

MATERNITY LEAVE POLICY

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1. SCOPE OF POLICY

- 1.1 This policy shall apply to all female employees employed by The Elias Motsoaledi Local Municipality who fall within the registered scope of the Bargaining Council in the Republic of South Africa.
- 1.2 Clause 5.1 shall not apply to Senior Management, security, traffic, fire and emergency services personnel and employees working less than 24 hours per month.

2. DEFINITIONS.

- 2.1 All expressions used in this policy which are defined in the Labour Relations Act 66 of 1995 and as amended, shall bear the same meaning as in the act and unless the contrary intention appears.
- 2.2 Words importing the masculine gender shall include the feminine.
- 2.3 All reference to days shall be to working days.
- 2.5 Senior Management shall be those employees employed as a municipal manager, and managers directly accountable to the Municipal Manager.
- 2.6 Medical practitioners shall mean all practitioners as defined by the Health Professionals Council of South Africa (Medical and Dental Practitioners)

3. OBJECTIVES.

- 3.1 To establish common and uniform conditions of service for employees within the registered scope of the Council, and to replace all previous Maternity leave policies.

4. PERIOD OF OPERATION.

- 4.1 This policy will remain in force until any changes has been implemented and amended by the South African Local Government Bargaining Council.

5. HOURS OF WORK

- 5.1 All employees are required to work a forty (40) hour working week.

6. MATERNITY LEAVE POLICY.

This policy must be read in conjunction with the Code of Good Practice on the Protection of Employees during Pregnancy and after the birth of a child.

- 6.1 An employee shall be entitled to receive three (3) months paid maternity leave, with no limit to the number of confinements.
- 6.2 To qualify for paid maternity leave, an employee must have one (1) year service with the employer.
- 6.3 In addition the employee will be required to work back the period of paid maternity leave actually taken.
- 6.4 The employee is required to notify the Municipality in writing, and provide the Municipality with a valid medical certificate at least 4 (four) weeks before proceeding on maternity leave, of the date on which the employee intends to:
 - 6.4.1 Commence maternity leave.
 - 6.4.2 Return to work after maternity leave.

- 6.5 Shorter notice may be given if it is not reasonable practical to give the required notice period, for instance when a medical practitioner or midwife recommends that the employee commence maternity leave at an earlier date.
- 6.6 The commencement and duration of maternity leave shall be granted in accordance with the Basic Conditions of Employment Act, 1997, as follows.
- At any time from 4 weeks before the expected date of birth, unless otherwise agreed;
 - On a date from which a medical practitioner or midwife certifies that it is necessary for the employee's health and that of her unborn child.
 - An employee is entitled to 3 (three) consecutive months' maternity leave. An employee is not required to remain away from work for the entire 3 (three) month period and may choose to return earlier if the well-being of mother and child are not compromised. However, she may not work within 6 (Six) weeks of the birth of her child unless a medical practitioner or midwife certifies that she is fit to do so.
 - An employee who has a miscarriage during the third trimester of the pregnancy or gives birth to a still born child is entitled to 6 (six) weeks maternity leave after the miscarriage or birth of a stillborn child.
- 6.7 Upon confirmation of pregnancy the employee shall be entitled to 1 (one) day's paid leave per month preceeding the maternity leave, subject to a maximum of 6 (six) days, for the purpose of attending a pre-natal clinic, provided that authorisation for such leave be obtained at least 2 (two) days before the intended absence and that proof of the attendance at the pre-natal clinic is provided on the employee's return to work.

- 6.8 On commencement of maternity leave, employees contributing to the Unemployment Insurance Fund will be provided with documentation necessary to permit them to claim benefits as defined under the provisions of the UIF Act.
- 6.9 Any salary increases and / or improvements in the conditions of employment that may be implemented for employees of the Municipality will automatically apply to any employee who is away on maternity leave.
- 6.10 The Municipality's approval of maternity leave will automatically carry with it a guarantee of re-employment in the same job category. The guarantee will be valid for a period of 4 (four) months after the expiry of maternity leave, provided that written authorisation for the extended absence is obtained from the Head of Department.
- 6.11 The validity of any disciplinary action in force at the commencement of maternity leave will be suspended and recommence on the date of return from maternity leave.

7. EXTENSION OF LEAVE.

Employees may apply to have their maternity leave extended by a period of not more than two (2) months. The approach to approved extended maternity leave is the same as that of unpaid leave. This means that:

- 7.1 The extended maternity period will be unpaid.
- 7.2 No leave will accrue to the employee's leave credit.
- 7.3 The employee may remain a member of the medical aid scheme, if applicable but will be responsible for 100% of the medical aid contributions. The Municipality will not make any contributions for this period.

7.4 As per the general rules of the recognized Retirement Fund and Medical Aid Scheme, the employee will responsible for the payment of the full contribution. The Municipality will not contribute any amount towards the medical or retirement fund during extended maternity leave.

8. ILLNESS / INJURY DURING MATERNITY LEAVE.

In general, should the employee fall ill (whether due to pregnancy complications or illness not connected with pregnancy) during maternity leave, the illness shall be regarded as forming part of maternity leave and shall not be extended. In other words, no sick leave can be taken in this period.