RECRUITMENT AND SELECTION POLICY

1. PREAMBLE

The recruitment, selection and appointment of suitably qualified candidates shall be undertaken in a justifiable, equitable and fair manner, compliant to the human resource legal prescripts. The suitability of a candidate shall be determined with due consideration to the specific requirements as stipulated in the relevant Key Performance Areas, Key Results Areas, Job specification and the organizational Strategic Goals.

2. PURPOSE

The purpose of this policy is to ensure that suitable candidates, with the necessary skills and competencies to improve the image of the Mpumalanga Tourism and Parks Agency [MTPA] and enhance quality service delivery, are appointed, developed and retained to achieve the set strategic goals in an effective and efficient way.

3. AUTHORISATION

This policy is authorized by the MTPA Act, 2005 (Act no 6 of 2005)

4. REGULATORY FRAMEWORK AND GUIDELINES


4.2 Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997);

4.3 Labour Relations Act, 1995 (Act no 66 of 1995);

4.4 Employment Equity Act, 1998 (Act no. 55 of 1998);

4.5 Skills Development Act, 1998 (Act no. 97 of 1998);

5. RECRUITMENT PROCEDURE

5.1 The Board shall approve the structure as well as the creation of any new position.

5.2 Whenever a vacancy arises, whether a replacement or a new position, the General Manager, in whose department the vacancy exits, must initiate the process by submitting a request to recruit to the Corporate Services.

5.3 The Corporate Services section must verify with the CFO to ensure that the post is funded.

5.4 The completed form together with a “Job Description form” (KPA and Job Purpose Statement), must be submitted to the CEO for approval.
5.5 The documents shall be returned to Corporate Services for the commencement of the recruitment process.

5.6 The recruitment process will be informed by the Employment Equity Plan.

5.7 All vacancies below Senior Manager Level shall first be advertised internally for a minimum period of five (5) working days.

5.8 If no suitable applicants have been found up to this stage, the vacancies will be advertised externally.

5.9 All positions from Senior Manager upwards shall be advertised both internally and externally simultaneously.

5.10 In exceptional circumstances, candidates may be head hunted and invited to submit applications either because of the urgency to fill the post and or the scarcity of the skills needed by the Agency. Such applicants will still be subjected to the normal interview process.

5.11 The HR Manager will receive applications for the advertised positions and compile a list of all received applications, indicating a summary of the profile of each candidate.

6. **SELECTION PROCEDURE**

6.1 The process commence after the closing date of the advertisement and concluded when recommendation is made regarding the most suitable candidate;

6.2 The process from beginning to the end, shall take place within a reasonable period (4 weeks) in order to avoid the loss of prospective candidates;

6.3 The selection criterion shall be based on the key performance areas;

6.4 The process shall ensure equity, fairness, and achievement of a representative organization.

6.5 The process shall be linked to a Human Resource plan of the Agency;

6.6 The selection criteria shall be objective and related to the inherent requirements of the job;

6.7 The process shall focus on selection from the pool of South African citizens. Foreigners shall only be considered if the South African labour market cannot provide the required expertise.
7. **INITIAL SCREENING AND SHORT LISTING PROCESS**

1. The General Manager or his delegate shall convene a panel to short list and interview applicants for the vacant position.

2. The short listing and interview panel shall reflect a balance in terms of gender and representativeness of the workforce, where possible.

3. A representative from the Human Resource section shall provide secretarial support to all interviews and submit an Interview Report to the General Manager Corporate Services.

4. All candidates who have applied for the advertised post shall be evaluated and shortlisted in terms of the same criteria;

5. Representatives of recognised labour unions will be invited to participate in the process. Non participation of unions shall not render the process invalid.

6. Shortlisting shall only be concluded on the basis of information provided on training, experience and skills acquired. Any information from other sources shall be discounted as it may unfairly benefit or disadvantage an applicant.

7. Reference check shall be done on shortlisted candidate with regard to their previous employment and from the list of names of people mentioned as references by the applicants;

8. On completion of this initial phase, candidates who meet the requirements shall be invited for an interview.

9. Short-listed candidates for all posts shall be informed of the date of their interview at least four [4] working days prior to the interview. Candidates who decline the invitation shall be requested to do so in writing.

10. All selection committee members shall be required to have basic understanding of the inherent requirements, duties and responsibilities attached to the post and be impartial and objective;

11. The selection committee shall make a recommendation on the suitability of a candidate for appointment after considering the following:

   i. Information based on valid methods, criteria or instruments for selection that are free from any bias or discrimination;

   ii. The training, skills, competence and knowledge necessary to meet the inherent requirements of the post;

   iii. The needs of the MTPA for developing and addressing the human resources demands;

   iv. Interview and [competency assessment results where applicable];

   v. The representativeness of the component where the post is located; and


12. The same selection criteria shall be used to assess the suitability of the candidate, including communication ability, relevant responses to the questions asked and ability to
demonstrate the impact of previous experience and knowledge to the job. Only questions that relates to the inherent requirements of the post as outlined in the advertisement, shall be addressed to candidates during the interviewing process.

13. The outcome of the interview, recommendations and documentation shall be highly confidential. Any employee responsible for the leakage of information pertaining to the short-listing, interviewing process, and competency assessment results shall be held accountable for their actions and, shall be disciplined in terms of the Disciplinary Procedure.

14. After the interviews and competency assessment have been held for a specific post, the committee shall reach a consensus on the most suitable candidates to be recommended for appointment to the post.

15. The final decision shall be made by the CEO or Board depending on the level of the post.

16. Throughout the process, all candidates shall be treated in a professional and courteous manner. Panel members shall be punctual and may not engage in activities which disrupt the interview process, such as leaving cell phones on or excusing themselves during the interview process to attend to other matters.

17. The General Manager Corporate Services, in consultation with the responsible General Manager shall submit a recommendation to the CEO for his final approval.

18. If the successful candidate declines the post, after approval has been granted and the appointment letter has been issued, the second most suitable candidate may be approached to fill the position. If the recommended candidate assumes duty and then leaves the MTPA within three months of assumption of duty, the second most suitable candidate for the post may be offered the opportunity to fill the post.

19. Each employee shall receive a letter of appointment which shall serve as a contract of employment between MTPA and the employee.

20. The unsuccessful short-listed applicants shall be advised in writing of the outcome of the interview, after the successful applicant has accepted the letter of employment.

21. Applicants who are not citizens or permanent residents of South Africa shall only be considered only if they are in possession of the necessary work permits and/or official documentation which entitles them to work legally in this country.

22. It is the responsibility of the applicant to provide an evaluation certificate of foreign qualifications.

23. Applicants who provide false information and or misrepresent themselves regarding qualifications and or experience shall be disqualified.
8. WRITTEN PARTICULARS OF EMPLOYMENT

The MTPA shall collect and keep, as a minimum, the following information in the personal file of each employee:

I. Full name and address of Employer;

II. Name and occupation of the Employee or a short description of the work for which the Employee is employed

III. The place of work

IV. Date on which services commences

V. Hours and time of work;

VI. The remuneration of the Employee;

VII. Calculation and rate of overtime;

VIII. Any other cash payments to which the Employee is entitled;

IX. Vacation and sick leave to which the Employee is entitled

X. All documentation relating to the recruitment of the employee.

9. AMMENDMENT OF THE POLICY

The policy shall be amended as and when required and shall follow the procedure of policy formulation.
OVERTIME POLICY

1. **PREAMBLE**
   
The demand for service delivery often necessitates that employees should perform work outside the normal working hours. It is therefore necessary that such overtime duty be carefully regulated.

2. **PURPOSE**
   
The purpose of this policy is to properly regulate the performance of overtime.

3. **OBJECTIVE OF THE POLICY**
   
The objective of this policy is to provide a framework and guidelines for the performance and regulation of overtime.

4. **DEFINITION OF OVERTIME**
   
   4.1 Overtime shall mean the period that an employee works at a job in addition to the regular hours of duty.
   
   4.2 Remunerative overtime shall mean overtime that is paid for.

5. **AUTHORISATION**
   
   Basic Conditions of Employment Act, No 75 of 1997

6. **REGULATORY FRAMEWORK**
   
   This policy is guided by chapter 2, sections 9 and 10 of the Basic Conditions of Employment Act, No 75 of 1997

7. **CIRCUMSTANCES UNDER WHICH REMUNERATIVE OVERTIME SHALL BE ALLOWED**
   
   7.1 An employee may not work overtime unless there has been prior request and approval by the General Manager on recommendation by the sectional head.
   
