company employ more than 50 employees and if the company contemplates dismissing by reason of the company's operational requirements, at least 10 employees, if the company employs up to 200 employees or 20 employees, if the company employs more than 200, but not more than 300, employees or 30 employees, if the company employs more than 300, but not more than 400, employees or 40 employees, if the company employs more than 400, but not more than 500, employees or 50 employees, if the company employs more than 500 employees or the number of employees that the company contemplates dismissing together with the number of employees that have been dismissed by reason of the company's operational requirements in the 12 months prior to the company issuing a notice in terms of dismissals due to operational requirements is equal to or exceeds the latter number specified.

If the above applies the employer will follow the procedure as per the Labour Relations Act.

11. EMPLOYMENT EQUITY POLICY

This policy is currently being developed.

Until an official policy has been adopted the Code of Good practice will be utilised as a guideline when dealing with Equity issues.

12. INDUSTRIAL ACTION

12.1 INTRODUCTION

The company recognises the embodiment in the constitution of South Africa of the right of employees to strike, and the entrenchment of the right to strike in the Labour Relations Act of 1995. The company also recognises its ' recourse to lock-out. The company parties confirm their commitment to sound Industrial Relations and as such their resolve to resort to Industrial Action only as an extreme method to be utilised in accordance with the rules set out hereunder.

The objectives of this policy are to:

- Ensure that patient's care is not compromised.
- Arrive at a settlement acceptable to both the company and the striking employees in the shortest possible time.
- Attempt to contain the Industrial action as much as possible so that there is minimum disruption.
- Restore order and workflow.
- Prevent injury to persons and damage to property
- Diffuse management/employee tensions

12.2 POLICY STATEMENT

Industrial Action

The company belief that to avoid confusion and deal with industrial action in a professional and controlled manner, it is important to:

- spell out the responsibilities and authority of designated persons; and
- spell out the various aspects and factors that have to be taken into consideration in managing industrial action.

The company belief that industrial action by both the employees and the company should be a "measure of last resort", and that the preferred approach to dispute resolution should be negotiation, followed, in need, by other dispute resolution mechanisms such as conciliation, mediation and, where appropriate, arbitration.

12.3 Definitions

Strikes

The Labour Relations Act defines a strike as: "the partial or complete concerted refusal to work, or the retardation or obstruction of work, by persons who are or have been employed by the same employer or by different employers, for the purpose of remedying a grievance or resolving a dispute of any matter of mutual interest between employer and employee, and every reference to "work" in this definition includes overtime work, whether it is voluntary or compulsory".

Lock-out

Lock-out is defined in the Act as: "the exclusion by an employer of employees from the employer's workplace for the purpose of compelling the employees to accept a demand in respect of any matter of mutual interest between employer and employee, whether or not the employer breaches those employees' contracts of employment in the course of or for the purpose of that exclusion".

Secondary Strikes

The Labour Relations Act defines a secondary strike as: "a strike, or conduct in contemplation or furtherance of a strike, that is in support of a strike by other employees against their employer but does not include a strike in pursuit of a demand that has been referred to a council if the striking employees, employed within the registered scope of that council, have a material interest in that demand".

Conciliation

Conciliation involves attempts by the parties to a dispute to settle their differences prior to industrial action. Conciliation is an extension of the negotiation process and is an integral part of the dispute-settlement procedure. The aim of the conciliation process is to allow the parties to settle the dispute between themselves without the direct intervention of external agents.

Mediation

Mediation involves the active intervention of a third party or parties for the purpose of achieving settlement of a dispute between the parties. The role of the mediator is to negotiate, advise, act as intermediary and suggest possible solutions to both parties. A mediator has no decision-making power and cannot impose a settlement on either party.

Arbitration

Arbitration involves third party adjudication in a dispute. The arbitrator actively intervenes in the dispute and makes a decision on the terms of settlement of the dispute. The arbitrator's decision is final and binding on the parties concerned.

Dispute of Interest

A dispute of interest involves a dispute in which a party has a distinct interest but no clear right, such as the allocation of an interest related resource, i.e., improved wages and conditions of employment. Disputes of interest are most often resolved through mediation or, ultimately, a trial of strength such as strike or lock-out action aimed at inducing the other party to moderate its position to achieve agreement.

Dispute of Right

A dispute of right involves a dispute in which established or existing rights of either party are interfered with or ignored. Such rights may accrue through a contract of employment, legally determined conditions of employment, and procedures, i.e., industrial legislation, and unilateral changes to accepted or customary practices. Disputes of rights, therefore, are suitable for third party adjudication.

12.4 Limitations to the right to strike

No employee may take part in a strike, or in any conduct in contemplation or furtherance of a strike, if the employee is bound by a collective agreement that prohibits a strike in respect of the issue in dispute. Employees may also not take protected strike action where they are bound by a collective agreement that requires the issue in dispute to be referred to arbitration, or where the dispute is one that the employee or union has the right to refer to arbitration or to the Labour Court in terms of the Act if that person is engaged in an essential service or a maintenance service.

Employees may not take part in a secondary strike, unless the strike that is to be supported complies with the provisions of the Act, and unless the employer of the employees taking part in the secondary strike or, where appropriate, the employers' organisation of which that employer is a member, has received written notice of the proposed secondary strike at least seven days prior to its commencement. Employees may not take part in a secondary strike unless the nature and extent of the secondary strike is reasonable in relation to the possible direct or indirect effect that the secondary strike may have on the business of the primary employer.

The company as a secondary employer may apply to the Labour Court for an interdict to prohibit or limit a secondary strike that is not reasonable in relation to the possible direct or indirect effect that the secondary strike may have on the business of the primary employer.

12.5 Protected Strikes

In order for a strike to be protected, the strike must take place after all dispute settlement procedures detailed in the Labour Relations Act, or in any bargaining council or recognition/collective agreement which may exist between the parties, have been exhausted. Should employees fail to follow the relevant dispute settlement procedures, the strike will not be protected, and the company can seek certain remedies through the Act. These remedies include the company applying to the Labour Court for an interdict in order to restrain the union and its members, and applying to the Labour Court to award the payment of just and equitable compensation in respect of the strike. Should employees not follow the required procedures in exercising their right to strike, this may constitute a fair reason for dismissal.

The company will not remunerate an employee for services that the employee does not render during a protected strike. Therefore the “no work no pay” rule will apply.

12.6 Unprotected Strikes

Unprotected strikes occur in the absence of, or prior to, the exhausting of agreed dispute settlement procedures, or those contemplated in the Labour Relations Act.

12.7 Recourse to Lock out

The Labour Relations Act of 1995 gives every employer resource to lock-out provided certain requirements are met. For a lock-out to be protected the issue in dispute must have been referred to the CCMA and a certificate stating that the dispute remains unresolved has been issued. Employers will also have recourse to lock-out if a period of 30 days has elapsed since the receipt of the referral by the CCMA, or after any extension of that period agreed to between the parties to the dispute. However, these provisions need not be adhered to should the lock-out be in accordance with an applicable collective agreement, or if the employer locks out the employees in response to their taking part in a strike which fails to conform to the provisions of the Act.

12.7.1 Lock-outs in compliance with the LRA

A lock-out which is in compliance with the LRA can be described as 'protected' with the effect that the company will not commit a delict or breach of contract by conducting such lock-out, or taking part in any conduct in contemplation or furtherance of a lock-out. The term 'protected' also implies that the various procedural requirements have been complied with.

The company is not obliged to remunerate an employee for services which the employee is unable to provide during a protected lock-out.

12.9 PROCEDURE

12.9.1 Strike rules

See **ANNEXURE 5O: STRIKE RULES**.

12.2.2 Handling the strike

Prior to the actual Strike

Establish a Strike Handling Committee

Certain key roles should be fulfilled during a strike. Coordination between different managers during a strike is of supreme importance. The designated roles and method of coordinating the roles should be detailed.

A strike handling committee should comprise of the following members:

- **Team Leader:** This person will lead the strike handling committee. All involved in handling the strike must be clear as to who this person is and where he can be located at all times.
- **A Communicator:** This person will be responsible to communicate with representatives of the striking employees. It is advisable to separate the roles of team leader and communicator, both from a logistical and reserve point-of-view.
- **A Press Liaison Officer:** he/she should be responsible for setting up and maintaining constant accurate communication with the press.
- **A Security Co-ordinator:** This person should co-ordinate the security in and outside the company.
- **An Internal Communication Co-ordinator:** Often management is not directly involved in strike handling, and non-striking employees are ignored during a strike. Regular formal communication should be maintained with both management and non-striking employees – therefore someone should be given this specific responsibility.
- **A Recorder of Events:** This person must be appointed to maintain the strike diary so that there is an accurate record of events each day.

Establish a Strike Co-ordination Office

The CEO's office should serve as the strike co-ordination office.

Communications

It will be important to establish a clear channel of communication prior to and during the Industrial action. A register of key personnel and services from both within and outside may be drawn up.

This register should include contact addresses, telephone and fax numbers where applicable.

The following contact persons, organisations and services should be included in the register:

- All members of the strike handling committee
- The officials of the Union
- Shop stewards
- Human Resources Manager
- Press/Media contacts
- South African Police

8.3 During Industrial Action

During the Industrial action each Department will have certain tasks and responsibilities:

- Employees should try to ignore striking employees, stay calm and be prepared to help in other departments in the company, if necessary. Employees may also be required to work overtime in the event of a strike. During the strike no staff member must give anybody any information concerning the strike.
- Each Departmental Manager should keep a diary of events and inform the Strike Handling committee of any occurrences.
- All acts of sabotage or damage caused must immediately be reported to the Strike Handling committee.
- Brief staff about the daily situation and instruct them what reaction is expected of them.
- No employee may be dismissed for refusing to do the work of a striking employee, unless the situation is one of an emergency.

13. HIV/AIDS

Until an official policy has been adopted the Code of Good practice will be utilised as a guideline when dealing with HIV/Aids issues.

13.1 CODE OF GOOD PRACTICE ON KEY ASPECTS OF HIV/AIDS AND EMPLOYMENT

INTRODUCTION

The Human Immunodeficiency Virus (HIV) and the Acquired Immune Deficiency Syndrome (AIDS) are serious public health problems which have socio economic, employment and human rights implications.

it is recognised that the HIV/AIDS epidemic will affect every workplace, with prolonged staff illness, absenteeism, and death impacting on productivity, employee benefits, occupational health and safety, production costs and workplace morale.

HIV knows no social, gender, age or racial boundaries, but it is accepted that socio-economic circumstances do influence disease patterns. HIV thrives in an environment of poverty, rapid urbanisation, violence and destabilisation. Transmission is exacerbated by disparities in resources and patterns of migration from rural to urban areas. Women, particularly are more vulnerable to infection in cultures and economic circumstances where they have little control over their lives.

Furthermore HIV/AIDS is still a disease surrounded by ignorance, prejudice, discrimination and stigma. In the workplace unfair discrimination against people living with HIV and AIDS has been perpetuated through practices such as pre-employment HIV testing, dismissals for being HIV positive and the denial of employee benefits.

One of the most effective ways of reducing and managing the impact of HIV/AIDS in the workplace is through the implementation of an HIV/AIDS policy and programme. Addressing aspects of HIV/AIDS in the workplace will enable employers, trade unions and government to actively contribute towards local, national and international efforts to prevent and control HIV/AIDS. In light of this, the Code has been developed as a guide to employers, trade unions and employees.

Furthermore the Code seeks to assist with the attainment of the broader goals of:

- eliminating unfair discrimination in the workplace based on HIV status;
- promoting a non-discriminatory workplace in which people living with HIV or AIDS are able to be open about their HIV status without fear of stigma or rejection;
- promoting appropriate and effective ways of managing HIV in the workplace;
- creating a balance between the rights and responsibilities of all parties; and
- giving effect to the regional obligations of the Republic as a member of the Southern African Development Community.

OBJECTIVES

The Code's primary objective is to set out guidelines for employers and trade unions to implement so as to ensure individuals with HIV infection are not unfairly discriminated against in the workplace. This includes provisions regarding:

- creating a non-discriminatory work environment;
- dealing with HIV testing, confidentiality and disclosure;
- providing equitable employee benefits;
- dealing with dismissals; and
- managing grievance procedures.

The Code's secondary objective is to provide guidelines for employers, employees and trade unions on how to manage HIV/AIDS within the workplace. Since the HIV/AIDS epidemic impacts upon the workplace and individuals at a number of different levels, it requires a holistic response which takes all of these factors into account. The Code therefore includes principles, which are dealt with in more detail under the statutes listed in item 5.1., on the following:

- creating a safe working environment for all employers and employees;
- developing procedures to manage occupational incidents and claims for compensation;
- introducing measures to prevent the spread of HIV;
- developing strategies to assess and reduce the impact of the epidemic upon the workplace; and
- supporting those individuals who are infected or affected by HIV/AIDS so that they may continue to work productively for as long as possible.

In addition, the Code promotes the establishment of mechanisms to foster co-operation at the following levels :

- between employers, employees and trade unions in the workplace; and
- between the workplace and other stakeholders at a sectoral, local, provincial and national level.

POLICY PRINCIPLES

3.1. The promotion of equality and non-discrimination between individuals with HIV infection and those without, and between HIV/AIDS and other comparable health/medical conditions.

3.2. The creation of a supportive environment so that HIV infected employees is able to continue working under normal conditions in their current employment for as long as they are medically fit to do so.

3.3. The protection of human rights and dignity of people living with HIV or AIDS is essential to the prevention and control of HIV/AIDS.

3.4. HIV/AIDS impacts disproportionately on women and this should be taken into account in the development of workplace policies and programmes.

3.5 Consultation, inclusivity and encouraging full participation of all stakeholders are key principles which should underpin every HIV/AIDS policy and programme.

4. APPLICATION AND SCOPE

All employers and employees, and their respective organisations are encouraged to use this Code to develop, implement and refine their HIV/AIDS policies and programmes to suit the needs of their workplaces.

For the purposes of this code, the term "workplace" should be interpreted more broadly than the definition given in the Labour Relations Act, Act 66 of 1995, Section 213, to include the working environment of, amongst others, persons not necessarily in an employer-employee relationship, those working in the informal sector and the self-employed.

This Code however does not impose any legal obligation in addition to those in the Employment Equity Act and Labour Relations Act, or in any other legislation referred to in the Code. Failure to observe it does not, by itself, render an employer liable in any proceedings, except where the Code refers to obligations set out in law.

The Code should be read in conjunction with other codes of good practice that may be issued by the Minister of Labour.

LEGAL FRAMEWORK

The Code should be read in conjunction with the Constitution of South Africa Act, No. 108 of 1996, and all relevant Legislation which includes the following:

- Employment Equity Act, No. 55 of 1998;
- Labour Relations Act, No. 66 of 1995;
- Occupational Health and Safety Act, No. 85 of 1993;
- Mine Health and Safety Act, No. 29 of 1996;
- Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993;
- Basic Conditions of Employment Act, No. 75 of 1997; and
- Medical Schemes Act, No. 131 of 1998.
- Promotion of Equality and Prevention of Unfair Discrimination Act, No. 4 of 2000.

The contents of this code should be taken into account when developing, implementing or reviewing any workplace policies or programmes in terms of the statutes listed above.

The following are selected, relevant sections contained in certain of the above-mentioned legislation. These should be read in conjunction with other legislative provisions.

The Code is issued in terms of Section 54(1)(a) of the Employment Equity Act, No 55 of 1998 and is based on the principle that no person may be unfairly discriminated against on the basis of their HIV status. In order to assist employers and employees to apply this principle consistently in the workplace, the Code makes reference to other pieces of legislation.