   7.2 An employee will not work more than three hours overtime a day; or more than Ten hours a week subject to paragraph 8.ii below.
   
   7.3 When considering a request for overtime, the General Manager or his/ her delegate shall consider the following:
      
      7.3.1 Reasons that give rise to the need for overtime;
      7.3.2 Alternative measures to overtime;
      7.3.3 The urgency of the task to be performed;
      7.3.4 The existing workload of the employee
      7.3.5 Availability of funds to pay such overtime
      7.3.6 The number of hours to be worked
      7.3.7 A work-plan of what is to be done and how;
8. CONDITIONS FOR REMUNERATIVE OVERTIME

i. Overtime shall not be performed for a continuous period of more than three months.

ii. When an employee performs overtime duty during the week, starting immediately after off duty time, the overtime worked shall not exceed two hours daily.

iii. An employee’s monthly compensation for overtime shall not exceed 30% of his/her monthly salary.

iv. Members of the Executive Committee [EXCO] are excluded from remunerative overtime.

9. CLAIM FOR OVERTIME

All applications for overtime claims shall be made on the prescribed overtime claim form.

10. CONTROL OF REMUNERATIVE OVERTIME

It is the responsibility of each General Manager to exercise proper control on remunerative overtime to ensure that:

10.1.1 Adequate control measures are in place to facilitate compliance with standards set whilst performing overtime.

10.2 The authorization for remunerative overtime is reviewed when the time frames or limit is reached to avoid exceeding the allocated period.

10.3 Records of all overtime worked are kept and regularly audited in order to determine the cost benefit.

10.4 An attendance register is kept during the performance of remunerative overtime.

10.5 A report of overtime performed during each month is included in the monthly reports.

11. AMMENDMENT OF THE POLICY

The policy shall be amended as and when required and shall follow the procedure of policy formulation.
MATERNITY LEAVE POLICY

1. Preamble

The Mpumalanga Tourism and Parks Agency [MTPA] recognises the Constitutional rights of its employees and strives to respect, protect, promote and fulfill these rights.

2. Authorization / Legislative Framework

This Policy is authorized and guided by the following legal prescripts and their current and future amendments:

2.1 The Basic Conditions of Employment Act, No.75 of 1997;
2.2 Labour Relations Act, No.66 of 1995;
2.3 Unemployment Insurance Act, No. 63 of 2001

3. Scope of Application

This policy is applicable to all female employees of the MTPA and shall be taken in accordance with the following principles:

3.1 The employee is required to notify the MTPA in writing of the date on which she intends to commence maternity leave;

3.2 Notification must be given at least four weeks before the employee intends to commence maternity leave; or if it is not reasonably practicable to do so, as soon as is reasonably practicable;

3.3 The employee shall provide the MTPA with a certificate confirming her pregnancy. Such certificate must be issued by a registered medical practitioner and include confirmation of the expected date of confinement.

3.4 Application for maternity leave must be made on the standard Leave Application form and the doctor's certificate confirming the pregnancy must be attached thereto.

3.5 An employee may commence maternity leave at any time from four weeks before the expected date of birth, unless otherwise agreed; 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. No employee may commence work before the expiry of six weeks after the birth of her child, unless a medical practitioner or midwife certifies that she is fit to do so.

4. Benefits and conditions

4.1 An employee is entitled to four [4] month's consecutive maternity leave, on full pay. Additional leave may be taken through:

   a) the granting of sick leave as a result of medical complication;
   b) the granting of vacation leave taken from the employee’s leave days;
   c) the granting of up to 90 calendar days unpaid leave
4.2 Application for unpaid maternity leave must be on the Leave Application form, which must be authorised by the General Manager.

4.3 Any annual leave accumulated by the employee up to the date of commencement of maternity leave will remain on her leave record. Such annual leave may be taken by the employee at a later date after her return to work. However, no annual leave will accrue to an employee during the period of her maternity leave.

4.4. The annual sick leave entitlement in terms of the conditions of service will not form part of the maternity leave period and will be subject to all the conditions normally applicable to sick leave.

4.5 Any salary increases and/or improvements in the conditions of employment that may be implemented for employees of the MTPA will automatically apply to any employee who is away on maternity leave at the time.

4.6 The period of maternity leave will be considered as continuous service for the following benefits:

   I. Pensionable service as defined in the Retirement Fund rules.
   II. Long Service Awards
   III. Eligibility for annual leave
   IV. Annual bonus

5. **Job Security**

5.1 Approval of maternity leave will automatically carry with it a guarantee of job security in the same position.

5.2 The employee will receive the same rate of pay as was applicable before the commencement of maternity leave as well as any salary increases and improved benefits.

6. **Miscarriages**

An employee who has a miscarriage during the third trimester of pregnancy or bears a stillborn child is entitled to maternity leave for six weeks after the miscarriage or stillbirth, whether or not the employee had commenced maternity leave at the time of the miscarriage or still birth.

7. **General**

The validity of any disciplinary action in force at the commencement of maternity leave will be suspended and recommence on the date of the employee's return from maternity leave.

8. **Amendments of the Policy**

The policy shall be amended as and when required and shall follow the procedure of policy formulation.
SPECIAL LEAVE POLICY

Preamble

The MTPA, in its commitment to promoting a positive organizational climate and sensitivity to the needs of the employees, will award special leave of absence to address circumstances that are not covered by the annual leave policy.

1. Scope of Application

This policy shall be applicable to all employees of the MTPA

Purpose

The purpose of this policy is to regulate the provision and granting of special leave within the framework and guidelines set out in the Basic Condition of Employment Act No. 75 of 1997

2. Objectives of the Policy

The objectives of this policy are to:

1.1 Guide managers on when and who should be granted special leave;
1.2 Ensure effective monitoring and responsible considerations of special leave requests;
1.3 Standardize granting of special leave opportunities; and
1.4 Guide managers on fair administrative practices relating to special leaves.

Authorization/Legislative guidelines

This policy is guided by:

5.2 Basic Conditions of Employment Act, 75 of 1997
5.3 Employment Equity Act,55 of 1998
5.4 Labour Relations Act, 66 of 1995

Requirements prior to consideration for Special Leave

An employee shall only be granted special leave under the following conditions:

6.1 He/She is permanently employed;
6.2 He/She has met all the operational requirements of the MTPA.
6.3 There is evidence-based motivation for such leave.
3. **Reasons to be considered before granting of Special Leave**

Special Leave with full pay may be granted to an employee with written proof of such a need when:

7.1 An employee with a disability, must attend a recognized orientation course / training in order to cope with the disability, special leave for the number of days as recommended by the clinical practitioner, up to ninety [90] days.

7.2 An employee is to attend a course, lecture, or in-service training presented by the MTPA or Private Service provider on invitation, and in respect of whom the General Manager or his/her delegate has granted permission to attend such a course during official hours.

7.3 An employee is seconded to the Independent Electoral Commission to assist with National or local elections for the stipulated period.

7.4 An employee is to fulfill an official task as a member of a delegation for a particular period as stipulated by the delegating authority;

7.5 Office bearers or shop stewards of a recognized labour organization attend to union matters as agreed in the recognition agreement.

8. **Special unpaid Leave may be granted to an employee if:**

8.1 He or She is convicted by a court of Law and sentenced to period not exceeding 180 working days; and

8.2 He or She is to attend or fulfil a cultural or traditional obligatory ritual, which shall not exceed 60 working days.

9. **Additional conditions for granting special leave:**

9.1 Part-time studies.

An employee shall be granted special leave for the purpose of studying to improve themselves in their area of operation:

9.1.1 In the event of an employee requiring regular special leave of more than 5 days per month for the purpose of attending lessons in the course registered for, the principle of 50/50 shall be applied, which shall mean 1 day from leave credits and one official day to equal the number of days required by the program. The days shall be limited to 20 days per annum.

9.1.2 The leave shall be granted only when there is evidence of registration for the course and the programme for the class attendance required.