Section 6(1) of the Employment Equity Act provides that no person may unfairly discriminate against an employee, or an applicant for employment, in any employment policy or practice, on the basis of his or her HIV status. In any legal proceedings in which it is alleged that any employer has discriminated unfairly, the employer must prove that any discrimination or differentiation was fair.

No employee, or applicant for employment, may be required by their employer to undergo an HIV test in order to ascertain their HIV status. HIV testing by or on behalf of an employer may only take place where the Labour Court has declared such testing to be justifiable in accordance with Section 7(2) of the Employment Equity Act.

In accordance with Section 187(1)(f) of the Labour Relations Act, No. 66 of 1995, an employee with HIV/AIDS may not be dismissed simply because he or she is HIV positive or has AIDS. However where there are valid reasons related to their capacity to continue working and fair procedures have been followed, their services may be terminated in accordance with Section 188(1)(a)(i).

In terms of Section 8(1) of the Occupational Health and Safety Act, No. 85 of 1993; an employer is obliged to provide, as far as is reasonably practicable, a safe workplace. This may include ensuring that the risk of occupational exposure to HIV is minimised.

Section 2(1) and Section 5(1) of the Mine Health and Safety Act, No. 29 of 1996 provides that an employer is required to create, as far as is reasonably practicable, a safe workplace. This may include ensuring that the risk of occupational exposure to HIV is minimised.

An employee who is infected with HIV as a result of an occupational exposure to infected blood or bodily fluids, may apply for benefits in terms of Section 22(1) of the Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993.

In accordance with the Basic Conditions of Employment Act, No. 75 of 1997, every employer is obliged to ensure that all employees receive certain basic standards of employment, including a minimum number of days sick leave [Section 22(2)].

In accordance with Section 24(2)(e) of the Medical Schemes Act, No 131 of 1998, a registered medical aid scheme may not unfairly discriminate directly or indirectly against its members on the basis of their "state of health". Further in terms of s 67(1)(9) regulations may be drafted stipulating that all schemes must offer a minimum level of benefits to their members.

In accordance with both the common law and Section 14 of the Constitution of South Africa Act, No. 108 of 1996, all persons with HIV or AIDS have a right to privacy, including privacy concerning their HIV or AIDS status. Accordingly there is no general legal duty on an employee to disclose his or her HIV status to their employer or to other employees.

PROMOTING A NON-DISCRIMINATORY WORK ENVIRONMENT

No person with HIV or AIDS shall be unfairly discriminated against within the employment relationship or within any employment policies or practices, including with regard to:

- recruitment procedures, advertising and selection criteria;
- appointments, and the appointment process, including job placement;
- job classification or grading;
- remuneration, employment benefits and terms and conditions of employment;
- employee assistance programmes;
- job assignments;
- the workplace and facilities;
- occupational health and safety;
- training and development;
- performance evaluation systems;
- promotion, transfer and demotion;
- disciplinary measures short of dismissal; and
- termination of services.

To promote a non-discriminatory work environment based on the principle of equality, employers and trade unions should adopt appropriate measures to ensure that employees with HIV and AIDS are not unfairly discriminated against and are protected from victimisation through positive measures such as:

- preventing unfair discrimination and stigmatisation of people living with HIV or AIDS through the development of HIV/AIDS policies and programmes for the workplace;

- awareness, education and training on the rights of all persons with regard to HIV and AIDS;
- mechanisms to promote acceptance and openness around HIV/AIDS in the workplace;
- providing support for all employees infected or affected by HIV and AIDS; and
- grievance procedures and disciplinary measures to deal with HIV-related complaints in the workplace.

HIV TESTING, CONFIDENTIALITY AND DISCLOSURE

HIV Testing

No employer may require an employee, or an applicant for employment, to undertake an HIV test in order to ascertain that employee's HIV status. As provided for in the Employment Equity Act, employers may approach the Labour Court to obtain authorisation for testing.

Whether s 7(2) of the Employment Equity Act prevents an employer-provided health service supplying a test to an employee who requests a test, depends on whether the Labour Courts would accept that an employee can knowingly agree to waive the protection in the section. This issue has not yet been decided by the courts.

In implementing the sections below, it is recommended that parties take note of the position set out in item 7.1.2.

Authorised testing

Employers must approach the Labour Court for authorisation in, amongst others, the following circumstances:

- during an application for employment;
- as a condition of employment;
- during procedures related to termination of employment;
- as an eligibility requirement for training or staff development programmes; and
- as an access requirement to obtain employee benefits.

Permissable testing

An employer may provide testing to an employee who has requested a test in the following circumstances:

- As part of a health care service provided in the workplace;
- In the event of an occupational accident carrying a risk of exposure to blood or other body fluids;
- For the purposes of applying for compensation following an occupational accident involving a risk of exposure to blood or other body fluids.
- Furthermore, such testing may only take place within the following defined conditions:

    - At the initiative of an employee;
    - Within a health care worker and employee-patient relationship;
    - With informed consent and pre- and post-test counselling, as defined by the Department of Health's National Policy on Testing for HIV; and
    - With strict procedures relating to confidentiality of an employee's HIV status as described in clause 7.2 of this Code.

All testing, including both authorised and permissible testing, should be conducted in accordance with the Department of Health's National Policy on Testing for HIV issued in terms of the National Policy for Health Act, No. 116 of 1990.

Informed consent means that the individual has been provided with information, understands it and based on this has agreed to undertake the HIV test. It implies that the individual understands what the test is, why it is necessary, the benefits, risks, alternatives and any possible social implications of the outcome.

Anonymous, unlinked surveillance or epidemiological HIV testing in the workplace may occur provided it is undertaken in accordance with ethical and legal principles regarding such research. Where such research is done, the information obtained may not be used to unfairly discriminate against individuals or groups of persons. Testing will not be considered anonymous if there is a reasonable possibility that a person's HIV status can be deduced from the results.

Confidentiality and Disclosure

All persons with HIV or AIDS have the legal right to privacy. An employee is therefore not legally required to disclose his or her HIV status to their employer or to other employees.

Where an employee chooses to voluntarily disclose his or her HIV status to the employer or to other employees, this information may not be disclosed to others without the employee's express written consent. Where written consent is not possible, steps must be taken to confirm that the employee wishes to disclose his or her status.

Mechanisms should be created to encourage openness, acceptance and support for those employers and employees who voluntarily disclose their HIV status within the workplace, including:

- encouraging persons openly living with HIV or AIDS to conduct or participate in education, prevention and awareness programmes;
- encouraging the development of support groups for employees living with HIV or AIDS; and
- ensuring that persons who are open about their HIV or AIDS status are not unfairly discriminated against or stigmatised.

PROMOTING A SAFE WORKPLACE

An employer is obliged to provide and maintain, as far as is reasonably practicable, a workplace that is safe and without risk to the health of its employees.

The risk of HIV transmission in the workplace is minimal. However occupational accidents involving bodily fluids may occur, particularly in the health care professions. Every workplace should ensure that it complies with the provisions of the Occupational Health and Safety Act, including the Regulations on Hazardous Biological Agents, and the Mine Health and Safety Act, and that its policy deals with, amongst others :

- the risk, if any, of occupational transmission within the particular workplace;
- appropriate training, awareness, education on the use of universal infection control measures so as to identify, deal with and reduce the risk of HIV transmission in the workplace;
- providing appropriate equipment and materials to protect employees from the risk of exposure to HIV;

- the steps that must be taken following an occupational accident including the appropriate management of occupational exposure to HIV and other blood borne pathogens, including access to post-exposure prophylaxis;
- the procedures to be followed in applying for compensation for occupational infection;
- the reporting of all occupational accidents; and
- adequate monitoring of occupational exposure to HIV to ensure that the requirements of possible compensation claims are being met.

COMPENSATION FOR OCCUPATIONALLY ACQUIRED HIV

An employee may be compensated if he or she becomes infected with HIV as a result of an occupational accident, in terms of the Compensation for Occupational Injuries and Diseases Act.

Employers should take reasonable steps to assist employees with the application for benefits including:

- providing information to affected employees on the procedures that will need to be followed in order to qualify for a compensation claim; and
- assisting with the collection of information which will assist with proving that the employees were occupationally exposed to HIV infected blood.

Occupational exposure should be dealt with in terms of the Compensation for Occupational Injuries and Diseases Act. Employers should ensure that they comply with the provisions of this Act and any procedure or guideline issued in terms thereof.

EMPLOYEE BENEFITS

Employees with HIV or AIDS may not be unfairly discriminated against in the allocation of employee benefits.

Employees who become ill with AIDS should be treated like any other employee with a comparable life threatening illness with regard to access to employee benefits.

Information from benefit schemes on the medical status of an employee should be kept confidential and should not be used to unfairly discriminate.

Where an employer offers a medical scheme as part of the employee benefit package it must ensure that this scheme does not unfairly discriminate, directly or indirectly, against any person on the basis of his or her HIV status.

DISMISSAL

Employees with HIV/AIDS may not be dismissed solely on the basis of their HIV/AIDS status.

Where an employee has become too ill to perform their current work, an employer is obliged to follow accepted guidelines regarding dismissal for incapacity before terminating an employee's services, as set out in the Code of Good Practice on Dismissal contained in Schedule 8 of the Labour Relations Act.

The employer should ensure that as far as possible, the employee's right to confidentiality regarding his or her HIV status is maintained during any incapacity proceedings. An employee

cannot be compelled to undergo an HIV test or to disclose his or her HIV status as part of such proceedings unless the Labour Court authorised such a test.

GRIEVANCE PROCEDURES

Employers should ensure that the rights of employees with regard to HIV/AIDS, and the remedies available to them in the event of a breach of such rights, become integrated into existing grievance procedures.

Employers should create an awareness and understanding of the grievance procedures and how employees can utilise them.

Employers should develop special measures to ensure the confidentiality of the complainant during such proceedings, including ensuring that such proceedings are held in private.

MANAGEMENT OF HIV IN THE WORKPLACE

The effective management of HIV/AIDS in the workplace requires an integrated strategy that includes, amongst others, the following elements:

- An understanding and assessment of the impact of HIV/AIDS on the workplace; and
- Long and short term measures to deal with and reduce this impact, including:
  - An HIV/AIDS Policy for the workplace
  - HIV/AIDS Programmes, which would incorporate:
    - Ongoing sustained prevention of the spread of HIV among employees and their communities;
    - Management of employees with HIV so that they are able to work productively for as long as possible; and
    - Strategies to deal with the direct and indirect costs of HIV/AIDS in the workplace.

ASSESSING THE IMPACT OF HIV/AIDS ON THE WORKPLACE

Employers and trade unions should develop appropriate strategies to understand, assess and respond to the impact of HIV/AIDS in their particular workplace and sector. This should be done in cooperation with sectoral, local, provincial and national initiatives by government, civil society and non-governmental organisations.

Broadly, impact assessments should include:

- Risk profiles; and
- Assessment of the direct and indirect costs of HIV/AIDS;

Risk profiles may include an assessment of the following:

- The vulnerability of individual employees or categories of employees to HIV infection;
- The nature and operations of the organisation and how these may increase susceptibility to HIV infection (e.g. migrancy or hostel dwellings);
- A profile of the communities from which the organisation draws its employees;
- A profile of the communities surrounding the organisation's place of operation; and
- An assessment of the impact of HIV/AIDS upon their target markets and client base.

The assessments should also consider the impact that the HIV/AIDS epidemic may have on:

- Direct costs such as costs to employee benefits, medical costs and increased costs related to staff turnover such as training and recruitment costs and the costs of implementing an HIV/AIDS programme;
- Indirect costs such as costs incurred as a result of increased absenteeism, employee morbidity, loss of productivity, a general decline in workplace morale and possible workplace disruption;

The cost effectiveness of any HIV/AIDS interventions should also be measured as part of an impact assessment

MEASURES TO DEAL WITH HIV/AIDS WITHIN THE WORKPLACE

A Workplace HIV/AIDS Policy

Every workplace should develop an HIV/AIDS policy, in order to ensure that employees affected by HIV/AIDS are not unfairly discriminated against in employment policies and practices. This policy should cover:

- the organisation's position on HIV/AIDS;
- an outline of the HIV/AIDS programme;
- details on employment policies (e.g. position regarding HIV testing, employee benefits, performance management and procedures to be followed to determine medical incapacity and dismissal);
- express standards of behaviour expected of employers and employees and appropriate measures to deal with deviations from these standards;
- grievance procedures in line with item 12 of this Code;
- set out the means of communication within the organisation on HIV/AIDS issues;
- details of employee assistance available to persons affected by HIV/AIDS;
- details of implementation and coordination responsibilities; and
- monitoring and evaluation mechanisms.

All policies should be developed in consultation with key stakeholders within the workplace including trade unions, employee representatives, occupational health staff and the human resources department.

The policy should reflect the nature and needs of the particular workplace.

Policy development and implementation is a dynamic process, so the workplace policy should be:

- communicated to all concerned;
- routinely reviewed in light of epidemiological and scientific information; and
- monitored for its successful implementation and evaluated for its effectiveness.

Developing Workplace HIV/AIDS Programmes

It is recommended that every workplace works towards developing and implementing a workplace HIV/AIDS programme aimed at preventing new infections, providing care and support for employees who are infected or affected, and managing the impact of the epidemic in the organisation.

The nature and extent of a workplace programme should be guided by the needs and capacity of each individual workplace. However, it is recommended that every workplace

programme should attempt to address the following in cooperation with the sectoral, local, provincial and national initiatives:

- hold regular HIV/AIDS awareness programmes;
- encourage voluntary testing;
- conduct education and training on HIV/AIDS;
- promote condom distribution and use;
- encourage health seeking behaviour for STD's;
- enforce the use of universal infection control measures;
- create an environment that is conducive to openness, disclosure and acceptance amongst all staff;
- endeavour to establish a wellness programme for employees affected by HIV/AIDS;
- provide access to counselling and other forms of social support for people affected by HIV/AIDS;
- maximise the performance of affected employees through reasonable accommodation, such as investigations into alternative sick leave allocation;
- develop strategies to address direct and indirect costs associated with HIV/AIDS in the workplace, as outlined under item 14.4
- regularly monitor, evaluate and review the programme.

Employers should take all reasonable steps to assist employees with referrals to appropriate health, welfare and psycho-social facilities within the community, if such services are not provided at the workplace

INFORMATION AND EDUCATION

The Department of Labour should ensure that copies of this code are available and accessible.

Employers and employer organisations should include the Code in their orientation, education and training programmes of employees.

Trade unions should include the Code in their education and training programmes of shop stewards and employees.

GLOSSARY

Affected employee: an employee who is affected in any way by HIV/AIDS e.g. if they have a partner or a family member who is HIV positive.

AIDS: AIDS is the acronym for "acquired immune deficiency syndrome". AIDS is the clinical definition given to the onset of certain life-threatening infections in persons whose immune systems have ceased to function properly as a result of infection with HIV.

Epidemiological: The study of disease patterns, causes, distribution and mechanisms of control in society.

HIV: HIV is the acronym for "human immune deficiency virus". HIV is a virus which attacks and may ultimately destroy the body's natural immune system.

HIV testing: taking a medical test to determine a person's HIV status. This may include written or verbal questions inquiring about previous HIV tests; questions related to the assessment of 'risk behaviour' (for example questions regarding sexual practices, the number of sexual

partners or sexual orientation); and any other indirect methods designed to ascertain an employee's or job applicant's HIV status.

HIV positive: having tested positive for HIV infection.

Infected employee: an employee who has tested positive for HIV or who has been diagnosed as having HIV/AIDS.

Informed consent: a process of obtaining consent from a patient which ensures that the person fully understands the nature and implications of the test before giving his or her agreement to it.

Policy: a document setting out an organisation's position on a particular issue.

Pre and post test counselling: a process of counselling which facilitates an understanding of the nature and purpose of the HIV test. It examines what advantages and disadvantages the test holds for the person and the influence the result, positive or negative, will have on them.

Reasonable Accommodation: means any modification or adjustment to a job or to the workplace that is reasonably practicable and will enable a person living with HIV or AIDS to have access to or participate or advance in employment.

STDs: acronym for "sexually transmitted diseases". These are infections passed from one person to another during sexual intercourse, including syphilis, gonorrhea and HIV.

Surveillance Testing: This is anonymous, unlinked testing which is done in order to determine the incidence and prevalence of disease within a particular community or group to provide information to control, prevent and manage the disease.

ANNEXURE 5E

APPEAL FORM

(To be completed in duplicate and handed to his/her Supervisor and Human Resources Department)

Name of Employee: _____ Employee number: _____

Dept/Unit: _____ Job Title: _____

Date: _____ Time: _____

(Attached copies of relevant forms)

Nature of Grievance/Appeal: √ √

- Procedure incorrect ☐
- Insufficient evidence ☐
- Finding incorrect ☐
- Procedure unfair ☐
- Insufficient investigation ☐
- Decision too severe ☐

Please give detailed reasons for appeal:

_____

_____

_____

_____

_____

_____	_____	_____
Employee	Employee Representative	Employer
	_____	_____
	Employee representative	Title

FOR OFFICE USE ONLY

Reported to: _____

Comments: _____

Decision: _____

_____

ANNEXURE 5I

GRIEVANCE FORM

_____ 2003

Mr/Ms: _____, Employee No: _____, Unit/Dept: _____

Unit Manager/Dept Head: _____, Shop Steward: _____

Date on which grievance occurred: _____

Employee's Grievance: (Short description, only facts to be noted)

_____

_____

_____

_____

Settlement Desired:

_____

_____

_____

_____ _____

Signed: Employee/Representative **Signed:**

Supervisor's Comment:

_____

_____

Investigation held on: _____

Outcome of investigation: **(If necessary, reasons must be provided why the grievance could not be resolved)**

_____

_____

_____ _____

Signed: Management Representative **Date**

Office use only (tick appropriate box)					
Filed on Personal file:	☐	**Captured on**	☐	**Resolved (Yes/No)**	☐

ANNEXURE 5J

CODE OF GOOD PRACTICE: DISMISSAL

1 Introduction

(1) This code of good practice deals with some of the key aspects of dismissals for reasons related to conduct and capacity. It is intentionally general. Each case is unique, and departures from the norms established by this Code may be justified in proper circumstances. For example, the number of employees employed in an establishment may warrant a different approach.

(2) This Act emphasises the primacy of collective agreements. This Code is not intended as a substitute for disciplinary codes and procedures where these are the subject of collective agreements, or the outcome of joint decision-making by an employer and a workplace forum.

(3) The key principle in this Code is that employers and employees should treat one another with mutual respect. A premium is placed on both employment justice and the efficient operation of business. While employees should be protected from arbitrary action, employers are entitled to satisfactory conduct and work performance from their employees.

2 Fair reasons for dismissal

(1) A dismissal is unfair if it is not effected for a fair reason and in accordance with a fair procedure, even if it complies with any notice period in a contract of employment or in legislation governing employment. Whether or not a dismissal is for a fair reason is determined by the facts of the case, and the appropriateness of dismissal as a penalty. Whether or not the procedure is fair is determined by referring to the guidelines set out below.

(2) This Act recognises three grounds on which a termination of employment might be legitimate. These are: the conduct of the employee, the capacity of the employee, and the operational requirements of the employer's business.

(3) This Act provides that a dismissal is automatically unfair if the reason for the dismissal is one that amounts to an infringement of the fundamental rights of employees and trade unions, or if the reason is one of those listed in section 187. The reasons include participation in a lawful strike, intended or actual pregnancy and acts of discrimination.

(4) In cases where the dismissal is not automatically unfair, the employer must show that the reason for dismissal is a reason related to the employee's conduct or capacity, or is based on the operational requirements of the business. If the employer fails to do that, or fails to prove that the dismissal was effected in accordance with a fair procedure, the dismissal is unfair.

3 Misconduct

Disciplinary procedures prior to dismissal

(1) All employers should adopt disciplinary rules that establish the standard of conduct required of their employees. The form and content of disciplinary rules will obviously vary according to the size and nature of the employer's business. In general, a larger business will require a more formal approach to discipline. An employer's rules must create certainty and consistency in the application of discipline. This requires that the standards of conduct are clear and made available to employees in a manner that is easily understood. Some rules or

standards maybe so well established and known that it is not necessary to communicate them.

(2) The courts have endorsed the concept of corrective or progressive discipline. This approach regards the purpose of discipline as a means for employees to know and understand what standards are required of them. Efforts should be made to correct employees' behaviour through a system of graduated disciplinary measures such as counselling and warnings.

(3) Formal procedures do not have to be invoked every time a rule is broken or a standard is not met. Informal advice and correction is the best and most effective way for an employer to deal with minor violations of work discipline. Repeated misconduct will warrant warnings, which themselves may be graded according to degrees of severity. More serious infringements or repeated misconduct may call for a final warning, or other action short of dismissal. Dismissal should be reserved for cases of serious misconduct or repeated offences.

Dismissals for misconduct

(4) Generally, it is not appropriate to dismiss an employee for a first offence, except if the misconduct is serious and of such gravity that it makes a continued employment relationship intolerable. Examples of serious misconduct, subject to the rule that each case should be judged on its merits, are gross dishonesty or willful damage to the property of the employer, willful endangering of the safety of others, physical assault on the employer, a fellow employee, client or customer and gross insubordination. Whatever the merits of the case for dismissal might be, a dismissal will not be fair if it does not meet the requirements of section 188.

(5) When deciding whether or not to impose the penalty of dismissal, the employer should in addition to the gravity of the misconduct consider factors such as the employee's circumstances (including length of service, previous disciplinary record and personal circumstances), the nature of the job and the circumstances of the infringement itself.

(6) The employer should apply the penalty of dismissal consistently with the way in which it has been applied to the same and other employees in the past, and consistently as between two or more employees who participate in the misconduct under consideration.

4 Fair procedure

(1) Normally, the employer should conduct an investigation to determine whether there are grounds for dismissal. This does not need to be a formal enquiry. The employer should notify the employee of the allegations using a form and language that the employee can reasonably understand. The employee should be allowed the opportunity to state a case in response to the allegations. The employee should be entitled to a reasonable time to prepare the response and to the assistance of a trade union representative or fellow employee. After the enquiry, the employer should communicate the decision taken, and preferably furnish the employee with written notification of that decision.

(2) Discipline against a trade union representative or an employee who is an office-bearer or official of a trade union should not be instituted without first informing and consulting the trade union.

(3) If the employee is dismissed, the employee should be given the reason for dismissal and reminded of any rights to refer the matter to a council with jurisdiction or to the Commission or to any dispute resolution procedures established in terms of a collective agreement.

(4) In exceptional circumstances, if the employer cannot reasonably be expected to comply with these guidelines, the employer may dispense with pre-dismissal procedures.

5 Disciplinary records

Employers should keep records for each employee specifying the nature of any disciplinary transgressions, the actions taken by the employer and the reasons for the actions.

6 Dismissals and industrial action

(1) Participation in a strike that does not comply with the provisions of Chapter IV is misconduct. However, like any other act of misconduct, it does not always deserve dismissal. The substantive fairness of dismissal in these circumstances must be determined in the light of the facts of the case, including-

(a) the seriousness of the contravention of this Act;

(b) attempts made to comply with this Act; and

(c) whether or not the strike was in response to unjustified conduct by the employer.

(2) Prior to dismissal the employer should, at the earliest opportunity, contact a trade union official to discuss the course of action it intends to adopt. The employer should issue an ultimatum in clear and unambiguous terms that should state what is required of the employees and what sanction will be imposed if they do not comply with the ultimatum. The employees should be allowed sufficient time to reflect on the ultimatum and respond to it, either by complying with it or rejecting it. If the employer cannot reasonably be expected to extend these steps to the employees in question, the employer may dispense with them.

7 Guidelines in cases of dismissal for misconduct

Any person who is determining whether a dismissal for misconduct is unfair should consider-

(a) whether or not the employee contravened a rule or standard regulating conduct in, or of relevance to, the workplace; and

(b) if a rule or standard was contravened, whether or not-

(i) the rule was a valid or reasonable rule or standard;

(ii) the employee was aware, or could reasonably be expected to have been aware, of the rule or standard;

(iii) the rule or standard has been consistently applied by the employer; and

(iv) dismissal was an appropriate sanction for the contravention of the rule or standard.

8 Incapacity: Poor work performance

(1) A newly hired employee may be placed on probation for a period that is reasonable given the circumstances of the job. The period should be determined by the nature of the job, and the time it takes to determine the employee's suitability for continued employment. When appropriate, an employer should give an employee whatever evaluation, instruction, training, guidance or counselling the employee requires to render satisfactory service. Dismissal during the probationary period should be preceded by an opportunity for the employee to state a case in response and to be assisted by a trade union representative or fellow employee.

(2) After probation, an employee should not be dismissed for unsatisfactory performance unless the employer has-

(a) given the employee appropriate evaluation, instruction, training, guidance or counselling; and

(b) after a reasonable period of time for improvement, the employee continues to perform unsatisfactorily.

(3) The procedure leading to dismissal should include an investigation to establish the reasons for the unsatisfactory performance and the employer should consider other ways, short of dismissal, to remedy the matter.

(4) In the process, the employee should have the right to be heard and to be assisted by a trade union representative or a fellow employee.

9 Guidelines in cases of dismissal for poor work performance

Any person determining whether a dismissal for poor work performance is unfair should consider-

(a) whether or not the employee failed to meet a performance standard; and

(b) if the employee did not meet a required performance standard whether or not-

(i) the employee was aware, or could reasonably be expected to have been aware, of the required performance standard;

(ii) the employee was given a fair opportunity to meet the required performance standard; and

(iii) dismissal was an appropriate sanction for not meeting the required performance standard.

10 Incapacity: Ill health or injury

(1) Incapacity on the grounds of ill health or injury may be temporary or permanent. If an employee is temporarily unable to work in these circumstances, the employer should investigate the extent of the incapacity or the injury. If the employee is likely to be absent for a time that is unreasonably long in the circumstances, the employer should investigate all the possible alternatives short of dismissal. When alternatives are considered, relevant factors might include the nature of the job, the period of absence, the seriousness of the illness or injury and the possibility of securing a temporary replacement for the ill or injured employee. In cases of permanent incapacity, the employer should ascertain the possibility of securing

alternative employment, or adapting the duties or work circumstances of the employee to accommodate the employee's disability.

(2) In the process of the investigation referred to in subsection (1) the employee should be allowed the opportunity to state a case in response and to be assisted by a trade union representative or fellow employee.

(3) The degree of incapacity is relevant to the fairness of any dismissal. The cause of the incapacity may also be relevant. In the case of certain kinds of incapacity, for example alcoholism or drug abuse, counselling and rehabilitation may be appropriate steps for an employer to consider.

(4) Particular consideration should be given to employees who are injured at work or who are incapacitated by work-related illness. The courts have indicated that the duty on the employer to accommodate the incapacity of the employee is more onerous in these circumstances.

11 Guidelines in cases of dismissal arising from ill health or injury

Any person determining whether a dismissal arising from ill health or injury is unfair should consider-

(a) whether or not the employee is capable of performing the work; and

(b) if the employee is not capable-

(i) the extent to which the employee is able to perform the work;

(ii) the extent to which the employee's work circumstances might be adapted to accommodate disability, or, where this is not possible, the extent to which the employee's duties might be adapted; and

(iii) the availability of any suitable alternative work.

ANNEXURE 5L

CODE OF GOOD PRACTICE EMPLOYMENT EQUITY – PREPARATION, IMPLEMENTATION AND MONITORING EMPLOYMENT EQUITY PLANS

Preparation, implementation and monitoring of employment equity plans

Notice is hereby given under Section 54 of the Employment Equity Act, 1998, that the Minister of Labour, having been advised by the Commission for Employment Equity, has issued a Code of Good Practice on the preparation, implementation and monitoring of an Employment Equity Plan, as set out in this schedule.

CONTENTS

1. Objective
2. Legal Framework
3. Scope
4. Purpose and rationale for the plan
5. Structure of the plan
6. Process for constructing a plan
7. Planning phase
8. Developing the plan
9. Monitoring and evaluating the plan

1. OBJECTIVE

The objective of this code is to provide guidelines of good practice, in terms of the requirements of the Employment Equity Act, 1998 (Act No 55 of 1998) ***(hereafter referred to as "the Act")*****,** for the preparation and implementation of an employment equity plan ***(hereafter referred to as "the plan")*****.**

2. LEGAL FRAMEWORK

2.1 This code is issued in terms of Section 54 of the Employment Equity Act, No. 55 of 1998 and relates to Section 20.

2.2 This code does not impose any legal obligations in addition to those in the Act and the failure to observe it does not, by itself, render a designated employer liable in any proceedings, except where the code refers to obligations that are required by the Act

2.3 When interpreting the Act, any relevant code of good practice must be taken into account. [1]

3. SCOPE

3.1 This code is relevant to all employers that are regarded as designated employers in the Act. [2]

3.2 Designated employers and the employees of designated employers should apply the guidelines set out in this code to develop their employment equity plans, taking into account the specific circumstances of their own organisations.

3.3 This code may be read in conjunction with other codes of good practice that may be issued by the Minister of Labour.

4. PURPOSE AND RATIONALE FOR THE PLAN

4.1 The plan reflects a designated employer's employment equity implementation program.

4.2 The plan represents the critical link between the current workforce profile and possible barriers in employment policies and procedures, and the implementation of remedial steps to ultimately result in employment equity in the workplace.

5. STRUCTURE OF THE PLAN

5.1 The plan may be a separate document or a component of a broader document such as a business plan.

5.2 In terms of the manner in which it is set out, the plan may closely follow the sections of the Act and the relevant items of the Code, or may be organised differently, as long as the statutory requirements in Section 20 of the Act are reflected in the plan.

5.3 The plan should be accessible and structured in such a way that it is easy to understand.

6. PROCESS FOR CONSTRUCTING A PLAN

6.1 The development of a plan should be undertaken as an inclusive process that will result in a documented plan.

6.2 The process of developing a plan has three sequential phases: planning, development, and implementation and monitoring.

6.3 The planning phase of the process should include –

- assignment of responsibility and accountability to one or more senior managers;
- a communication, awareness and training programme;
- consultation with relevant stakeholders;
- an analysis of existing employment policies, procedures, and practices;
- an analysis of the existing workforce profile;
- an analysis of relevant demographic information such as that contained in form EEA 8, and
- an appropriate benchmarking exercise, such as comparing the organisation's workforce profile with those of other organisations within the same sector, or the development of other meaningful comparisons.

6.4 In the development phase, in consultation with the identified role players, should include –

- objectives set;
- corrective measures formulated;
- time frames established;
- the plan drawn up;
- resources identified and allocated for the implementation of the plan, and
- the plan communicated.