9.1.3 In the event of an employee registering for a course that is not directly related to his present scope of work, the employee shall use his /her vacation leave to attend any classes that may be required.
9.2 Examinations

On application, an employee shall be granted special leave of one working day prior to exams and one day on the day of the exams. A copy of employee's examination timetable for the course/subject to be written should be attached to the application.

9.3 Research and or practical work

The Chief Executive Officer may grant special leave with full pay to a maximum of 20 working days within an official leave cycle for the following purposes:

9.3.1 Writing of a thesis for a postgraduate qualification.

9.3.2 Practical work as sanctioned by the institution concerned.

9.4 Resettlement and Redeployment

Special leave of two days with full pay may be granted to an employee for resettlement as a result of transfer or redeployment from one workstation to the other.

9.5 Sport, Recreation and other related activities

Special leave may be granted to an employee who is selected by a recognized sport association to:

9.5.1 Take part as a competitor, coach or manager in a sport tour.

9.5.2 Take part in an organized sport within the Country at a Provincial and or National level, or against an international sports team

9.5.3 Represent the Country, or the Province as a competitor, coach or manager.

9.5.4 Accompany foreign National teams visiting the Country as a representative of a South African Sports Association that is organizing the event.

9.5.5 Serve as a referee, an official or judge at an organized Provincial, National or International sport activity.

10. Monitoring Of Policy implementation

All supervisors must ensure that special leave taken is approved and captured in the system.

11. Special Leave authorization

All special leave must be recommended by the General Manager concerned and be approved by the Chief Executive Officer or his delegate.
12. AMMENDMENT OF THE POLICY

The policy shall be amended as and when required and shall follow the procedure of policy formulation.
Bursary policy

1. INTRODUCTION

The Mpumalanga Tourism and Parks Agency [MTPA] is committed to the skills development of its employees. In order to achieve this, MTPA will award bursaries to deserving employees as well as prospective employees, as a way of contributing to the National Skills Development Programme and job creation.

2. GUIDING PRINCIPLES

Bursaries shall be awarded according to the following principles:

2.1 Equality
2.2 Fairness
2.3 Objectivity
2.4 Transparency
2.5 Accessibility

3. BURSARY COMMITTEE

3.1. Composition

The bursary committee shall consist of the following:

a. One member from each business unit.
b. One member from each Recognized Trade Union.
c. One member from the Employment Equity Forum.
d. Representatives from HRD, who shall provide secretarial functions.
e. The Genera Manager Corporate Services shall be an ex officio member.

3.2. Functions of the bursary committee

a. Assess all applications received by HRD.
b. Recommend successful applications to the Chief Executive Officer.
c. Monitor that bursary holders adhere to the terms and conditions of the contract.

4. TYPES OF BURSARIES

4.1 Part-time study bursary

This type of bursary is aimed directly at the development of all serving officials who are permanently employed. The study will be done at any accredited tertiary institution within South Africa through correspondence and/ or block-release.
4.2. **Full-time study bursary**

This will be awarded to members of the public who intend to study for courses that are relevant to the function of MTPA. The MTPA will have first option to employ these students after completion of their studies.

5. **ROLES AND RESPONSIBILITIES**

5.1. **Awarding of bursaries**

The Chief Executive Officer shall be responsible for approval of bursaries recommended by the committee.

5.2. **Administration of bursaries**

The HRD shall handle the administration of the departmental bursary scheme.

6. **CRITERIA FOR AWARDING BURSARIES**

6.1. **Part-time study**

   a. No bursary shall be awarded to an official who has not completed at least one year service with the MTPA.

   b. A Bursary shall be awarded to an official whose studies are relevant to the present functions and in line with the career progression of the official in question.

   c. No bursary shall be awarded to an official who has failed his or her previous year or is repeating a subject/s.

   d. Amounts payed for failed subjects will be recovered from the concerned employee.

   e. No bursary shall be awarded to employees who are recipients of any other financial assistance.

6.2. **Full-time study**

   a. All bursaries awarded must be for the studies related to future needs of the MTPA.

   b. Bursaries shall be awarded to students based on academic merit as well considering the financial circumstances of the prospective student.

7. **BURSARY AMOUNT**

7.1. **Part-time study**

   a. Tuition and registration fees - 100%

   b. Prescribed books - 100%

   c. Payment of accommodation will be the responsibility of each business unit.

   d. No subsistence and travel allowance shall be paid to employees for attending classes, workshops and seminars.
7.2. Full-time study

Tuition and registration fees - 100%
Boarding, lodging and prescribed books - 100%

8. MONITORING AND SUPPORT

a. Students shall register only for the course that the bursary was awarded for.

b. No bursary holder shall change courses without the permission of the Bursary Committee.

c. No payment for bursary shall be made in the name of the bursary holder; payment will be made to the institution.

d. The HRD unit shall establish links with the institution at which the serving employee or prospective employees pursue their studies in order to support and assist where necessary.

e. Bursary holders must submit original copies of academic result after every examination.

f. The progress of each recipient of the bursary shall be reported to the Bursary Committee.

9. AMMENDMENTS

This policy shall be amended as and when necessary and amendments shall follow the same route as its formulation.
DISCIPLINARY CODE

1. OBJECTIVES AND PRINCIPLES

The aim and purpose of the disciplinary procedure is to create a fair and equitable structure for dealing with misconduct, and to encourage timely corrective action, in the event where an Employee’s behaviour or conduct, proves to be unsatisfactory or unacceptable.

The key principles of this Code are that Management and Employees should treat one another with mutual respect. A premium is placed on both employment justice and the efficient operations of business. While Employees should be protected from arbitrary action, the Agency is entitled to satisfactory conduct and work performance from its Employees. Discipline shall be dealt with timeously.

2. RESPONSIBILITY

The responsibility for taking disciplinary action rests with the immediate Supervisor/Manager. When initiating disciplinary actions, Management will adhere to the provisions of this Disciplinary Code and Procedures and will act consistently at all times.

3. TYPES OF DISCIPLINARY ACTIONS AND CORRECTIVE MEASURES

All discipline is aimed at correction, prevention and rehabilitation rather than punishment. Where appropriate, efforts shall be made to correct an Employee’s behaviour, through a system of gradual disciplinary measures such as informal counselling and warnings. A proper record of all warnings, whether informal or formal, should be maintained on the Employee’s personnel file, in accordance with the time frame of the sanction.

3.1 COUNSELLING: Counselling is a pro-active process in which an Employee’s Manager is actively involved in exploring and understanding the underlying causes of the Employee’s misconduct. The Manager shall also actively assist in seeking ways to correct the Employee’s behaviour. The Manager should:

a) Convene a meeting to explain the nature of his concerns and give details of his concerns to the Employee;

b) Ask the Employee for an explanation and listen to the Employee’s explanation;

c) Encourage the Employee to suggest solutions;

d) Agree on solutions to the problem.

e) Agree on steps to be taken by both parties to resolve the problems and/or concerns;

f) Warn the Employee of the possible consequences of failure to correct the problems and/or concerns raised;

g) Agree on a follow up date for review; and
h) Make a note of the meeting and ensure that a copy of the note is placed on the Employee’s personnel file;

3.3 VERBAL WARNING: A Verbal Warning shall be issued by the Employee’s immediate Supervisor/Manager for minor offences. Issuing a verbal warning is a way of correcting unacceptable behaviour of a serious nature or addressing misconduct that is repeated despite the Employee being counselled. The process to be followed is similar to that discussed in relation to counselling.

3.4 WRITTEN WARNING: A written warning will be given either when a verbal warning or counselling has failed, or if the misconduct is of such a serious nature that it warrants more formal action against the Employee.