6.5 Implementation and monitoring is an ongoing process and should continue to include components of the earlier phases, such as consultation, communication, awareness and training. This phase should include –

- implementation
- monitoring and evaluating progress;
- reviewing the plan, and
- reporting on progress.

7. PLANNING PHASE

7.1 Assignment of senior manager [3]

7.1.1 The planning phase should commence with the assignment of one or more senior managers who should have the responsibility for the development, implementation and monitoring of the plan. They should –

- be permanent employees, and
- report directly to the Chief Executive Officer.

7.1.2 The assignment of one or more senior managers implies that –

- the employer should also provide the assigned managers with the necessary authority and means, such as an appropriate budget, to perform their allocated functions;
- the employer is not relieved of any duty imposed by this Act or any other law, and
- the employer should take reasonable steps to ensure that these managers perform their allocated functions. This could be done through the incorporation of key employment equity outcomes in performance contracts of the responsible managers as well as line managers throughout the organisation.

7.2 Communication, Awareness and Consultation [4]

7.2.1 All employees should be made aware and informed of –

- the content and application of the Act as preparation for their participation and consultation;
- employment equity and anti-discrimination issues;
- the proposed process to be followed by the employer;
- the advantages to employees of participation in the process, and
- the need for the involvement of all stakeholders in order to promote positive outcomes.

7.2.2 Employers are required to consult with regard to conducting an analysis, the preparation and implementation of the plan, and the submission of employment equity reports to the Department of Labour.

7.2.3 To ensure the successful implementation of a plan, employers should make every effort to include employee representatives in all aspects of the plan, especially the planning and development phases.

7.2.3 Managers should be informed of their obligations in terms of the Act, and training should be provided to them where particular skills do not exist. Examples of required training could include diversity management, coaching and mentoring programmes.

7.2.4 The communication of an employment equity strategy should focus on positive outcomes, such as the better utilisation of all of the employer's human resources and the creation of a diverse and more productive workforce.

7.2.5 Communication should also include employees from non-designated groups [5] and focus on the contribution that can be made by them.

7.2.6 Consultation with employees should commence as early as possible in the process.

7.2.7 A consultative forum should be established or an existing forum utilised. The forum should include employee representatives reflecting the interests of employees from both designated and non-designated groups and across all occupational categories and levels of the workforce. Representative trade unions, where these exist, or representatives nominated by such trade unions must be included in the consultation process.

7.2.8 The employer should be represented by one or more members of senior management.

7.2.9 Consultation would include –

- the opportunity to meet and report back to employees and management;
- reasonable opportunity for employee representatives to meet with the employer;
- the request, receipt and consideration of relevant information, and
- adequate time allowed for each of these steps.

7.2.10 To ensure an informed and constructive consultation process, structured and regular meetings of the consultative forum or forums should be held.

7.2.11 The disclosure of relevant information by designated employers is vital for the successful implementation of the plan. Such information could include –

- the particular business environment and circumstances of the employer;
- information relating to the relevant economic sector or industry;
- relevant local, regional, and national demographic information relating to the economically active population;
- the anticipated growth or reduction of the employer's workforce;
- the turnover of employees in the employer's workforce;
- the internal and external availability for appointment or promotion of suitably qualified people from the designated groups;
- the degree of representation of designated employees in each occupational category and level in the employer's workforce, and
- employment policies and practices of the employer.

7.2.12 All parties should, in all good faith, keep an open mind throughout the process and seriously consider proposals put forward.

7.2.13 Where a representative body or trade union refuses to take part in the consultation process, the employer should record the circumstances, in writing, including those steps that the employer has taken to communicate and initiate the consultation process. A copy of this document should be provided to the representative body or trade union concerned.

7.3 Conducting an analysis [6]

The purpose of the analysis is –

a. to assess all employment policies, practices, procedures, and the working environment so as to –

- identify any barriers that may contribute to the under-representation or under-utilisation of employees from the designated groups;
- identify any barriers or factors that may contribute to the lack of affirmation of diversity in the workplace;
- identify other employment conditions that may adversely affect designated groups;
- identify practices or factors that positively promote employment equity and diversity in the workplace; and

b. to determine the extent of under-representation of employees from the designated groups in the different occupational categories and levels of the employer's workforce.

While the first type of analysis is of a more qualitative and legal nature, the second is mainly a statistical and data processing exercise.

7.3.1 Review of employment policies, practices, procedures, and working environment

A review of all employment policies, practices, procedures, and of the working environment should be undertaken in order to identify any barriers that may be responsible for the under-representation or under-utilisation of employees from designated groups.

a. The review should include a critical examination of all established policies, practices, procedures and working environment. These would include –

- employment policy or practices, such as recruitment, selection, pre-employment testing, and induction that could be biased, inappropriate, or unaffirming;
- practices related to succession and experience planning, and related promotions and transfers to establish whether designated groups are excluded or adversely impacted;
- utilisation and job assignments to establish whether designated groups are able to meaningfully participate and contribute;
- current training and development methodologies and strategies, including access to training for designated groups;
- remuneration structures and practices such as equal remuneration for work of equal value;
- employee benefits related to retirement, risk, and medical aid to establish whether designated groups have equal access;
- disciplinary practices that may have a disproportionately adverse effect on designated groups and that may not be justified;
- working conditions that may not accommodate cultural or religious differences, such as the use of traditional healers and observance of religious holidays;
- the number and nature of dismissals, voluntary terminations and retrenchments of employees from designated groups that may indicate internal or external equity-related factors contributing to such terminations;
- corporate culture, which may be characterised by exclusionary social and other practices;
- practices relating to the management of HIV/AIDS in the workplace, to ensure that people living with HIV/AIDS are not discriminated against, and

- any other practices or conditions that are tabled arising out of the consultative process.

b. All practices should be assessed in terms of cross-cultural and gender fairness.

c. The review should take into account more subtle or indirect forms of discrimination and stereo-typing which could result in certain groups of people not being employed in particular jobs, or which could preclude people from being promoted. Examples would include pregnancy, family responsibility[7], exclusionary social practices, sexual harassment, and religious or cultural beliefs and practices.

7.3.2 Workforce profile

a. The first step in conducting an analysis of the workforce profile is to establish which employees are members of designated groups. This information should be obtained from employees themselves, either from a declaration as provided for in Regulation 2(1) or from existing and dependable sources. An example of an existing and dependable source would be an employer's database that contains the information required on employment application forms. If such existing records are utilised for this purpose, each employee should have the opportunity to verify or request changes to this information.

b. An analysis of the workforce profile should provide a comparison of designated groups by occupational categories and levels to relevant demographic data. Form EEA 8 contains some demographic data for this purpose, but there are many other sources of information that could be utilised and might be more relevant.

c. In addition to the demographics, both the availability of suitably qualified people from designated groups in the relevant recruitment area, as well as the internal skills profile of designated employees, should be taken into account. The 'relevant recruitment area' is that geographic area from which the employer would reasonably be expected to draw or recruit employees.

d. Recruitment areas may vary depending upon the level of responsibility and the degree of specialisation of the occupation. Usually, the higher the degree of responsibility or specialisation required for the job, the broader the recruitment area.

e. The standard occupational classification as defined in form EEA 10 should form the basis for determining occupational categories. Occupational levels could be determined by any of the professional job grading systems (Paterson, Peromnes, Hay, etc.) or their equivalents as detailed in form EEA 9. In the absence of a formal job grading system, designated employers may use equivalent occupational levels as the basis for the workforce analysis.

f. Sections B and C of the Employment Equity Report as defined by form EEA 2 should guide employers in establishing information requirements to develop a plan, and provide the basis for developing a workforce profile.

8. DEVELOPING THE PLAN

8.1 Duration of the plan [8]

The duration of the plan should be for a period that will allow the employer to make reasonable progress towards achieving employment equity. This period should be no shorter than one year and no longer than five years, as specified in the Act.

8.2 Broad objectives of the plan

The broad objectives of the plan should be specified and a timetable developed for the fulfillment of each objective. These objectives should -

- take into account the output of the planning phase;
- the particular circumstances of the employer, and
- be aligned with and included in the broader business strategy of the employer.

8.3 Affirmative action measures [9]

8.3.1 Affirmative action measures, to address the barriers identified during the analysis, should be developed to improve the under-representation of designated group members. Such measures relate to, but are not limited to the following:

- **Appointment of members from designated groups:** This would include transparent recruitment strategies such as appropriate and unbiased selection criteria and selection panels, and targeted advertising.
- **Increasing the pool of available candidates:** Community investment and bridging programmes can increase the number of potential candidates.
- **Training and development of people from designated groups:** These measures include access to training by members of designated groups, structured training and development programmes like learnerships and internships; on the job mentoring and coaching, and accelerated training for new recruits. Where required, diversity training should be provided to responsible managers as well as training in coaching and mentoring skills.
- **Promotion of people from designated groups:** This could form part of structured succession and experience planning and would include appropriate and accelerated training.
- **Retention of people from designated groups:** Retention strategies would include the promotion of a more diverse organisational culture; an interactive communication and feedback strategy; and ongoing labour turnover analysis.
- **Reasonable accommodation[10] for people from designated groups:** These measures include providing an enabling environment for disabled workers and workers with family responsibilities so that they may participate fully and, in so doing, improve productivity. Examples of reasonable accommodation are accessible working areas, modifications to buildings and facilities, and flexible working hours where these can be accommodated.
- **Steps to ensure that members of designated groups are appointed in such positions that they are able to meaningfully participate in corporate decision-making processes:** A conscious effort should be made to avoid all forms of tokenism. Candidates must be appointed with commensurate degrees of authority.
- **Steps to ensure that the corporate culture of the past is transformed in a way that affirms diversity in the workplace and harnesses the potential of all employees:** Such steps could include programmes for all staff, including management, contextualising employment equity and sensitising employees with regard to the grounds of discrimination such as race, diversity, gender, disability, and religious accommodation.
- **Any other measures arising out of the consultative process** :

8.3.2 All corrective measures to eliminate any barriers identified during the analysis should be specified in the plan.

8.3.3 The employer is under no obligation to introduce an absolute barrier relating to people who are not from designated groups, for example having a policy of not considering white males at all for promotion or excluding them from applying for vacant positions.

8.4 Numerical goals [11]

8.4.1 Numerical goals should be developed for the appointment and promotion of people from designated groups. The purpose of these goals would be to increase the representation of people from designated groups in each occupational category and level in the employer's workforce, where under-representation has been identified and to make the workforce reflective of the relevant demographics as provided for in form EEA 8.

8.4.2 In developing the numerical goals, the following factors should be taken into consideration –

- The degree of under-representation of employees from designated groups in each occupational category and level in the employer's workforce;
- present and planned vacancies;
- the provincial and national economically active population as presented in form EEA 8;
- the pool of suitably qualified persons from designated groups, from which the employer may be reasonably expected to draw for recruitment purposes;
- present and anticipated economic and financial factors relevant to the industry in which the employer operates;
- economic and financial circumstances of the employer;
- the anticipated growth or reduction in the employer's workforce during the time period for the goals;
- the expected turnover of employees in the employer's workforce during the time period for the goals, and
- labour turnover trends and underlying reasons, specifically for employees from designated groups.

8.5 Consensus

In setting objectives and developing corrective measures, parties to the consultative processes should attempt to reach consensus on what would constitute reasonable progress over the duration of the plan.

8.6 Resources

Resources, including budgets, should be appropriately allocated in order to implement the agreed components of the plan.

8.7 Assignment of responsibility

Responsibility for implementation and monitoring of the plan, as assigned during the planning phase, should be confirmed and noted.

8.8 Dispute Resolution

8.8.1 Internal procedures for resolving any dispute about the interpretation and implementation of the plan should be agreed and specified.

8.8.2 The use of existing dispute resolution procedures should be encouraged provided that they are appropriate, and if necessary adapted to the needs of employment equity.

8.8.3 Alternatively, a mechanism with appropriate representation from employer and employees may be established in order to address and resolve such disputes.

8.9 Communication

8.9.1 The plan should be appropriately and comprehensively communicated to employees. This communication mechanism should indicate the parties responsible for the implementation of the plan and the agreed dispute resolution procedures. Information about the plan should be easily accessible to all levels of employees.

9. MONITORING AND EVALUATING THE PLAN

9.1 Records should be kept to effectively monitor and evaluate the plan.

9.2 Mechanisms to monitor and evaluate the implementation of the plan should be agreed and include benchmarks that would permit assessment of reasonable progress.

9.3 The plan should be evaluated at regular intervals to ensure that reasonable progress is made. This evaluation should be integrated into mechanisms that the employer normally utilises to monitor its operations.

9.4 The consultative forum(s) should continue to meet on a regular basis, and should receive progress reports. Progress should be recorded and communicated to employees. Such meetings should take place at reasonable intervals to ensure feedback and inform the ongoing implementation process.

9.5 The plan should be reviewed and revised, as necessary, through consultation.

9.6 Reporting [12]

9.6.1 Larger employers, with 150 or more employees, will be required to submit first reports by 1 June 2000 and thereafter annually on the first working day of October, starting in 2001.

9.6.2 Smaller employers, with fewer than 150 employees, will be required to submit their first reports by 1 December 2000 and thereafter every second year, on the first working day of October, starting in 2002.

9.6.3 The reporting format for employers is contained in the Employment Equity Report as defined in form EEA2.

9.6.4 Designated employers whose operations extend across different geographical areas, functional units, workplaces or industry sectors may elect to submit either a consolidated or a separate report for each of these. This decision should be made by employers after consultation with the relevant stakeholders.

Footnotes

1. Section 3(c) of the Act
2. See the definition of "designated employer" in the Act.

3. See section 24 of the Act.
4. See sections 16 and 17 of the Act.
5. See the definition of "designated groups" in the Act.
6. See section 19 of the Act.
7. See the definition of "family responsibility" in the Act.
8. See section 20(2)(e) of the Act.
9. See sections 15 and 20(2)(b) of the Act.
10. See the definition of "reasonable accommodation" in the Act.
11. See section 20(2)(e) of the Act.
12. See section 21 of the Act.

SECTION SIX – EMPLOYEE DEVELOPMENT

NRC recognises the mutual benefit achieved through employee development and is committed to ongoing training and development of its employees.

1. TRAINING AND DEVELOPMENT

1.1 Policy Statement

The company believes that its employees form the cornerstone of its competitiveness in the marketplace. It therefore adopts a policy of giving priority to the training and development of its staff, within the parameters of what is feasible and sensible in the context of resource deployment requirements. It will set out to identify and assess the potential of staff, to match it with the requirements of the company and to afford all employees the opportunity to develop their potential, improve their performance and advance their career prospects within the organisation.

1.2 Objectives

- To encourage and promote access to appropriate training and development opportunities, which develop specific and transferable skills for current and future, jobs, tasks and roles.
- To provide and maintain a work environment which encourages and assists staff to identify their individual current and future career goals and contributes to their personal development.
- To facilitate consultation, communication and co-operation between managers/supervisors and staff in identifying and addressing individual and group training and development needs.
- To provide and maintain the skills and knowledge necessary for effective work performance in order to facilitate attainment of the organisation's goals
- Develop, facilitate and present relevant training programmes at a uniformly high standard.
- Administer training programmes in a manner that promotes employee morale, provides fair and equitable treatment and provides safe and healthy working conditions for all employees.

1.3 Fees and Payment

In-house programmes are conducted without charge to the attendee.

Study Loans are available.