3.4.1 After investigating the matter, the Manager may decide to issue the Employee with a formal written warning. Before the warning is issued, the Manager should:

a) Schedule a meeting with the employee and the HR manager who will take notes of the meeting;

b) Put the allegations of misconduct to the Employee and request the Employee to respond to those allegations;

c) Advise the Employee of his decision to issue a written warning;

d) Explain why the Employee’s conduct is unacceptable;

e) Explain what is expected of the Employee;

f) Explain the possible consequences of failure to respond and that should the transgression be repeated, then further action will be taken in the form of a formal disciplinary hearing’

g) Agree on a follow-up review meeting;

h) Complete a written warning letter and explain to the employee the contents of the warning, the reason therefore, and the effects of the warning on the employee’s employment record.

i) Ask the Employee to sign the written warning letter and indicate receipt and understanding of the contents of the letter;

j) Give the employee a copy of the form; and

k) Place a copy of the form in the employee’s file;

l) Ask the employee to sign the form. Should the employee refuse to sign the written warning form, such refusal, as well as the name of the Employee representative, shall be recorded on the form.

m) The HR Manager shall also sign the form as a witness that the interview was held. Refusal to sign the written warning shall not affect the validity of the warning.

n) All written warnings issued in terms of this procedure shall remain in effect for a period of six (3) months after the date of issue.
3.5 FINAL WRITTEN WARNING: A final written warning shall be issued to the Employee when there have been further acts of misconduct while the Employee has a valid written warning on record or where the nature of the offence warrants a final written warning. More serious infringements or repeated misconduct may call for a final written warning or other action short of dismissal. Dismissal should be reserved for cases of serious misconduct and or repeated offences. A formal disciplinary hearing should be convened for the issue of a final written warning. A final written warning shall remain in effect for a period of nine (6) months from the date of issue.

3.6 SUSPENSION: Suspension shall be off premises. There are two completely different types of suspension, namely:

3.6.1 SUSPENSION WITHOUT PAY: Suspension without pay may be imposed as a result of a sanction issued at a disciplinary hearing. An employee may only be suspended without pay, for a period not exceeding three [3] months.

3.6.2 SUSPENSION WITH PAY [Precautionary Suspension]: Depending on the seriousness of the allegation, an employee may be suspended as a precautionary measure. Such suspension shall be with full pay. The following should be explained to the employee suspected of misconduct, prior to the suspension:

   a) That an investigation is underway or in the process;
   b) The nature of the allegations, where possible;
   c) The need for co-operation;
   d) The procedures that will apply; and
   e) The consequences of interference with the investigation

3.6.2.1 The following factors must be considered before an employee is suspended:

   a) The seriousness of the offence.
   b) Whether there is a suspicion that the alleged transgressor will temper with investigations, if he/she remains in the office during the investigation.
   c) Whether the employer reasonably believes that the alleged transgressor will threaten the witnesses.
   d) The possibility of transferring the alleged transgressor to another work station pending the outcome of the investigation.
e) That the employer should convene a disciplinary hearing within 60 days from the date of suspension, except where the case is complex.

3.7. DEMOTION

The penalty of demotion may be appropriate in instances where an employee’s misconduct warrants a penalty more serious than a warning, but perhaps does not warrant dismissal. In all cases of suspension and demotion, the MTPA shall ensure that a fair procedure is followed, with due regard to the provisions of the LRA.

3.8 DISMISSAL

Dismissal is reserved for cases of serious misconduct or repeated offences for which warnings have been issued. Generally it is not appropriate to dismiss an employee for a first offence, except if the misconduct is serious (gross misconduct) and of such gravity that it makes it impossible for the employment relationship to continue. The penalty of dismissal should be applied consistently with the way in which it has been applied to other employees in the past.

4. DISCIPLINARY HEARING

a. An Employee may not be dismissed without being granted an opportunity to state his case at a disciplinary hearing, unless an Employee has either absconded, is unwilling to return to work or refuses to attend a disciplinary hearing after being notified thereof.

b. All disciplinary hearings must be procedurally and substantively fair.

c. A formal disciplinary hearing takes place when a serious infringement has occurred such as gross misconduct and dismissal could be considered, or when an Employee has already received a final written warning for the same or similar offence.

d. PRIOR INVESTIGATION: The MTPA shall conduct an investigation to determine whether there are grounds for dismissal. The Initiator must ensure that a written investigation report is compiled and submitted to the Chairperson of the Disciplinary Hearing, during the said hearing. The Employee must be informed immediately of the investigation in respect of the alleged infringement.

e. Once a disciplinary investigation has been completed, the responsible Manager should formulate the allegations against the employee and schedule a disciplinary hearing.

f. NOTICE OF DISCIPLINARY HEARING: The Employee must be given adequate written notice prior to the formal hearing – a minimum period of seven working days notice shall be given.

g. Depending on the circumstances, a longer advance notice may be given to ensure that the employee has sufficient time to prepare for the hearing. Such circumstances may include, amongst others, a complex case, numerous charges and problems relating to access to preparatory data.
h. The notification for a hearing must be served within two weeks of the date from which
the alleged infringement was established unless exceptional circumstances make this
impossible.

4.1 The responsible Manager shall notify the accused Employee in writing of the following:

i. The alleged charges against the Employee.

ii. Possible consequences of the allegation

iii. The time and place of the hearing.

iv. The right to prepare a response.

v. The right to be represented by a fellow Employee if requested by the Employee.

vi. The right to ask questions, call witnesses and to defend his case.

vii. The right to an interpreter.

viii. The right to question the MTPA’s witnesses.

ix. The right to access information relating to the charges

4.2 The disciplinary hearing shall be attended by:

a) The accused Employee.

b) Not more than one (1) fellow Employee if requested by the Employee.

c) A member of Management or any other person, appointed by the CEO, who will
   act as the Chairperson.

d) The Employee’s Supervisor/Manager who initiated the disciplinary process or a
   person appointed to act on behalf of the MTPA (initiator).

e) The Employee Relations Manager for record keeping of the proceedings;

f) An interpreter, if so requested

4.3 FINDINGS: The Chairperson establishes from the facts and on the balance of
probabilities whether the employee is guilty or not of the alleged infringement. The
employee must be informed of the finding as well as the reasons within
fourteen days.

4.4 SANCTION: The Chairperson may make one of the following decisions, after
consideration of evidence in mitigation and aggravation:

a) No action
b) Verbal warning

c) Written warning

d) Final written warning

e) Suspension without pay

f) Demotion

g) Dismissal

4.6 The Chairperson shall remind the employee of his right to appeal to the appeal authority within five working days from the date of the finding.

4.7 The appeal authority shall consist of an independent person appointed by the CEO.

4.8 The appeal authority shall acknowledge receipt of the appeal within five working days and shall deal with the appeal within 30 days of receipt.

4.9 The Chairperson must ensure that a full transcript of the minutes of the disciplinary hearing is taken and a record thereof is maintained in the Employee's personnel file.

5. PROCEDURES FOR INCAPACITY/POOR WORK PERFORMANCE

The purpose of this procedure is to identify the reasons for the poor performance and provide a structured system of assisting the Employee to improve his performance to the required standards within a reasonable period.

6. REASONS FOR INCAPACITY/POOR WORK PERFORMANCE

6.1 Employees may be incapable of doing their work to the required standards due to:

    a) Physical incapability due to ill health or injury and

    b) Incompetence due to lack of skills, training, natural ability or the inability to work with fellow employees.

7. PROCEDURE FOR DEALING WITH INCAPACITY/POOR PERFORMANCE

When it is considered that an Employee's performance is not measuring up to the standard required, the Manager shall engage in the following process to try and address the matter:

   a) REVIEW STANDARDS
       The Employee's job and standards 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 still require performance to those standards if he believes they are reasonable.

   b) IDENTIFY SUB-STANDARD PERFORMANCE
The Manager should identify shortfalls in the performance as well as identify reasons for the sub-standard performance

(c) Identify and discuss reasons why the Employee’s performance has fallen below the required standards.

(d) ACTION PLAN
The manager and the employee shall come up with a plan to address poor performance. If the Employee’s performance continues to be unsatisfactory, the Employee must be warned that such behaviour may lead to disciplinary action.

(e) ASSISTANCE
Thereafter, the Manager in consultation HR shall 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 incapability, the assistance may include reasonable time off for medical treatment or transfer to a less onerous job if such a job is available.

(f) REVIEW DATES
The Employee should be given sufficient time to improve, and review dates should be established to monitor progress.

(g) RECORD OF COUNSELLING
A record of counselling sessions should be kept in the Employee’s personnel file.

8. FINAL HEARING
If the Employee does not reach the required standards within the time period set, the Employee must be given a final opportunity to state his case at a formal disciplinary hearing. The procedure shall be in accordance with the provisions of schedule 8 of the LRA.