1.4 Cancellation Policy

Employees who have been scheduled to attend training and are unable to attend must notify the person who coordinated the training in writing at least three working days in advance. Should this procedure not be adhered to the employee may be charged for the cost already incurred by the company.

1.5 Pre-Assessment

Wherever possible, a pre-assessment evaluation should be completed to identify the specific training needs of the employee.

1.6 Post-Assessment

In order to assess the transfer of skills, knowledge and the integration of such in the work environment, a post assessment should be completed wherever possible, which would assist in monitoring continued employee development.

1.7 Records

Records will be kept of all staff who has attended training and the type of courses they have attended. The Unit/Department Manager is responsible to keep a training record of all training done in the unit. The Performa issued by Human Resources is the only acceptable format may be used. This record must be kept for at least five (5) years.

1.8 Needs Analysis

On going process of identifying training needs will be conducted by the Human Resources Department in conjunction with the Line Manager.

Study Contract

For approved employer funded courses, employees will be required to sign a study contract.

BALANCED SCORECARD

2.1 Objectives

The aim of this policy is:

- Create a basic understanding of the Balanced Scorecard and how it relates to the Company's Vision, and Strategy
- Create a framework of reference that will ensure some sort of standardisation in the designing, implementation and application of the Balanced Scorecard
- Ensure that all Managers know how to design and score a Balanced Scorecard

2.2 Definitions

2.1.1 Performance Management

It is an approach to achieve a shared vision of the purpose and aims of the organisation, helping each employee to understand and recognise his or her contribution to the mission and thus manage and enhance the performance of the organisation.

2.1.2 Strategy

Game plan developed by management for achieving its long-term objectives.

2.3 Introduction

In today's competitive environment the company that adopts the best to change and seize the opportunities associated with change will be successful. In any organisation the level of competency and commitment of its Human Resources will determine its success in these strategic re-alignment prices.

Companies are also realising that not only financial but also operational measures will determine the success of a company.

Managers want a balanced presentation of both financial and operational measures. After a long research project Robert Kaplan and David Nortan devised a "Balanced Scorecard" – a set of measures that gives top management a fast but comprehensive view of the business. The Balanced Scorecard includes a financial measure that tells the results of actions already taken and is complemented with operational measures that are the drivers of future financial performance. Think of the Balanced Scorecard as the dials and indicators in an aeroplane cockpit. For the complex task of navigating and flying an aeroplane, pilots need detailed information about many aspects of the flight. They need information on fuel, air speed, altitude, bearing, destination, and other indicators that summarise the current and predicted environment. Reliance on one instrument can be fatal. Similarly, the complexity of managing and organisation today requires that managers be able to view performance in several areas simultaneously.

The Balanced Scorecard forces Managers to focus on the handful of measures that are most critical for success.

2.4 What Is The Balanced Scorecard?

Once the organisation strategy is set, it must be translated into specific goals, departmental and individual objectives and finally to performance standards which emphasise not only results but also those behaviours identified as required to achieve results.

Management systems can then allow the strategy to become operational, translating overall strategy into goals, then into day-to-day behaviours and results, which can be measured and rewarded.

The Balanced Scorecard is then one such tool to translate NRC's vision and strategy into a set of objectives and measures, which can then be measured and rewarded.

The Balanced Scorecard could be described as a setting consisting of financial, customer, internal processes and learning perspectives describing the current strategy of the organisation and to achieve it in the future. A set of measurements, which will reveal how an organisation is doing.

Balanced scorecards were developed by American management consultants Robert Kaplan and David Norton. Their aim was to produce a more balanced system of measuring business success than simply using short-term financial gains. They believe that no single Measure can provide a good indication of Business achievement. Their system uses a balance selection of objective measurements to address four basic issues:

- The financial perspective – or how the company appear to shareholders?
- The customer perspective – how should we appear to our customers? (How do we become our customers most value supplier?)
- The internal perspective – what business processes must we excel at?
- The learning and growth perspective – who will we sustain our ability to change and improve? (How can we continue to improve and create value, particularly in regard to employee capabilities and motivation?)

Targets and results for these four perspectives would typically be presented to senior managers on a single sheet of paper, providing them with a quick but more comprehensive and balanced view than any one yardstick would allow.

The concept is then extended to measure performance at all levels of the organisation. Scorecards are cascaded down with each level building its own card from the most appropriate from the more senior scorecard.

The Balanced Scorecard can then also be described as:

- A device for balancing concern about financial performance with a concern for other aspects of performance
- A balanced model that focuses on internal and external indicators as well as the related performance drivers and outcome measures which describe the cause-and-effect relationship behind the strategy
- A strategy management system for achieving long-term goals
- An integrated approach for translating strategy into action
- A state-of-the-art system to assess performance from four perspectives

- Together with the performance review structure, considered a true tool that tells management much more about what to expect of the future and in addition, virtually assures stretch goals.

2.5 Strategic Management System

It is essential that you understand that this is not a one-off exercise. To succeed with the Balanced Scorecard it must become the centrepiece of a new, integrated management system, which aligns all your operational activities to corporate strategic objectives.

The scorecard must reflect and drive your organisation strategy. It is therefore important to choose meaningful and achievable measures to drive your strategy.

The company's vision and strategy should be communicated to staff in such a manner that they understand it. They should know what is expected of them (what action is required) to implement and achieve the organisation's strategy.

To achieve all of this

Head Office must communicate their strategy to Regional Management. Regional strategies must reflect Head Office themes as their output but have unique strategies to drive these results.

Each Unit will then have to define their own strategy, which needs to be translated from the Regional Strategy.

In the unit/department each employee's goals and performance standards needs to be defined. These goals and performance standards should be linked with the unit/department and Regional strategy. In other words, achievement of individual goals should in return result in the Unit and Region being able to meet its goals.

2.6 Steps To Design Your Own Balanced Scorecard:

Step 1:

You need to know and understand the Regional strategy.

Step 2:

Define your Unit/Department's strategy. It must be aligned with the Regional strategy.

Step 3:

Identifies each individual employee's role and responsibilities in achieving that strategy.

Step 4:

Define role and responsibilities of each Employee in terms of:

- **Objectives:**
  What, how good and when something must be done and be achieved.
- **Measurement description:**

  What, will be used to measure if the employee has met his / her objective.

Example of an objective and measurement description:

OBJECTIVE	MEASUREMENT DESCRIPTION
Reduce customer complaints Improve the standard of patient files	Evaluate patient feedback Audit patient files

Step 5:

- Determine the baseline or minimum target:

This is really what is expected of the employee to do and achieve under normal circumstances and what he / she is being paid for.

- Target:

This is what you expect from the employee to achieve in order to enhance his / her performance or change his / her behaviour to ensure a specific outcome.

OBJECTIVE	MEASUREMENT DESCRIPTION	BASELINE	TARGET
Improve and standardize	Audit patient files	60% of files audit and corrected	80% of files audit and corrected

Step 6:

- Determine which percentage of your goals is Service excellence focussed and which percentages are financial focussed.

STRATEGIC FOCUS	SCORES	OBJECTIVE	MEASUREMENT	BASELINE (min target)	TARGET
Service excellence	50 30	Improve and standardized personnel files Ensure orientation program are successfully implemented.	Attendance register	100% attendance	100% attendance
Financial	20	To keep within annual budget	Monthly financial report	Budget	Less 4%
Total	100				

Step 7:

- Within your strategic focus areas you need to attain a weight to each of the objectives in terms of ease / difficulty and importance in achieving them.

STRATEGIC FOCUS	SCORES	OBJECTIVE	MEASUREMENT	WEIGHING	BASELINE (min target)	TARGET
Service excellence	50 30	Improve and standardized personnel files Ensure orientation program are successfully implemented.	 Attendance register	60% 40%	 100% attendance	 100% attendance
Financial	20	To keep within annual budget	Monthly financial report	100%	Budget	Less 4%
Total	100			100%		

A STRATEGIC MANAGEMENT SYSTEM

3. PERFORMANCE MANAGEMENT

3.1 INTRODUCTION

To flourish in the global environment the company should become a place where the talent of our company is identified, nurtured and unleashed.

To attempt to realize the above we have develop a new performance management process that will consist out of regular monthly reviews, focus on inputs/outputs and development and where two way communication is the key and a supportive and flexible process is promoted. The latter is an attempt to move away from a system that was based on so-called "form system" of appraisal to a process of review.

The aim of the process will be to develop the talent of the organization and to determine the strengths and improvement areas for each employee in the company. We will aim to consistently and accurately evaluate performance in order to develop the skills that will allow the organization to prosper.

3.2 IMPORTANCE TO EMPLOYEES

The new performance process has been developed in consultation with employees representing each of the occupational groups present in National Renal Care. The new process will enable employees:

- to know what they are being held accountable for at the beginning of the review period,
- to track their own performance throughout the year, and
- to strengthen and build new skills.

3.3 IMPORTANCE TO NRC

Having the above system in place will enable National Renal Care to:

- create a climate for development,
- first look at strengths, then at areas for development,
- explore job satisfaction and career direction, and
- assist with personal development planning.

Create a climate for development, not evaluation: Managers must see themselves as a coach and developer of employees, and let them know that you there for their growth, not just to evaluate them. Managers must be prepared to listen to their concerns, and let them see they are willing to understand them. To give employee space to talk about what really motivates them.

Look first at strengths, then areas for development: Be specific in terms of behaviour in pointing out their particular strengths. Show them in what way this is of value to the company and to the team, and the implications for their growth in the company. Communicate problem or weak areas as areas for development, or as growth challenges, not as difficult obstacles. Again, be specific in terms of behaviour, rather than talking vaguely about problems.

Explore job satisfaction and career direction: Are your employees strengths matched with the job or team role that they are in? Might their particular strengths be used in another role? What is their level of job satisfaction at present? Be asking yourself not just "How is this person doing in this job?", but also "Where need they to be headed in order to maximize their potential?"

Assist with personal development planning: Assist them in drawing up specific goals, by when they are to be completed, and how they are going to be done. A plan such as this which has been jointly worked on is very useful for keeping the development process on track. Goals need to be realistic, attainable and simply stated.

3.4 THE PERFORMANCE CYCLE

The performance management process is an ongoing cycle of activities, not a once a year event. The performance cycle includes the following three phases:

- Planning Phase.
- Tracking Phase.
- Reviewing Phase.

During the planning phase the employee works together with his/her manager to create a performance plan that includes:

- The results (Key Performance Areas) the employee need to achieve during the review period.
- The duties and standards.

The type of discussion that takes place during the planning phase is a reaching agreement discussion because the manager and employee reach agreement on the plan. At this stage the employee can also create a development plan that lists actions to be taken to build skills, knowledge and behaviours.

The tracking phase is necessary to track accomplishments during the review period. Tracking keeps the plan alive. Employees are responsible to take charge of tracking their own progress, using sources of data identified during the planning phase. Managers should provide continuous feedback and coaching to assist the employee to succeed. Co-workers can also provide feedback regarding the employee's strengths and opportunities or improvement.

Monthly discussions between the manager and employee will enable the employee to receive monthly input regarding performance and opportunities for improvement. These meetings can also provide opportunities to correct problems that arise and allows the parties to adjust the original plan.

Performance will be reviewed six monthly. The review will be a summary of all the one-on-one discussions that took place up to the date of the formal review and will include all new data that have been collected since the last discussion. The purpose of the formal reviews will be to measure the employees' actual results over the review period against planned results and to develop an action plan to improve performance and to develop the employee.

3.4.1 Planning Phase

Management in consultation with employees are responsible for setting goals and expectations so employees can channel their efforts toward achieving organizational objectives. Getting employees involved in the planning process helps employees understand

the goals of their unit and how their responsibilities contribute to the achievement of the company's mission.

Managers are responsible for ensuring that employees know what their jobs are and how to do them. They are also responsible for clearly communicating their expectations to employees and basing evaluations on predetermined standards. The manager's duty is to ensure that every performance review is completed in a timely and fair manner.

Planning activities should be done at the start of the review period. The planning phase will give you a solid basis on which to review performance during the upcoming year. When planning is complete, both manager and employee will have a written copy of the Performance Review Form detailing the job duties/goals with accompanying standards.

3.4.1.1 Elements of Planning

- Confirm or identify Key Performance Areas (KPAs).
- Confirm or identify specific duties on which the employee will be evaluated.
- Confirm or develop standards for duties and Company Values.
- Identify knowledge skills and or behaviours to be developed, if appropriate, for each KPA/duty.
- Identify management support to be provided to assist in the accomplishment of each duty.
- Discuss the performance review ratings with employees.
- Reach agreement.

The planning phase of the Performance Review Process works best when employees contribute to the standard-setting process. It is essential that both manager and employee are clear about what the employee will focus on during the review period.

3.4.1.2 Prepare for the Planning Meeting

- **For the Manager**

To prepare for the planning meeting, review the Performance Review Policy and the Performance Review Form. You could also schedule the Performance Review Overview class offered by Human Resources for your work group.

Ask your Manager if there are any new goals for your area so you can include them in your planning.

Review each employee's Job. Review KPAs duties and standards. Also, think about which KPAs and duties are most important for each employee.

- **For the Employee**

To prepare for the planning meeting, review the Performance Review Policy and the Performance Review Form. You may attend the Performance Review Overview workshop if you wish.

It is a good idea to review your performance from the previous year. Think about the following questions:

- What did the unit/department accomplish over the past year? How did I contribute?
- Did I perform my duties to the best of my abilities?

- What were my most significant achievements?
- What problems or obstacles did I encounter?
- Did I take the initiative to solve them?
- How can those problems be avoided this year?
- What would I like to accomplish in the coming year?
- You should also think about what plans you have for yourself. Do you want to increase the scope of your responsibility? Take additional training? Learn new skills?

Review your KPAs and think about which KPAs you consider most important.

For planning to be successful, employee and manager need to share ideas, discuss options, and decide on appropriate KPAs, duties and standards.

3.4.1.3 Conduct the Planning Meeting

- **Review Organizational Goals**

A good first step is to review the department or company's goals and discuss how they contribute to the overall mission of the company. Then, look at the department goals and how the employee's job responsibilities contribute to their achievement. Every job is important. Employees appreciate understanding how their job fits into the bigger picture and relates to other jobs.

- **Confirm/Identify KPAs**

Before the employee can set his/her goals or objectives it is important that the employee need to understand how his/her work supports the goals of the organization. The employee's KPAs provide this link. The KPAs are the reasons the employee's job exists in the company.

Criteria for KPAs:

- Should reflect the organizations vision and objectives.
- Number between five and seven.
- Be described in a few words.
- Be within the employee's influence.
- Be similar to similar jobs.
- Do not change unless the job changes.

3.4.1.4 Confirm/Identify Employee Duties

Next, identify the specific duties you would like to see the employee accomplish during the review period. Ask the employee to identify the duties s/he would like to accomplish and use that as a basis for discussion. Relate the employee's ideas to unit and departmental requirements. When you have agreed upon the duties, confirm the duties as per Section 1, Goals and Duties, in the shaded area of the Performance Review Form. If there are any changes please communicate with the Regional Manager and Human Resources Department.

3.4.1.5 Confirm/Identify Standards

For every duty, and behaviour illustrating a company Value, there must be a clear standard of performance so you can evaluate each employee's performance more objectively. Only the duty statement will be recorded in the Duties sections of the Performance Review Form (Section 1.). The standard is separate from the duty statement and will be written on the

SMART Standard Worksheet and appended to the Performance Review Form. For the company Values, the standards are written on a separate sheet.

A standard tells you what a good job looks like. A standard tells you how well a job is being done by defining the results of activity, the quality of the work, the amount of work to be done, and when the work is to be done. Since you will be evaluating the employee's performance, the standard should reflect your judgment of what constitutes a "good job." Think about what the employee needs to do to "meet your expectations" and write the standard for that situation. Standards should be written high enough so that reaching them is not automatic, but not so high that employees cannot hope to reach them.

Standards are typically based on the job and not the person, so the same standards can be applied to all persons performing the same job. However, there are times when it is appropriate to develop different standards for different persons performing the same or similar jobs. Standards must be developed at the beginning of the review period and be clearly communicated to the employee.

3.4.1.6 Competencies

Criteria for competencies:

- Must support the organizational values.
- Must be related to the objectives
- Must be observable.
- Must be understandable.

The organization can translate the organizational values into competencies that people can focus on in their performance plans. This brings the values alive making them more than just words, but rather a set of behaviours, setting an expectation for how people will work with one another. The latter behaviours begin to define the kind of culture the organization desires.

Competencies identifies the behaviours that makes the organization and the individual successful its gives employees a better idea of which key actions to demonstrate. It is important that competencies should be observable to ensure that the employee knows exactly how well the competency has been demonstrated via feedback. Everyone needs a common understanding of what is required of a particular competency. Each competency has clearly defined pre-determined key actions that need to be demonstrated.

During this phase the employee must identify tracking sources that will give him/her information regarding progress.

Development planning and continuous learning can be described as a three-stage process. Most of us already use this process. Every time someone intentionally learns something new they:

- Assess their current skills and knowledge, by identifying both strengths and developmental needs. Sources of assessment can include an discussion with the manager, performance review, feedback from others, own self assessment etc.
- Acquire the skills and knowledge they need through a variety of means, including but not limited to formal training, reading a book etc.
- Apply the new skills and knowledge to the job.

The areas for improvement (skills to be developed) can be added in the beginning of the review process by completing a development plan. This takes place during the reaching agreement discussion. During the reaching of agreement discussion the employees should

take the lead as it is the employee's plan. The performance review form must be used as a guide to discuss and agree on each part of the form. Action steps agreed upon must be included in the development plan.

3.5 Tracking phase

Every employee is responsible to keep track of his/her performance during the review period. Progress can be monitored by feedback from others and self reporting. Employees are not used to monitor their own performance. Monitoring one's own performance may at first seem strange and even cumbersome. With practice employees will find that it takes little effort to write down and file a note on a compliment that he/she received from a customer or to organize the data from tracking sources. By keeping track of performance the employee will have the necessary supporting data/information during the formal reviews.

During the tracking phase of the performance cycle the employee is collecting important data regarding his/er performance. Progress will be checked and recorded monthly during the One-on-One informal discussions. During these discussions the manager and employee can check progress and whether the employee's performance is still on track. During the planning phase the employee should have identified tracking sources. The following are some tracking sources:

- Reports.
- Surveys.
- Calendars.
- Lists.
- Printouts.

These sources monitor the employee's results. The following sources can be utilized to track competencies:

- Self reports.
- Written and verbal feedback from supervisors/managers, and customers.
- A calendar of interactions.
- Developmental activities.

Tracking should not be based on opinion or feelings, but always be based on facts. The STAR concept can be used by the employee to capture a complete picture of behaviour. The STAR concept (Situation/Task, Action, and Result) is a good method to capture a complete picture of behaviours in a situation. STARs make feedback reliable.

STAR example:

Situation/Task - Describe the situation or task you faced – Part of my job is to update the inventory database for my unit. When we lost our main storage facility as the hospital needed the space for doctor's rooms, we had to reconsider how much stock we safely can keep on hand.

Action - Describe what you did – When I realized that our storage capacity for dialysers and plasma filters has been reduced by two thirds, I contacted our service provider and found out how much it would cost if we purchased the same quantity of stock from them, but had it delivered in smaller quantities weekly instead of monthly.

Result - Describe the results – The extra money that we spend on the weekly deliveries was far less than what we would have spend leasing an extra storage space. Even when we had to do a plasma exchange and we had to courier the filter via overnight service, our cost were still far less than when we kept an a month's inventory on hand. The Financial Manager figured that my plan saves the company almost R20 000.00 per year.

Every manager must keep a "performance" file for each employee in the unit. The file is confidential and only the employee and manager have access to the file. The purpose of the file is to keep a "portfolio of evidence" of performance for each employee. This portfolio of evidence can include the following:

- Completed competency document.
- Hardcopies of tasks completed i.e. typed minutes, reports printed etc.
- STAR sheet.
- Letters from customers and management.
- One-on-One discussions.
- Etc.

3.5.1 Giving Effective Feedback

Giving feedback in ways that encourage a positive relationship and improve performance is a skill that can be learned. Like any skill, the more you do it, the more proficient you become.

Effective feedback is descriptive, not judgmental. It is focused on behaviour, not personal characteristics or "attitude." It is a collaborative effort intended to help the employee.

It is not helpful to tell an employee that work is "substandard," "not very good," "great" or any subjective term that is not defined. It is more helpful to say, "You are doing an excellent job of capturing the invoices, which are error-free or although your progress on reducing errors on purchasing invoices is good, I need the turnaround time for payment of the suppliers reduced to three days.

Here are some suggestions for giving feedback, both positive and corrective. You can use these suggestions in formal counselling sessions or in day-to-day communications.

Good feedback is: Timely, Specific, Balanced and non-threatening, Focused on solving problems.

When giving feedback it is important to:

Maintain the self esteem of the employee; Listen and respond with concern to problems or concerns; Ask for help and encourage involvement in solving problems; Share your own thoughts, feelings and rationale for decisions; Provide support without removing responsibility.

The STAR feedback Model is useful for counselling sessions to improve performance or reinforce positive behaviour.

In the model, you:

- Describe the Situation or Task
- Describe the Action; what was done
- Describe the Results

To use this model for redirecting/improving performance, add two additional steps:

- Describe Alternative Action.
- Describe possible or desired results.

3.5.2 Coaching

During the year, managers are responsible for coaching and mentoring employees to assist them in reaching their goals and achieving optimal performance. Ongoing feedback and coaching is used to communicate about and correct performance deficiencies, to reinforce appropriate behaviour, to teach the employee new skills, to motivate high performance, and to mentor employees so they understand their role in the organization.

Employees are responsible for communicating with managers about their progress, resources needed, any problems that arise, and barriers to achieving goals.

Providing feedback to employees about their performance is an important responsibility for all managers and an integral part of performance review. Managers who develop a coaching relationship with their employees find that employees learn new skills faster and are more productive. Coaching is the secret to motivating high performance.

In a coaching relationship, the manager:

- Challenges and helps employees do their best.
- Is committed to excellence.
- Sincerely cares for the individuals in the group.
- Exhibits leadership skills.
- Is a catalyst that helps the group work together.

Performance coaching helps employees grow and develop in the organization. It is a method of leading that helps motivate good employees and improve the effectiveness of those with performance problems. A desirable outcome of coaching is when employees develop new skills in order to do their jobs better. Another positive outcome is that they are more comfortable using their own ingenuity to solve problems.

The key to effective coaching is to handle problem situations without causing resentment. Since it does little good to criticize after the fact, when calling attention to an error, take a problem-solving approach and ask, “What can we do to correct this?”

Giving positive encouragement when an employee does something well is a powerful tool to both reward the employee and motivate even better performance. Reinforcing improvement almost guarantees that further improvement will be forthcoming.

Coaching employees allows managers to:

- Reinforce good performance.
- Correct performance.
- Teach new skills and procedures.
- Mentor employees .

Reinforcing good performance creates positive change in the workplace. It helps employees become more autonomous and sets the stage for creative problem solving. Since new behaviours are seldom initiated without experimentation and risk taking, encouraging employees with positive reinforcement increases the chances that they will take the risks to come up with new solutions to problems.

Corrective feedback helps new employees learn their jobs and helps all employees improve their performance. Identifying and planning to correct problems as they arise can prevent larger problems from developing later. Discussing barriers to effective work performance and job satisfaction opens the way to improving performance and enriching the job. Managers can assist employees in generating alternatives and action plans for dealing with identified problems.

Teaching new skills is an important function for managers, especially with new employees. Coaching sessions can be used to discuss possible work process improvements, help employees understand new policies and procedures, and improve personal and interpersonal effectiveness.

Managers mentor employees so they understand their role in the organization and learn how to realize their potential. Encouraging employees to stretch themselves and set development goals is another goal of coaching.

Coaching has the following benefits:

- Regular coaching will make your job as manager easier when employees build their skills and independence.
- It also increases productivity, the quality or work and the effectiveness of the work group.
- Employees' motivation and initiative is increased with effective coaching.
- Creativity and innovation in problem solving increases.
- Coaching can prevent problems from occurring.

When to coach:

Performance Coaching is a continuous and continual process of providing help to one's employees by analyzing their performance and other job behaviours for the purpose of increasing their job effectiveness. It is an integral part of performance review.

Coaching sessions are most effective when held frequently and regularly. Ideally the manager assumes a day-to-day coaching role which helps develop a positive relationship between the manager and the employee. Positive accomplishments can be recognized immediately and problems handled before they escalate. Addressing problems immediately ensures that employees do not learn ineffective ways of working, and reinforcing good performance as it occurs motivates employees to excel.

It is important, when coaching for improvement, to call the employee into your office or another private setting for the discussion. It is not appropriate to correct or discipline an employee where others can hear or see the conversation. If you are reinforcing positive behaviour, however, doing it in a public setting may be inappropriate and unappreciated.

Both informal day-to-day coaching and regular coaching sessions are recommended. These can be short update sessions to check on progress, give feedback, and address problems that have arisen.

How to be a good coach:

A good coach is a catalyst for change, someone who sparks action in others. This is different from the traditional view of the manager's role. A catalyst helps others understand expectations of their work and live up to those expectations. A catalyst helps people believe they can attain their goals. A catalyst does not proscribe a plan for improvement, but expects employees to direct the improvement of their own performance.

A good coach: encourages others to uncover the main cause of the problem; urge others to take actions leading to lasting improvement; fosters open dialogue; shares personal feelings about the situation; motivates people by offering specific feedback in a supportive way; and pledges support for the person or the group's plan. In a leadership role, a catalyst leader can help effect positive change in the workplace.

There are five key principles for effective coaching.

i. Maintain and Enhance Self Esteem

Your employees need to feel respected and have a self of self worth in order to be motivated, confident, innovative and committed. Employees who feel valued are more willing to share responsibility, confront challenges, and adapt well to change. Maintaining self esteem means telling employees that you know they want to do a good job and pointing out their strengths. It also means not saying anything to demean their abilities, competencies or integrity. It means praising them for good performance. Useful responses empathic, supportive and exploratory. Those that alienate, criticize or deliver orders are likely to be dysfunctional.

ii. Listen Actively and Respond With Concern

Listening is a powerful way to build trust and improve communication. To listen actively means to pay careful attention to what the employee is saying. The coaching session should be held in a quiet place so you can concentrate without distractions. It is important to comprehend the feelings and concerns the employee may be expressing, even if the employee cannot express them verbally. You can demonstrate that you are actively listening by being attentive and maintaining eye contact. You can show understanding and empathy by paraphrasing or reflecting back what was expressed. When you respond with empathy, employees know you understand how they're feeling and why they're feeling that way. This encourages your employees to share their feelings and ideas with you.

iii. Ask For Help and Encourage Involvement

Employees want to have a say in how they do their work. They want to be involved in decisions that affect them. They want to provide their input to changes that they will be asked to implement. Involvement increases the chance that innovative ideas and solutions will

surface. It is a sign of strength for a supervisor to ask employees for their suggestions on how to solve a problem or improve performance.

iv. Share Thoughts, Feelings and Rationale

Employees want to know how you're feeling about them in relation to their performance. By being open with them, you'll encourage them to trust you, to be open in return, and to accept responsibility for improving. By sharing the rationale for your decisions, you will help them understand how their work contributes to the goals of the department/unit and the university as a whole.

v. Provide Support Without Removing Responsibility

As a manager of others, you are in a special position to provide support to your employees. This may include advising, mentoring, providing resources, reassigning duties, and clearing organizational roadblocks.

In order to assist the manager we have included a coaching checklist as well as a coaching discussion form (**Annexure F)**.

3.5.3 One-on-One Discussion

The purpose of this informal process is to determine and discuss the current state of affairs from an employee and manager's perspective. Therefore this process should serve as an informal feedback session were the employee has an opportunity to provide his/her upward feedback to his/her leader/manager. This process also provides leaders/managers with information on how they operate as or are perceived as leaders/managers.

This process is not intended to replace the existing disciplinary and or grievance procedure or any rights associated with these. Matters that fall within the ambit of these mechanisms should be referred as such.

3.6 Reviewing Phase

The formal review is an opportunity for the employee and manager to summarize how the employee's actual performance compared to the level agreed to in the performance plan, to recognize the employees major strengths, to agree on ways to improve performance that falls short of the required standards and to look for ways to help grow and develop the employee in the coming review period.

During the formal review the communication is two way.

3.6.1 For The Employee

When the manager asks the employee for his/her self-assessment, the employee should use the copy of the Performance Review Form completed earlier in the review period. It will contain the KPAs, duties and standards that have been develop and agreed upon.

The employee must use the notes that have been kept during the year to evaluate his/her performance against the agreed-upon KPAs, duties and standards and Company Values in Sections 1 and 2 of the form. The employee should write his/her remarks in the Supporting Comments section. Employees must make use of concrete examples to support evaluations.

The employee must keep in mind that if his/her performance met the standards, the rating will be Meets Expectations. Only if the employee did better than the specified standard should the rating be Exceeds Expectations or Outstanding.

The employee must be prepared to cite special accomplishments or achievements. If the employee has letters of commendation or other documentation from peers, customers or others, copies should be included. It is important that the employee is honest about where improvement is needed. Develop action steps for performance improvements.

The employee should prepare a development plan for him/herself, based on his/her strengths and areas to develop. The employee should also consider what support he/she may need from the manager in order to accomplish goals/perform duties.

The employee must give a copy of his/her self-assessment to the manager at least one week before the scheduled Performance Review Discussion.

The employee can use the following questions to help him/her to organize data in preparation for the review discussion with the manager. The employee should think about the performance data collected using the tracking sources, the progress made and any areas for improvement:

- What major accomplishments have I achieved this year?
- How well did I use my tracking sources to assess my performance? What can I do differently for the next review period?
- How well did I use my tracking sources to obtain my feedback on my performance? What can I do differently for the next review period?
- What can I do to continue to improve in my current role?
- What are the biggest obstacles I face to improve performance?
- How can my manager help me perform better?

3.6.2 For the Manager

If you have followed the process so far, by the time you write the performance review, you will have the information to do an effective job. You will have clear standards for goals and duties based on the employee's KPAs. You will have a supportable basis for making your evaluations. You will have documented the employee's performance and given clear feedback about the performance over the course of the review period. You will have provided the employee with opportunities to improve performance when necessary so there will be no surprises about performance problems. At the time of the written review, both you and the employee will discuss the process and you will invite the employee's input. If you follow the suggestions in the Performance Guide, you will find the process of performance review to be constructive and satisfying.

To make the written portion of performance review effective, the manager should obtain as much objective information as possible about the employee's performance during the review period. It is a good idea to take notes during the year on both positive and corrective events so you will have concrete examples of behaviour to use. Other sources of data about employee performance include performance documentation such as attendance records, letters of complaint or commendation, examples of poor or outstanding work, activity reports, and your notes from observing and coaching sessions.