9. DISMISSAL FOR INCAPACITY/POOR WORK PERFORMANCE
The chairperson shall take the following factors into account before deciding to terminate the services of the employee:

a) Whether or not the employee is capable of performing the work;

b) If the employee is not capable, the extent to which the employee is able to perform the work, 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 the availability of any suitable alternative work, at the same or lower job level;
c) When alternatives are considered, relevant factors shall 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.

d) In cases of permanent incapacity, the MTPA shall ascertain the possibility of adapting the duties or work circumstances of the employee to accommodate the employee’s disability;

e) Particular consideration shall be given to employees who are injured at work or who are incapacitated by work-related illnesses.

f) The degree of incapacity and the cause of incapacity should be considered, for example, in the case of alcoholism or drug abuse, counselling and rehabilitation may be considered by the MTPA;

10. DISMISSAL FOR OPERATIONAL REQUIREMENTS

In the event that MTPA has to dismiss employees for operational reasons, this process shall be dealt with in terms of Section 189 of the Labour Relations Act.

11. DISCIPLINARY OFFENCES

All Employees must be aware of the possible consequences of undesirable or unacceptable behaviour. The following transgressions shall be deemed to be serious enough to warrant dismissal, subject to the holding of a disciplinary hearing:

a. Refusal to perform any lawfully assigned work and or failure to obey lawful instructions given to the Employee by the designated supervisor, without just or reasonable cause, the onus being on the Employee to justify the refusal and/or disobedience;

b. Insubordination;

c. Failure to disclose pertinent information that may affect the employment relationship;

d. Threatening to or actually doing physical injury to another person;

e. Fighting, or assaulting any person;

f. Unauthorised disclosure of strictly confidential information;

g. Failure to adhere to the organisation’s Code of conduct

h. Dishonesty in the sphere of work;

i. Fraud and Misrepresentation in the CV of the employee.

j. Dishonesty outside the sphere of employment - after conviction in a criminal court;
k. Being under the influence of alcohol, drugs or any other narcotic or similar substances prior to or whilst at work.

l. Theft, bribery or removal of equipment, material or property or being in unauthorised possession of the organisation’s equipment or property; without permission from the organisation.

m. Serious neglect of, or damage to the organisation’s equipment and/or property;

n. Disruption of the organisation’s activities;

o. Loss, damage and/or misuse of the organisation’s equipment or property;

p. The threatened use of a dangerous weapon.

q. Falsification of the organisation’s records, and/ or using the organisation’s systems or procedures or operations for personal gain, or altering/ misrepresenting the official documents of the organisation;

r. Accepting bribes/money/gifts for performing work or any other favour that may unfairly give advantage to another person at the organisation’s expense;

s. Intimidation, victimisation or harassment of other Employees;

t. Disorderly conduct causing bodily/mental injury, including sexual harassment of any kind;

u. Breach of employment contract and or the rules and regulations of the Agency

v. Gross negligence;

w. Failing to report any notifiable disease to the MTPA;

x. Sleeping on duty

y. Unauthorised and/or un-communicated absenteeism where such absence is longer than ten [10] working days.

z. Competing with the organisation/engaging in other remunerative work without permission;

12. MISCONDUCT THAT COULD RESULT IN WRITTEN/ FINAL WARNING AND OR SUSPENSION:

a) Deliberate and continued absenteeism.

b) Failure to adhere to official working hours, e.g. unauthorised absence from the work place/late-coming/early knocking off/extended smoke breaks, lunch time and loitering.
c) Loafing at work;

d) Poor work performance, failing to maintain output levels or producing defective work;

e) Incapacity of the Employee;

f) Smoking in the offices of the MTPA, except the in designated smoking areas.

g) Sleeping on duty;

h) Gross negligence or incompetence, which shall mean failure to adhere to, or execute work according to work standards and/or regulations, with serious or potentially serious consequences for the MTPA;

i) Negligent use of the assets of MTPA

j) Disorderly conduct;

k) Use of abusive or insulting language and rude or insolent behaviour;

l) Impoliteness, use of foul language, making disparaging remarks and making improper or indecent gestures at a supervisor, a colleague or any other person.

This list is not exhaustive and may include any other common law offences.
NOTICE OF SUSPENSION

NAME AND SURNAME: ________________________________

EMPLOYEE NO: ________________________________

DATE: ________________________________

Please take note that management is currently busy with an investigation into your Behaviour / Conduct. It has subsequently been decided to suspend you on full pay. Please note that this is not a notice to attend a disciplinary enquiry. Should it be decided that an enquiry be held against you, you will be advised of the:

1. Allegations brought against you;
2. Date, Time & Venue of the enquiry

Yours faithfully

____________________
For Management

Signature of Employee

____________________
Signature of Witness / Representative
NOTIFICATION TO ATTEND A DISCIPLINARY MEETING

NAME: __________________________________________

EMPLOYEE NO: ____________________________________

DATE: __________________________________________

YOU ARE HEREBY INSTRUCTED TO ATTEND A DISCIPLINARY MEETING ON
__________________________________________ TO BE HELD AT MTPA AT ________________

THE MEETING WILL DEAL WITH THE FOLLOWING COMPLAINT AGAINST YOU
______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________

You are entitled to:

➢ a representative of your choice subject to the condition that such representative is not a legal practitioner who is admitted as an attorney.
➢ call any witnesses on your behalf;
➢ cross question any witnesses;
➢ an interpreter

PLEASE NOTE: the meeting can be held in your absence should you fail to attend

__________________________  __________________________  _________________
SIGNATURE       DESIGNATION       DATE

__________________________  __________________________  _________________
ACCUSED          WITNESS       DATE
WRITTEN WARNING: VALID FOR 3 MONTHS

NAME : ______________________________
EMPLOYEE NO : ______________________________
JOB TITLE : ______________________________

DETAILS OF MISCONDUCT:

______________________________________________________________
______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________

EMPLOYEE’S COMMENTS (if any):

______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________

WARNING ISSUED BY: _________________
SIGNATURE: _______________________________ DATE: ______

POSITION: _______________________________ EXPIRY DATE: ___________

REPRESENTATIVE SIGNATURE________________________________
EMPLOYEE SIGNATURE______________________________________

(SHOULD EMPLOYEE REFUSE TO SIGN RECEIPT HEREOF A WITNESS SHALL SIGN
ATTESTING TO THE FACT THAT THE EMPLOYEE HAS BEEN WARNED)

WITNESS __________________________
WITNESS SIGNATURE ___________________ DATE ___________
FINAL WRITTEN WARNING: VALID FOR 6 MONTHS

NAME : ________________________________

EMPLOYEE NO : ________________________________

DEPARTMENT : ________________________________

DETAILS OF MISCONDUCT:
________________________________________
________________________________________
________________________________________
________________________________________
________________________________________

WARNING ISSUED BY: ________________________________

SIGNATURE: ________________________________

DATE: ________________________________

POSITION: ________________________________

EXPIRY DATE: ________________________________

REPRESENTATIVE SIGNATURE: ________________________________

EMPLOYEE SIGNATURE: ________________________________

(SHOULD EMPLOYEE REFUSE TO SIGN RECEIPT HEREOF A WITNESS SHALL SIGN ATTESTING TO THE FACT THAT THE EMPLOYEE HAS BEEN WARNED)

WITNESS: ________________________________

WITNESS SIGNATURE: ________________________________

DATE: ________________________________
TERMINATION OF SERVICES

NAME ______________________________________________
EMPLOYEE NO ______________________________________
DATE: _____________________________________________

• THIS LETTER SERVES TO CONFIRM THAT YOUR SERVICES HAS BEEN TERMINATED.

<table>
<thead>
<tr>
<th>WITH NOTICE NOTICE</th>
<th>WITHOUT</th>
<th>AS FROM</th>
</tr>
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<tbody>
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</tbody>
</table>

• THE REASON FOR THIS DECISION IS:

____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________

• YOU WILL BE FULLY PAID UNTIL ____________

• IN TERMS OF COMPANY POLICY, YOU ARE TO LEAVE THE PREMISES IMMEDIATELY. YOUR OUTSTANDING REMUNERATION WILL BE AVAILABLE ON ________________

• YOU HAVE THE RIGHT TO REFER THE MATTER TO THE CCMA OR APPLICABLE BARGAINING COUNCIL.

________________________  __________________________
MANAGEMENT                 EMPLOYEE

WITNESS ____________________
GRIEVANCE POLICY AND PROCEDURE

1. Preamble

Every employee has a right to be treated accordingly in a fair, just and equitable manner, in order to advance development, labour peace and democratisation in the workplace. Any employee who has a grievance is entitled to make use of the Grievance Procedure.

2. Scope of Application

This policy applies to all employees of the MTPA

3. Purpose

The purpose of this policy is to promote speedy, impartial and equitable handling of grievances and ensure sound labour relations by making sure that grievances are resolved at the lowest possible level.

4. Authorization / Legislative Guidelines

This policy is guided by:

4.1 Labour Relations Act, 1995
4.2 MTPA Act, 2005 (Act no 5 of 2005)

5. Definition

A grievance is any feeling of dissatisfaction or perceived unfair treatment, which employees experience in relation to their work and employment.

6. General Principles

6.1 No shop steward shall be victimised as a result of his having advised or represented any employee lodging a grievance.

6.2 Where victimisation is suspected, an employee may submit details in terms of the Grievance Procedure.

6.3 Except in instances where the grievance is of a serious nature, or where the employee so requests, a formal grievance hearing need not be convened in each and every instance. Often an informal meeting between the employee and his manager is the most effective way of resolving minor complaints, and encourages direct communication between management and staff.

6.4 When a formal grievance is lodged with Management, Management shall convene a formal hearing into the facts of the case, carried out in accordance with the following general principles:
6.4.1 The General Manager Corporate Service shall facilitate the appointment of the chairperson of the grievance hearing.

6.4.2 The time, date and venue of the grievance hearing shall be set by the chairperson of the grievance hearing.

6.4.3 The parties shall have the right to an interpreter.

6.4.4 The employee and his shop steward(s) shall have the right to present his case and lead evidence, call witnesses, question witnesses, and to have copies of any documents produced as evidence at the hearing. In presenting his case, the aggrieved will be required to state the grounds and reasons of his grievance, and where appropriate lead evidence and argument in this regard. The chairperson of the grievance hearing may request additional evidence and/or witnesses to be led in the hearing to determine the merits of the grievance. The Chairperson will then make a determination on the merits of the grievance and identify any appropriate remedial action.

6.4.5 After hearing all available evidence, the Chairperson shall make a finding on the matter and make his decision known to all parties in writing.

6.4.6 A record of the proceedings will be kept by the Human Resource section.

6.4.7 In cases where group grievances are addressed, a maximum of two observers (inclusive of the aggrieved) will be allowed to attend the grievance hearing in addition to the representatives. Any further aggrieved person may be called individually into the grievance hearing to present their case.

6.4.8 Should the grievance not be resolved to the satisfaction of the employee(s), he or they shall be entitled to proceed to the next stage of the grievance procedure.

7. Stages of the Grievance Procedure

7.1 Stage One

7.1.1 An employee who believes s/he has a grievance must first report such a grievance to the immediate supervisor or Manager (or his designate).

7.1.2 The Manager (or his designate) must endeavour to resolve the grievance and communicate the outcome to the employee as soon as possible. Once a decision has been given by the Manager (or his designate) and the employee feels that the matter must be pursued further, then Stage 2 becomes effective.

7.1.3 In the event of an employee having a complaint about his immediate supervisor, he or she must approach the next reporting level of his immediate supervisor directly for the purpose of resolving the grievance.

7.2 Stage Two
7.2.1 If the employee elects to proceed with the grievance, he shall, with the assistance of his representative, if he so wishes, lodge the grievance with the Manager (or his designate). A Chairperson of the same or higher status as the Chairperson of the original grievance hearing will then be appointed and a further grievance hearing convened.

7.2.2 Once the Chairperson has given a decision and the employee feels that the matter must be pursued further, then the employee is free to invoke dispute settlement mechanism outside the Agency.

8. Time limits

The following schedule constitutes a guide as to the time periods within which the various stages of the grievance procedure are to be initiated. The time limits are in no way prescriptive and may be varied, having regard to the particular circumstances of each case.

8.1 Schedule

<table>
<thead>
<tr>
<th>PROCEDURAL STEP</th>
<th>TIME PERIOD</th>
</tr>
</thead>
<tbody>
<tr>
<td>STAGE 1.</td>
<td></td>
</tr>
<tr>
<td>Lodging of a grievance</td>
<td>Within 90 Days of incident giving rise to grievance.</td>
</tr>
<tr>
<td>Notice of a Grievance hearing</td>
<td>Within 3 Days of grievance being lodged</td>
</tr>
<tr>
<td>Grievance Hearing</td>
<td>Within 4 Days of Notification to Attend Grievance Hearing.</td>
</tr>
<tr>
<td>Finding of Grievance Hearing</td>
<td>Within 7 Days of Grievance Hearing.</td>
</tr>
<tr>
<td>STAGE 2.</td>
<td></td>
</tr>
<tr>
<td>Referral to next stage</td>
<td>Within 10 Days of Finding of Grievance Hearing.</td>
</tr>
<tr>
<td>Informing the aggrieved</td>
<td>Within 5 days of referral to the next stage</td>
</tr>
</tbody>
</table>

9. Forms
The Grievance form, together with all relevant documentation, shall be submitted by the employee concerned to the Employee Relations section. The Grievance form shall be completed by the employee prior to the initiation of each level of the Grievance Procedure.

10. Amendments

This policy shall be amended as and when required and shall follow the procedure of policy formulation.
GRIEVANCE FORM

NAME: ________________________________
EMPLOYEE NO: _________________________
JOB TITLE: _______________________________

DETAILS OF THE GRIEVANCE: [use separate page if necessary]

____________________________________________________________________________

____________________________________________________________________________

____________________________________________________________________________

____________________________________________________________________________

DESIRED RESOLUTION OF THE GRIEVANCE

____________________________________________________________________________

____________________________________________________________________________

____________________________________________________________________________

____________________________________________________________________________

SIGNATURE: ________________________________
DATE: ________________________________

ACKNOWLEDGEMENT OF RECEIPT BY EMPLOYER REPRESENTATIVE
SIGNATURE: ________________________________

WITNESS_________________________ SIGNATURE: ________________________________
DATE ________________
Sexual Harassment Policy

1. Preamble

Sexual harassment is a violation of the fundamental human rights to equality, human dignity, privacy, security of employees and fair labour practices. Sexual harassment undermines the basic integrity of the employment relationship and is a direct violation of the values of the MTPA.

Sexual harassment is viewed as a very serious offence that may lead to disciplinary action that may include dismissal. However, false and malicious claims of sexual harassment that cannot be substantiated will also be viewed in the same serious light.

2. Scope of Application

This policy applies to all employees of the MTPA, and every employee shall comply with this procedure, in respect of fellow employees, clients, suppliers and contractors of the MTPA.

3. Purpose

The purpose of the policy is to protect the fundamental right to dignity of employees of the MTPA and all people doing business with the Agency.

4. Authorization / Legislative Guidelines

This policy is guided by the:
- Employment Equity Act 55 of 1998
- Constitution of South Africa, 1996
- Labour Relations Act no. 66 of 1995 and all other related legislation

5. Definition

Sexual harassment refers to behaviour that is not welcome, that is personally offensive, and that debilitates morale and, therefore, interferes with work effectiveness. Unwanted behaviour becomes sexual harassment if:-

(a) The recipient has made it clear that the behaviour is considered offensive; and/or
(b) The perpetrator should have known that the behaviour is regarded as unacceptable.

6. Behaviour constituting sexual harassment

Sexual harassment includes, but is not limited to the following types of behaviours:

6.1 Verbal behaviour
(a) Unwelcome innuendoes, suggestions and hints.
(b) Unwelcome sexual advances.
(c) Unwelcome comments with sexual overtones.
(d) Unwelcome sex related jokes or insults.
(e) Unwelcome graphic comments about a person’s body made in their presence or directed towards them.
(f) Unwelcome and in-appropriate enquiries about a person’s sex life.
(g) Unwelcome jokes that cause awkwardness or embarrassment.
(h) Verbal threats or abuse.
(i) Unwelcome telephone calls with sexual overtones.