3.6.3 Schedule the Review Discussion

The first step in the annual written review is to set a time for the discussion and inform the employee of the time and place. Choose a quiet, neutral place where you will not be

interrupted during the discussion. Also remind the employee that a self-assessment, using the Performance Review Form with the planning portions completed, must be turned in to you at least one week prior to the discussion.

As a manager, when you prepare to write the performance review, it is important to review the rating scales and be sure you understand the five ratings (see Definitions).

3.6.4 Prepare the Written Review

All managers will use the new Performance Review Form for planning and for review.

3.6.5 Collect and Review Data

As you prepare to write reviews for your direct reports, allow enough time to carefully evaluate each employee's performance. Use the information in the employee's self-assessment and Job Description, and go over the KPAs, duties, and standards. Collect any notes you made during the year, copies of the Performance Feedback Worksheet if you used it to record notes on performance, the results of coaching sessions, and any other data you have that bears on performance.

3.6.6 Compare Performance to Standards

Using the Performance Review Form that you began at the start of the review period, begin to develop your supporting comments for the Duties and Values in Sections 1 and 2. Here you will write your description of how well the employee performed duties and demonstrated the company's values based on the standards. For all functions, consider these questions:

- How does the employee's level of performance compare with the agreed-upon performance standards?
- How was the level of performance confirmed? Did you observe it? Did the employee report it? Are there independent measures or work products?
- What were the consequences, results and impact of the performance?

Use specific examples gathered from your notes in your descriptions of results, describing behaviour that did or did not meet the agreed-upon standards.

3.6.7 Rate Duty and Value

After you have written the description, rate each item as Outstanding (O), Exceeds Expectations (E), Meets Expectations (M), Needs Improvement (I), or Unsatisfactory (U). An explanation of each rating is found in Definitions.

Note: If the employee's performance fully achieved the specified standard, the rating is M.

It is important to note that accurately evaluating performance is the most visible indicator of success within any performance management system/process. Honesty and objectivity are essential to a successful reviewing performance discussion. Without them the review has no value to the employee or the origination.

Most of the time, employees and managers intend to be honest and objective about a performance review, but feeling, opinions, biases, and single, memorable events thwart their good intentions.

Let's face it, we are not perfect, but if we use performance data and the suggestions for minimizing errors, we have a good change of agreeing on ratings. The following can have a influence on ratings:

i. Leniency or Harshness

When raters see everything as "good" they are lenient raters. When they see everything as "bad" they are harsh raters. Examine your ratings for an unjustifiable tendency toward leniency or harshness.

ii. Central Tendency

Central tendency describes what you do when you tend to put everyone in the middle. This tendency, which produces ratings that do not distinguish between employees, damages morale and makes decisions for pay for performance, promotions or training difficult to justify.

iii. First Impression

Whether your first impression of the employee was positive or negative, this should not affect the performance review, which is based on observable behaviour for the entire review period as compared to specific standards of performance.

iv. Recency Effects

When behaviour observed just prior to the review unduly affects the rating, this is a recency effect. Ratings should be based on performance that occurred throughout the entire review period. Keeping good records of performance helps to overcome this error.

v. Personal Bias

When raters give a higher rating to employees with qualities similar to their own, and lower ratings to employees with dissimilar qualities, this is a similarity error.

A contrast error occurs when managers rate others as less skilled in areas in which they themselves are highly skilled. If, for example, a manager rates him or herself as being very dependable and rates subordinates as being less dependable, this is a contrast error.

All these biases can be avoided by having clearly defined agreed-upon standards in place, and regularly-collected documentation of observable performance covering the entire review period.

In addition to rating errors, it is important to ask yourself some critical questions, such as, "Did I expect too much?" and "Has my leadership contributed in any way to this deficiency?" "Did the employee have the proper training to do the job?" "Did the employee understand my instructions?"

3.6.8 The Performance Review Discussion

Give the employee sufficient notice of the time and place of the meeting. Allow at least one hour for the discussion. Hold the review in a private place where you will not be interrupted.

Bring to the meeting the Performance Review Form you have completed, the employee's self-assessment, the Performance Feedback Worksheet, and any other relevant documentation, such as the Job Description, work products, etc.

Open the discussion by stating the purpose of the meeting and summarizing the points you will be covering.

The objectives for the discussion are to:

- Review, discuss and confirm your understanding of the accomplishment of goals/duties and University Values listed on the Performance Review Form;
- Recognize strengths and achievements;
- Confirm previously identified areas needing improvement and agree about how improvement is to be accomplished;
- Review the employee's career development goals;
- Set new goals/standards for the next review period;
- Agree upon the support you will provide the employee in the coming year.

Begin with Section 1, Duties, and review each one. Consider the employee's self-assessment in conjunction with your assessment, and discuss areas of agreement and difference. Consider whether anything raised in your discussion of the employee's self-assessment sheds new light on your assessment, and be prepared to modify your review if appropriate. If performance meets or exceeds the standards, recognize these accomplishments.

For example, you might write: " Jan, your performance in word processing is Meets Expectations. You word process letters and reports with an average of one error per page, correct errors on the final document, follow standard format and meet deadlines."

If performance needs improvement, identify specific areas for development and jointly develop an action plan.

For example, "Jan, your performance in word processing needs improvement. You word process letters and reports with an average of three errors per page and do not always correct all errors on the final document; you do follow standard format, but you frequently miss deadlines."

Ask the employee why s/he is not meeting standards. You can offer your own input on possible causes. The goal of this discussion is for both of you to understand the reasons why the standards are not being achieved. Ask the employee for potential solutions, and brainstorm together until you both can agree on specific, practical solutions.

Discuss previously identified areas for improvement. Ask the employee how s/he plans to improve performance and introduce your own ideas for improvement planning. No problems should be raised during the review that you have not discussed with the employee during the review period. Remember to criticize the work, not the person. Be as specific as possible, relating areas of improvement to the work standards.

Be open to employee questions and concerns. Listen carefully to be sure you understand the issues, and avoid responding defensively. If you need more information, meet with the employee again at a later date. Do not let yourself get caught up in a debate or argument. When employees require corrective feedback, give it straight. When employees merit praise, give it to them.

Attempt to resolve differences, misunderstandings and disagreements that surface during the review. Be sure that both of you are satisfied that all important points have been covered.

In Section 1, write what you will do to support the employee in improving performance and developing skills.

Update standards for the next review period.

Finish the discussion by summarizing what was discussed and the results of the meeting. Reinforce work that was well done. Close on a positive note.

Tips for giving employees performance feedback:

- Address performance problems as an opportunity for professional development.
- Listen actively to the other person's concern.
- Remember and acknowledge that negative feedback is both hard to give and hard to receive.
- Identify and/or ask for specific behaviours or training needed to correct performance difficulties.
- Work together on one performance concern at a time. If there are multiple concerns, schedule additional meetings.
- Problem solve solutions together to identify a course of action acceptable to both parties and then identify when you will meet again to evaluate outcomes.
- Don't discount emotional responses that are bound to occur. Take a break to relieve tensions if emotions become extreme and reschedule the meeting if necessary.
- Work to communicate assertively rather than aggressively or submissively.

Finalize the Performance Review:

If, during the discussion, you decide to change any of the ratings, note the changes on the draft form and inform the employee that you will provide a new copy of the form with the changes in a few days. Schedule another meeting to go over the final version of the form.

The last task is to start planning for the coming year by deciding on the goals/duties for the next review period. Note these on a new Performance Review Form and provide a copy to the employee. You may do this in the Performance Review Discussion or schedule another meeting at a later time for goal setting.

Important Note:

Any development goals identified at the Performance Review. Discussion or in coaching sessions can be inserted into the planning portion of the Performance Review Form for the coming year.

For example, if an employee needs improvement in producing reports, a development goal might be, “Independently writes queries and produces reports from Access database within 24 hours of request.”

Prepare the final version of the Performance Review Form.

Obtain the employee’s signature on the form to indicate that the discussion was held. Give the employee time to write comments or append documentation to the form. If the employee refuses to sign the form, allow him/her some time to digest the material and prepare any additional documentation. If the employee disagrees with the review and you are not able to resolve the disagreement, the employee could speak with your manager or with Human Resources. If the employee has not signed the form after a reasonable time, note that information on the form, and sign it yourself.

Give the employee a copy of the completed form:

Send a copy of the form to the Human Resources Department.

Conduct appropriate follow-up sessions to discuss training, set goals and standards for the next review period, or coach for improved performance.

3.6.9 Disagreements

An employee's signature does not indicate agreement with the review, but rather that s/he has read and understood the contents of the form.

If a post-probationary employee disagrees with his/her written review, the employee has several options.

The employee may:

- Attach a written response to the performance review;
- Ask for a reconsideration of the written review by the next level manager, or
- Contact the Human Resources Department for assistance.

In the event of a disagreement about the written performance review, the manager should discuss the disagreement with the employee and try to solve the problem.

If the employee chooses to prepare a written response, attach it to the Performance Review Form and send it to the Human Resources Department along with the form.

If the employee wishes to speak with the next-level manager, that person will review the performance review and discuss the points of disagreement with the employee.

3.6.10 Coaching for Improved Performance

i. Describe the problem in a friendly manner

Open the discussion in a positive, non-threatening way. Outline the purpose of the meeting. Be specific as you describe a performance problem. Point out the acceptable levels of performance (from the performance standards for the position) and show the employee exactly where output falls short. Refer to any data you have that will illustrate the problem. The purpose of this discussion is to uncover the causes for the performance problem and work toward solutions, not place blame. Focus on the problem, not the employee.

ii. Ask for the employee's help in solving the problem

For employees who are not motivated to improve performance, telling them to do better has little chance of producing a positive result. The best way to get commitment is to ask for help in deciding what to do about the performance problem. When employees realize that you value their opinion, you are more likely to get cooperation and commitment. You may also learn about workplace issues that are barriers to good performance.

iii. Discuss the causes of the problem

Remember that you are having this discussion to talk about performance, not the employee's attitude or personality. Remain relaxed and friendly. Gather all the information you can about

the situation by asking open-ended questions that start with words such as “How,” “What,” “Who,” and “When.” Since these questions are generally not threatening, the employee will be encouraged to answer them and you will learn more about the source of the problem. This is a good time to listen and respond with empathy, since the employee may express concern or frustration over factors that feel uncomfortable. Let the employee do most of the talking and listen intently.

iv. Identify and write down possible solutions

After you have identified the likely causes of the problem, you will want to decide how to correct it. Ask the employee for ideas and write them down. Keep this record in case the first solution does not work as well as expected. The employee will be more committed to solving the problem if s/he has provided input for a solution.

v. Decide on specific actions each of you will take

Now you can decide exactly what will be done, by whom and by when, to correct the problem. Assign responsibilities for specific actions and write them down.

vi. Agree on a specific follow-up date

A follow-up meeting shows the employee that solving the problem is important and that you want to know the results of the new action. At that meeting, you can discuss progress and plan further action. End the interview on a friendly note.

If coaching and the use of other resources do not have the desired effect on an employee's work performance, you can use the resources of the Human Resources Department or, you can follow the guidelines discussed in the performance management policy. Human Resources can provide guidance and assistance.

3.7 Creating value

Every employee wants to know that he/she is a valuable member to the organization. How can we add the most value? By working harder? That is not always the answer. People should not confuse efforts with results.

People add value by concentrating their energy on the things that benefit the organization the most. This makes the organization and you successful. Before you can focus on what is important you need to know the following:

3.8 NRC’s Vision:

Our vision is to be recognized as the premier total disease management organization in South Africa. We aim to be the first choice service provider in Renal Care for all funders and patients in the country and to provide optimal renal care to all our patients.

3.9 NRC’s Mission:

- To educate care workers as to the need for early referral to the Healthy Start Clinic.
- To provide funders and doctors with quarterly progress reports on each patient demonstrating quality care.
- To provide growth opportunities for our staff and shareholders.

- To employ experienced multi-disciplined teams to provide superior patient care.
- To reduce the hospitalisation costs of the renal patients via managed care and education of the renal patient.
- To ensure that each unit is monitored by a consulting nephrologists.

3.10 The critical success factors:

The things the organization and your division must do well to be competitive:

- The financial perspective – or how the company appear to shareholders?
- The customer perspective – how should we appear to our customers? (How do we become our customers most value supplier?)
- The internal perspective – what business processes must we excel at?
- The learning and growth perspective – who will we sustain our ability to change and improve? (How can we continue to improve and create value, particularly in regard to employee capabilities and motivation?)

3.11 Values:

NRC's values:

We value:

- People;
- Customer service;
- Ethics;
- Integrity;
- Passion; and
- Focus.

It is of utmost importance that all employees at all levels in the company is aware of the above Vision, Mission and Values as this will enable all employees to direct all actions and performance in line with the organizations Vision, Mission and Values. This will ensure that we are doing the things that will help us to achieve the overall objectives of the organization. This will also ensure that all our Actions are directed by the Vision, Mission and Values of the organization as all employees will know what they need to be doing on order to achieve the company's objectives and overall Vision.

What the company will do with the information obtained:

- Determine annual increases and bonuses.
- Identify financial and staff resources.
- Identify training and development areas.
- Identify equipment requirements.
- Identify other needs and concerns.
- Identify organizational barriers.

Identify organizational enablers.

SECTION SEVEN - DEPARTING EMPLOYEES

1. DEPARTING EMPLOYEES OBJECTIVES

- To ensure that employees leaving the company are treated in a fair and equitable manner.
- To ensure that all departing employees receive the correct compensation and documentation.
- To ensure that the employer receives all necessary outstanding monies and items from departing employee.
- To determine reasons for departure and to document and follow up where the relationship has terminated for a specific reason.

2. RESIGNATION

During the first month of service, the notice period for termination shall be 1 week. For the balance of the probationary period and up to 12 months service such notice shall be two week's written notice.

Resignations are accepted in writing, on the 1st day of the month and subject to the following:

- It is expected that employees serve their full notice period.
- Notice of resignation will not be acceptable during a period of paid absence, sick leave or leave, unless with the approval of the Regional/Departmental manager and vice-versa.
- Leave may not be taken during notice period unless with the approval of the Regional/Department Manager.

The notice period may only be waived with the authorisation of the CEO and Human Resources Manager.

Upon receiving the notice of resignation from the line/unit manager, the Human Resources Department should complete the letter of Acceptance of Resignation form and the Employment Clearance Form (as per Termination Documentation Policy). The letter of Acceptance should then be forwarded to the employee and the Employment Clearance Form to the Unit/Departmental Manager.

All documentation relating to termination should be forwarded to payroll so final payment arrangements can be made, and arrangements made to recover monies where applicable.

2.1 Exit Interviews

An exit interview must be conducted in all cases where employees have resigned in order to systematically analyse staff turnover, employee morale, attitude, etc. and to take the necessary action once the information is available.

The Human Resources Department is responsible for arranging and conducting an Exit Interview on receipt of a signed letter of resignation or as soon as possible thereafter.