6.2 Gestures and other non-verbal behaviour

(a) Unwelcome gestures.
(b) Indecent exposure.
(c) The unwelcome display of sexually explicit/undesirable pictures and objects.
(d) Persistent and unwelcome flirting.

6.3 Visual sexual harassment

(a) A public display of pornographic or other offensive, derogatory and/or sexually explicit pictures, photographs, cartoons, drawings, symbols and other material.
(b) Showing of pornographic or sexually explicit movies or slides.
(c) Indecent exposure of private parts in view of others.
(d) Displaying/sourcing offensive material/jokes on PC’s and/or e-mailing such material to other employees.

6.4 Physical sexual harassment behaviour

(a) All unwanted physical contact, ranging from touching to sexual assault and rape, and includes a strip search by or in the presence of the opposite sex.
(b) Unwanted attempts at, or actual kissing or fondling.

6.5 Psychological sexual harassment behaviour

(a) Repeated unwanted social invitations for dinner, drinks or movies.
(b) Soliciting Sexual favours.
(c) Requiring, directing or suggesting to a subordinate to wear sexy, revealing, or suggestive clothes.

6.6 Quid pro quo harassment

It is also sexual harassment when 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 benefits of an employee or job applicant, in exchange for sexual favours.
6.7 Sexual favouritism

It is an offence for a person who is in a position of authority to reward only those who respond to his/her sexual advances, whilst other deserving employees who do not submit themselves to any sexual advances are denied promotions, merit rating or salary increases.

6.8 Behaviour, which does not constitute sexual harassment

The following would not normally constitute sexual harassment:-

a. Occasional compliments.
b. Flirtatious banter when it is mutually acceptable.
c. Occasional jokes or other behaviours whereby the intent is not meant to be offensive, except where the perpetrator should have known that the behaviour is regarded as unacceptable.

7. Procedure

a) Sexual harassment allegations need not follow the normal Grievance Procedure and will remain as confidential as possible. Any employee who believes that he or she has been the subject of sexual harassment should report the alleged charge immediately in accordance with the following procedure. All information disclosed pursuant to this procedure will be held in confidence, and will only be disclosed on a need-to-know basis in order to investigate and resolve the matter.

b) Because the immediate supervisor or line manager may be alleged to be involved, the complainant may contact the General Manager Corporate Services or their Shop Steward to investigate the allegation. This investigation must be done in consultation with Human Resources or by a management assigned investigator.

c) The investigator must assure the complainant that the details of the allegation and the complainant’s identity will remain as confidential as possible.

d) The investigator and the complainant should agree on whether the matter should be resolved informally or through a formal disciplinary action. The complainant shall not be pressurized into either dropping or proceeding with the complaint.

7.1 The Informal Procedure

a) If the complainant prefers informal action, the assigned investigator will call the accused to a private meeting and advise them of the details of the complaint lodged. The investigator will assure the accused that their identity will remain as confidential as possible. The investigator must give the accused an opportunity to state their case; explain the outcome that the complainant requests (an informal settlement) and advise the accused of the possible consequences if proven guilty of sexual harassment in a formal disciplinary hearing.

b) The investigator shall again meet with the complainant, advise him/her of the accused response and, if the complainant is satisfied, invite both parties to meet
to consider resolving and settling the matter without the need for formal disciplinary action.

c) The investigator will assess what support and assistance the complainant may require after settlement.

d) The role of the investigator is that of a mediator. On being appraised of the allegations, the investigator may of his/her own accord initiate the formal procedures.

7.2 The Formal Procedure

a) If the matter is not settled, or if the complainant or accused wants a formal disciplinary action, the investigator shall get written statements from both parties. If the allegations are substantial, serious, and there are reasonable prospects of proving the allegations against the accused on a balance of probabilities, the normal Disciplinary Procedure in respect of a formal disciplinary hearing, shall then be followed.

b) The formal disciplinary hearing will take place in camera, i.e. in private, only the persons directly involved, should attend;

c) The names of the parties shall remain as confidential as possible.

d) It is a disciplinary offence to victimize or retaliate against an employee who in good faith lodges a grievance of sexual harassment, or to pressurize a complainant to drop a complaint of sexual harassment.

e) In turn it is a disciplinary offence to lay unfounded or unjustified complaints against a fellow employee with the intent to cause malicious harm to them or their reputation.

8. Confidentiality

(a) The MTPA ensure that grievances about sexual harassment are investigated and handled in a manner that ensures that the identities of the persons involved are kept as confidential as possible.

(b) Management and the parties concerned must ensure confidentiality as far as possible in the disciplinary inquiry. Only appropriate members of management as well as the aggrieved person, representative, alleged perpetrator, witnesses and interpreter if required, must be present in the disciplinary inquiry.

(c) MTPA is required to disclose to either party or to their representatives, such information as may be reasonably necessary to enable the parties to prepare for any internal or external civil or criminal proceedings.

9. Amendment of policy

The policy shall be amended as and when required and shall follow the procedure of policy formulation.
Code of ethics

INTRODUCTION
The MTPA is fully committed to the principles of honesty, transparency, integrity and accountability. The Employees of the Agency are ultimately accountable to all the MTPA stakeholders for ensuring that the MTPA business is conducted in accordance with the highest standards of corporate governance. Employees of the Agency shall always conduct themselves in an ethical manner.

Being ethical means an awareness of:

1.1 The values of the organisation and the principles of morality;
1.2 The need to be committed to the promises of the organisation to its stakeholders;
1.3 The need to comply with rules in the broadest sense, including laws, customs and expectations of the community;
1.4 The general concern regarding the needs of others; and
1.5 Fairness, equity, honesty, trust and respect.

2. PURPOSE
The Code is intended to raise ethical awareness, and to act as a guide to employees of the MTPA. The Code contains ethical guidelines for everyday events. To be ethical is to conform to moral standards or to conform to the standards of conduct. Leadership of the Agency shall set an example to all by practising what they say.

3. APPLICATION
The Code shall apply to Employees of the MTPA. Managers, along with all employees, must always act with the utmost integrity and be guided by what is ethical and right for our stakeholders.

The challenge of being ethical does not lie in the mechanical application of moral prescriptions. It is found in the process of creating and maintaining genuine relationships from which to address ethical dilemmas that cannot be covered by prescription.

While there is no prohibition on the employment of spouses or siblings in the Agency, it is compulsory for employees to disclose such arrangements to the Chief Executive Officer.

4. CORPORATE VALUES
Ethic behaviour adapts and changes in response to social norms and in response to the needs and interests of those served by the Agency. The efforts for responsible corporate ethics shall go beyond morality. The constitutional rights of equality, human dignity and freedom as well as democracy, must not be threatened by bribery and corruption.
In doing the business of the Agency, the following core values shall serve as a guide. These values are however not exhaustive.

1. INTEGRITY

The business activities and individual behaviours of employees shall be conducted with integrity at all times in our internal as well as external relationships. All employees shall subscribe to a corporate culture which requires them to maintain the highest personal ethical standards and to act in good faith and in the interests of the MTPA.

BEHAVIOURS THAT REINFORCE INTEGRITY

The MTPA supports its employees and gives them total access to all existing resources. The MTPA is committed to recruiting the right people and inculcating a spirit of entrepreneurship in them, therefore, our employees shall develop a passion for their work and this shall be reflected in the following behaviours:

a) Being open, honest and trustworthy in everything you do.

b) Accepting that honesty and integrity are crucial to lasting relationships of mutual trust and that these are the foundations of employer/employee retention and loyalty.

c) Encouraging open, honest, transparent and clear communication to ensure staff trust and commitment.

d) Building relationships based on respect and mutual understanding.

e) Ascribing to the highest standards of Ethics.

f) Dedication, commitment and common focus to achieving the objectives of the MTPA.

g) Delivering tangible value to the needs of the MTPA.

h) Having a clear vision and strategy of what we want to achieve as an organisation.

BEHAVIOURS THAT SHALL NOT BE TOLERATED

a) Being influenced to do the “wrong things”. Examples include, but are not limited to, fraud, bribery, corruption and abuse of power.

b) Offering or accepting bribes or inducements.

c) Undermining, ignoring or passively resisting agreed actions.
2. EXCELLENCE

In our endeavour to be the best in what we do, we shall measure ourselves against the world’s best Tourism and Biodiversity organisations, and continuously strive to achieve the highest level of performance in everything we say and do.