The Exit Interview form should be used as a guideline to conduct the interview **(SEE ANNEXURE 7A: EXIT INTERVIEW FORM).**

Information obtained during the interview should be conveyed to the Departmental Manager and their comments recorded on the form. A summary on a monthly basis to Human Resources Manager stating:

- Employee Name

- Occupation
- Supervisor
- Reason for Departure
- Comments

3. DISABILITY

Where an employee is disabled to the extent that he/she is unable to perform his/her own occupation, and such disability is in compliance with the relevant Employee Benefit Fund rules, then the following procedure should be applied:

1. Counselling as to the problem concerned, evaluation of alternatives available, and if returning to work is not an option then employment shall be terminated as per Incapacity Procedure. Application for disability payments may be made in an effort to assist the incapacitated employee.
2. The employee should be assisted and counselled as to:
   - Procedure to lodge claim
   - How and when payment will be made
   - How to claim UIF benefits
   - Consequences of claim being rejected
   - Other monies outstanding
3. The last date of active work must be identified.
4. The necessary documentation relating to the Provident Fund including full medical evidence should be obtained.
5. The completed documentation should be submitted by the Human Resources Department to the Employee Benefits Administrators as soon as possible.
6. In the event of the disability arising from an IOD, assistance should also be given to the employee in lodging a claim with the Workman's Compensation Commissioner.
7. Should further information be required by the relevant fund, assistance must be given to the disability claimant to provide such information as soon as possible to avoid any possible delay in payment.
8. The disability claimant is to be placed on a three-month waiting period effective from the last active date at work. This period allows time for documentation to the processed. This three month waiting period is to be on full pay.
9. At the end of the 3 month waiting period the employee should be provided with:
   - Any leave monies outstanding
   - Certificate of Service
10. If at the end of the waiting period the claim has not been finalised any further salary payments will be at the discretion of the CEO. Any further payments made should be made as a lump sum or at 75% of basic salary and must be reclaimed from the relevant fund. Where an advance payment is given an acknowledgement of debt must be signed, to authorise the Administrators to deduct advances from the monies due to the claimant.
11. Should such disability claimant be found capable to work again, there will be no expectation from him/her that the company has to offer his/her a position, however an application may be lodged for consideration for any advertised vacancy. This must be confirmed in writing at the time of incapacity termination.
12. In the event of the claim being accepted the company must continue to pay their share of medical aid contributions and the claimant must make the necessary arrangements for their portion to be paid.

4. RETIREMENT

Normal Retirement Age

- 65 for all staff.

Early Retirement

Employees may retire from the age of 55, being in mind that this has financial implications. Such request would be subject to management approval and any waiving of the early retirement withdrawal penalty would be subject to the approval of the Fund Trustees.

4.1 Retirement Procedure

In order to ensure that all retirements are handled in a professional and dignified manner, and, it is recommended that the Human Resources Department identify potential retirees three years prior to retirement date to begin the process of pre-retirement counselling. Taking into account such pre-counselling should encompass the following procedure:

1. On an annual basis, a list should be prepared reflecting all employees reaching normal retirement date in the following 12-month period.
2. All effected staff must be advised in writing of their impending retirement 12 months prior to such date, including details on:
   - Pre-retirement financial counselling services
   - Retirement quotation from Fund
3. Three (3) months prior to retirement date all necessary documentation should be submitted to the relevant fund in order to minimise any payment delays.
4. On the employee's last working day, he /she is to receive:
   - All outstanding monies in respect of final salary
   - Any monies due for outstanding leave
   - Certificate of Service
5. Assistance should be provided by the Human Resources Department, in lodging a claim for UIF benefits and in obtaining a Pensioners Card.

4.2 Employment after Retirement

If an employee wishes to remain in employment after retirement, or where the company requires an employee's services post retirement, the following procedure must be followed:

1. At least six months prior to retirement age, a request to continue working and motivation should be submitted by the employee to the Human Resources Department who will in turn discuss same with the CEO/Regional Manager.
2. Where the Unit requires an employee to remain in service, such request must be placed in writing to the employee.
3. Where both parties are in agreement, the employee must still retire on his/her normal date as per above procedure.
4. The employee will then recommence duties on a contract basis with no Provident or Medical Aid benefits. The employee must be advised that any death/disability benefits will fall away.
5. During the contract period the employee will have to continue with all statutory deductions (Tax, UIF, etc). All contracts will be valid for six (6) months. Should further employment be justified then such contract should be renewed for a further six (6) months. If employment is to cease each party shall be able to give 1 months notice of such decision. The contracted employment should be documented.

5. DISMISSAL

In cases of serious misconduct and only as a last resort, provided the disciplinary procedure has been followed, an employee may be dismissed.

Depending on the circumstances the dismissal may be with or without notice. Examples of this are:

- Poor work performance (with notice)
- Theft (without notice)

Where dismissal occurs with notice, such employee may at the discretion of the CEO/Regional Manager/Head of Department, not be required to work the notice period but may still be paid for such period. If the dismissal occurs without notice then the employee is to be paid up to and including the date of dismissal. Dismissal without notice generally occurs in cases of serious misconduct.

All other monies due to the employee are to be paid out e.g. leave monies.

For dismissal cases, no exit interview is required but details must still be completed on termination summary form and forwarded to Regional Human Resources.

6. DESERTION

Desertion occurs when an employee is absent without permission for a period of more than seven consecutive days. Where an employee is absent the following procedure should be followed:

1. The employer should attempt to contact the employee, using personal messages with other staff members or telegrams.
2. If the employee fails to respond a final notice should be sent to the employee to return to duty.
3. If the employee fails to respond to the final notice, the services may be terminated due to desertion.
4. A hearing should be held for all desertion cases, however these are generally held in absentia.
5. The termination should be confirmed by means of a telegram and registered letter to last known address (on personnel file).
6. Where desertion takes place, no notice pay is due to the employee.
7. All other monies outstanding, i.e. pay due since last pay-day, leave monies, etc should be paid to the employee.
8. A cheque for monies referred to above should be sent to the employee together with the UIF card and Certificate of Service.
9. Where an employee returns to work during the above process, such employee must be subject to a disciplinary hearing.

7. TERMINATION DOCUMENTATION

For all forms of termination, standardised documentation should be completed. Such documentation is to be generated by the Human Resources Department and copies must be kept on the departing employee's file.

7.1 Resignations

All resignations should be in writing, and upon receipt of such, the Letter of Acceptance of Resignation form should be completed by the Human Resources Department.

This Letter of Acceptance should be sent to the employee concerned.

7.2 Employment Clearance Form

This form should be prepared by the Human Resources Department for all terminations, and given to the Departmental Manager as soon as possible.

This form should be fully completed by the Departmental Manager prior to final payment being made by the Salaries Department.

The Human Resources Department must ensure that the employee received his/her final payment and Certificate of Service.

All employees are to leave a forwarding address, for provident payouts and in the event of queries arising from such payments.

7.3 Exit Interview

For all terminations, other than dismissal, an exit interview form must be completed using the following guidelines:

- The Human Resources is responsible for arranging and conducting the Exit Interview prior to the last working day of the employee concerned.
- The Exit Interview Form should be used as a guideline. All relevant comments made by the employee must be noted.
- The completed form will then be sent to the respective Department Manager who will respond to any comments made on the Form.
- The form should then be returned to the Human Resource Department for further action if necessary and then filed in the employee's file.

7.4 Certificate of Service

All employees leaving the company, for whatever reason, will receive a Certificate of Service detailing the following:

- Name
- Job Title
- Dates of Employment
- Salary at date of leaving
- Reason for leaving (at employee's request)

This Certificate of Service is generated by the Human Resources Department and should be issued to the employee on their last working day.

Under no circumstances may a Certificate of Service be denied to a departing employee.

8.5 References

Where an employee leaves the employ of NRC, a Certificate of Service (as above) will be issued.

To safeguard the company and its employees against indemnity claims, no additional information or any other document pertaining to a person's employment may be issued.

In the event that a Manager wishes to give some form of additional reference, it must be in a personal capacity. The reference given must be factual and may be given verbally or in writing. Written references may not be given on company letterheads.

ANNEXURE 7A

EXIT INTERVIEW

Name: ..... Unit/Department: ….....

Job Title: ..... Date employed: .....

Date of termination: .....

1. Was your decision to leave the company influenced by any of the following?

   Better job opportunity: .....

   Health: .....

   Rate of pay: .....

   Transportation: .....

   Better work conditions: .....

   Salary: .....

   Family/Personal circumstances:.....

   Supervision:.....

   Type of work:.....

   Maternity:.....

   Retirement:.....

   Other (please specify):.....

2. Were you physical working conditions:
   GOOD..... AVERAGE..... POOR.....

   In your opinion what conditions could be improved? ……..

   ……..

3. Was your workload:
   TOO HEAVY..... ABOUT RIGHT..... TOO LIGHT.....VARIED.....

4.

Do you feel your supervisor:	ALWAYS	USUALLY	SOMETIMES	NEVER
Treated everyone fair?				
Gave praise when a good job was done?				
Followed company policy and procedure				
Was there to help you if you needed it?				
Resolved problems and complaints quickly?				

5. Did you feel discipline was?

   FAIR:.....TOO LENIENT:.....TOO SEVERE:.....DON'T KNOW.....

6. How did you feel about the training you received?

   _____

   _____

   _____

   Did you get enough training to do the job well? YES/NO
   Do you believe the training could be improved? YES/NO
   If yes, comment as to how:

   _____

   _____

   _____

7. Were your chances for advancement: GOOD..... AVERAGE.....POOR.....

8.

How would you rate the following in your Unit/Dept?	Good	Average	Poor
Safety:			
On-the job-training:			
Co-operation within the department:			
Co-operation with other departments:			
Relationships between management and the workforce:			

   Do you believe the above could be improved? YES/NO
   If yes, how?

_____

_____

9. Was information relating to your passed on to you in good time by management?
   ALWAYS.....USUALLY.....SOMETIMES.....NEVER.....

10. In your experience were changes and developments to your work communicated to you before they were implements?
    ALWAYS..... USUALLY.....SOMETIMES.....NEVER.....
    Give

    examples:_____

    _____

11. Were your comments or opinion sought by your supervisor to job related issues?
    ALWAYS..... USUALLY.....SOMETIMES.....NEVER.....

12.

How do you rate the pay benefits provided by the Company?	Good	Average	Poor
Rate of pay:			
Leave:			
Retirement plan:			
Life and disability insurance:			
Other (list):			

Do you feel any of the above could be improved? YES/NO
If yes,

how_____

_____

13.

How would you rate the following facilities provided by the Company?	Good	Average	Poor
Canteen:			
Toilets:			
First aid/nursing			
Transport:			
Parking:			
Security:			
Machinery and tools:			
Business equipment:			

Do you feel any of the above could be improved? YES/NO
If yes, how?

_____

_____

_____

14. Have you experienced or witnessed any of the following in this company?
(Please give details)
Discrimination on the basis of race or sex? YES/NO
Victimization? YES/NO

15. Do you feel relationship between the company and the union is:
FAIR:.....TOO LENIENT:.....TOO SEVERE:.....DON'T KNOW.....

16. What did you like most about your job?

_____

_____

17. What did you like least about your

job?_____

_____

18. Would you recommend (Company name) to your friends as a good place to work?

YES/NO
Give

reasons:_____

_____

19.

What kind of reputation do you think this Company has?	GOOD	AVERAGE	POOR	DON'T KNOW
In the community?				
With its customers?				
With suppliers:				

20. If reason for leaving is another job please give following details:
Name of

Compayn:_____

Type of

work:_____

Why is the job

better?_____

21. OCCUPATIONAL HEALTH AND SAFETY

21.1 Have you sustained any injury/injuries on duty prior to your employment with the company?

Yes ☐
No ☐

If Yes please specify the nature:

_____

21.2 Have you sustained any injuries on duty whilst in the employ of NRC?

Yes ☐
No ☐

If Yes please specify the nature:

_____

21.3 Do you have any outstanding workman's compensation (I.O.D) claims or documentation in this regard?

Yes ☐
No ☐

If Yes please specify the nature:

_____

21.4 Is there anything that you want to mention with regard to occupational safety in the workplace?

Yes ☐
No ☐

If Yes please specify the nature:

_____

_____ _____

EMPLOYEE SIGNATURE ***DATE***

The following section is for office use only

22 Comments by interviewer:

Interviewed by:_____

Date:_____

Noted by:_____

Date:_____

(Management)

23 General information:

- Address:
  _____
  _____
- Telephone No(s): _____

24 Current salary Package:

- Basic: _____
- Allowances: _____
  _____
  _____
- Total _____
- New offer: _____

25 Benefits:

- Medical Aid: Yes/No
- Pension/Provident: Yes/No

25. Re-employ (HR use only) Yes/No

_____ _____

HUMAN RESOURCES DEPT DATE

ANNEXURE 7B

EMPLOYMENT CLEARANCE FORM

Surname: ……..… Initials: ……

Employee No: …… Position: …….

Forwarding address: …….

Contact Telephone No: …… Code: …….

Tax office to which returns Submitted: ……..

Income Tax No: ……..

Husband's Initials: ……. Husband's date of Birth: ……

Date of Termination: …….

Reason for Termination: ……

Provident instruction: Withdrawal ☐
Transfer ☐ *Please provide fund details to transfer to*

Banking Details: (Final Salary / Pension / Medical Aid Refunds)

Name of Bank: ……

Account No: ……. Account Name: ..……

Branch Code: ……. Type of Account: ……..

Signature Staff: …….. Date: …….

Signature of Line Manager: …… Date: ……...

Signature of General Manager: ……. Date: ……...

ANNEXURE 7C

SEPARATION/TERMINATION/TRANSFER OUT

Name: …… Employee No: …….

Job Code: …….. Unit/Dept: …….

Type of Separation: ……

Please attend to the following payroll termination details:

Last day of work: …….

Payment of Salary to Date: ……..

Leave as per records: ……..

Annual Bonus; ……..

Severance package amount: ……..

Outstanding amounts: ……..

Ex Gratia Payment: ……..

Final Basic Salary: ……..

_____ _____
Human Resources Manager Date

_____ _____
Salaries Officer Date

For record Purposes (to be signed by responsible person)

- Certificate of service _____
- UIF Card _____
- Provident withdrawal / transfer instruction _____
- Advised medical aid & pension _____
- Enquiry report (in case of dismissal) _____
- Clearance form _____
- Responsible line manager advised to attend to/retain:
  - Keys, garage card, cell phone _____
  - Other company property _____

(Such as parking disc, text books, product manual, strategy docs, video tapes, etc)

ANNEXURE 7D

PERSONNEL FILE SUMMARY FORM

Name : …….. Designation : ……...

Professional Reg : …….. I D No : …….

Unit/Depart: …… Salary as at termination : ……..

Engaged : …… Last working day : ……..

Address as at Termination : …….

……

Attendance : ……

Timekeeping : …….

Disciplinary Record : …….

Re-Employ : Yes ☐ No ☐

Comment : ……..

Report : ……

Interpersonal Skills : ……..

Clinical Skills : ……

Management Skills : ……..

Potential : ……

Resign		Dismiss		Retirement		Retrench	

Reasons for Resignation / Dismissal : ……

Management comment : ……...

Name : …….

Signature : ……..

ANNEXURE 7E

MEDICAL AID TERMINATION INSTRUCTION

Medical Aid Number _____

I hereby confirm that I will join the following medical aid scheme subsequent to resigning from the employ of National Renal Care and therefore instruct Discovery to transfer any remaining savings to this medical aid:

Name of Medical Aid: _____

_____

Registration Number of MA: _____

Contact Person: _____

I do not intend joining any medical aid scheme within four (4) months of leaving the employ of National Renal Care and therefore request that any remaining Medical Aid Savings be paid out to me. My details are as follows:

Postal Address: _____

Tel Number: _____ Cell: _____

Bank details: Name of Bank _____

Branch Name _____

Branch Code _____

Account Number _____

Type of account _____

_____ _____

SIGNATURE EMPLOYEE DATE