BEHAVIOURS THAT REINFORCE EXCELLENCE

a) Providing clarity of direction and empowering our employees to solve problems in an innovative way.

b) Setting goals in the context of our Mission Statement and measuring against world class organisations.

c) Ensuring that needs and expectations of our stakeholders are met.

d) Encouraging our employees to excel and recognising, rewarding and celebrating their contributions and accomplishments.

e) Acknowledging mistakes and correcting them immediately.

f) Ensuring that our business is managed by people with initiative to execute major decisions coupled with accountability for those decisions.

g) Encouraging Managers to view regular feedback as a key contributor to staff retention and commit to allocate time and resources for meaningful feedback to staff.

h) Encouraging employees exercise their special strengths, talents and skills to achieve the objectives and goals of the MTPA.

BEHAVIORS THAT SHALL NOT BE TOLERATED

a) Accepting mediocre performance and results and failing to take corrective action.

b) Missing agreed and committed deadlines.

c) Over promising and under delivering.

d) Rewarding poor performance in order to prevent “rocking the boat”.

e) Hiding, abdicating and avoiding responsibility for mistakes.

f) Refusal to listen and learn from mistakes.

g) Refusal to accept correction and constructive criticism.

3. CO-OPERATION, RELIABILITY & RESPONSIVENESS

In recognising that it is only through co-operation, internally and externally, that the Agency can achieve its goals and objectives, employees shall react timeously, responsibly and be reliable and dependable in fulfilling our commitments to all our stakeholders.
BEHAVIOURS THAT REINFORCE CO-OPERATION, RELIABILITY & RESPONSIVENESS

a) Alignment of behaviour with values (teamwork, delivering results, openness, transparency and development of talent).

b) Actively co-operating and supporting colleagues within and between sections and business units.

c) Prompting a “can-do” attitude and reinforcing it with our own actions.

d) Doing what you say you will do and openly accepting responsibility for the result.

e) Sticking to commitments or re-negotiating them.

f) Making quick decisions based on facts.

g) Taking personal responsibility to resolve issues timeously and reliably.

h) Supporting the MTPA in cultivating an Organisational Culture of dedication, commitment and excellent performance.

i) Striving to make MTPA a great place to work for because results are only achievable if the right team is in place and the team is committed to working in the same direction.

BEHAVIOURS THAT SHALL NOT BE TOLERATED

a) Discouraging regular, open and honest communication with others.

b) Keeping others waiting for you or the results of your work obligations.

c) Forgetting or conveniently putting aside commitments.

d) Shifting the blame.

e) Saying “it is not my job” and leaving things undone.

f) Blaming your colleagues, especially when dealing with external customers.

4. INITIATING AND EMBRACING CHANGE

In a world of change, employees shall initiate and embrace better ways of doing things and apply their creativity to ensure that sound ideas are accepted and implemented. The MTPA is committed to encouraging diversity and change.
BEHAVIOURS THAT REINFORCE ACCEPTANCE OF CHANGE

a) Proposing constructive changes, being positive in addressing issues and not people, information sharing, providing feedback and support.

b) Accepting change personally in the way you think and do things, exhibiting and encouraging good judgement and avoiding reckless action.

c) Practising equal opportunity in all recruitment and promotion activities.

d) Encouraging innovative solutions and being tolerant of realistic risk taking.

e) Promoting a culture of continuous improvement in all business processes.

f) Encouraging and participating in team building and experimental/brainstorming workshops with the view to develop new ways of doing things.

BEHAVIOURS THAT SHALL NOT BE TOLERATED

a) Being resistant to new suggestions and suppressing new ideas.

b) Ridiculing someone whose new idea failed.

c) “Shooting the Messenger” who uncovers the problem.

d) Avoiding rocking the boat – “we have always done it that way”.

5. RESPECT – THE INDIVIDUAL AND THE COMMUNITY

The MTPA shall consider and fulfil its wider social responsibilities to employees and the communities in which we operate. Communities and individuals shall be treated with utmost respect.

BEHAVIOURS THAT REINFORCE RESPECT

a) Maintaining the trust and confidence of stakeholders, employees, business partners and the community.

b) Utilising opportunities for personal development.

c) Encouraging a link between performance and reward.

d) Treating people as individuals and being receptive to them and their ideas.

e) Accepting that not all people have the same background (eg. religion, education, sexual preference, culture, etc.) and valuing the differences.

f) Listening carefully to other viewpoints and opinions, even if you do not agree with them.

g) Maintaining and ensuring a healthy, safe and pleasant workplace.
h) Being environmentally and socially responsible.

i) Balancing your personal, family, social and business demands.

**BEHAVIOURS THAT SHALL NOT BE TOLERATED**

a) Disrespectfully ignoring or making fun of the contributions or inputs that others make.

b) Acting in isolation on issues that affect others.

c) Participating in or allowing discrimination or harassment of any kind.

d) Creating power bases, based on withholding of knowledge, ego and/or status and refusal to share knowledge with others.

5. **DUTIES OF EMPLOYEES**

5.1. All Employees have a duty to devote their full time and energy in promoting the business of the employer and to exercise care in regard to the employers’ property.

5.2. The procedural requirements for the handling of breaches to this code shall be dealt with in terms of the Disciplinary Procedure of the agency as well as the Code of Good Practice: Dismissal (Schedule 8 of the LRA),

5.3. Transgressions involving integrity, honesty, transparency and accountability shall be viewed as serious misconduct that may lead to disciplinary action, and a claim of ignorance or lack of intention to harm the MTPA shall not be accepted as an excuse.

5.4. Standards in the employment relationship, some of which are automatically introduced by virtue of common law shall be regarded as part of this code.

5.5. Adherence to workplace policies, procedures and rules which reinforce the ethical conduct of employees, shall be clearly communicated within the MTPA and encapsulates values such as mutual respect, honesty, transparency and integrity.

5.6. Furthermore, Employees of the MTPA shall:

   a) Not allow their personal interests to be in conflict with their duties to the MTPA.
   b) Demonstrate a commitment to improve productivity, efficiency and quality.
   c) Carry out their duties effectively, efficiently and diligently.
   d) Conduct the affairs of the MTPA in a professional manner and according to the highest standards of conduct and business ethics.
   e) Display loyalty and dedication in all matters pertaining to the affairs of the MTPA.
   f) Be prudent in the use of information acquired in the course of their duties and respect the confidentiality thereof.
6. CONTRAVENTION OF THE CODE AND ENFORCEMENT

If employees suspect that a contravention of the Code has been committed by another employee of the MTPA, they shall promptly and confidentially report this, preferably in writing. Employees should either advise their immediate supervisor, any manager or the CEO. Employees must not confront, intimidate or blackmail the offending individual concerned.

7. AMMENDMENT OF THE POLICY

The policy shall be amended as and when required and shall follow the procedure of policy formulation.
CELL PHONE POLICY AND PROCEDURE MANUAL

1. PURPOSE

The purpose of this policy is to regulate the provision of cell phones for qualifying employees.

2. REGULATORY FRAMEWORK

a) Labour Relations Act.
c) Basic Conditions of Employment Act.
d) MTPA Policies.
e) Public Finance Management Act.

3. SCOPE OF APPLICATION

The policy is applicable to all officials employed by the MTPA who, in the performance of their allocated duties may need a cell phone. The implementation and execution of this policy is the responsibility of Management.

4. POLICY STATEMENT

The allocation of a cell phone shall not constitute a benefit or condition of service for employees. A cell phone shall be part of the tools that management may allocate in order to help employees in carrying out their duties. No employee shall have a right to a company cell phone.

5. DEFINITIONS AND ABREVIATIONS

a. Call cost is related to the per minute cost accrued on any cellular airtime contract during use of the cell phone.
b. Cellular Phone refers to mobile phones.
c. A user is an official who participates in the phone scheme.
d. MTPA - Mpumalanga Tourism and Parks Agency
e. CFO - Chief Financial Officer
f. GM - General Manager
g. SM - Senior Manager
h. CEO - Chief Executive Officer
6. OWNERSHIP

a) MTPA shall provide each user with a cellular phone handset. Ownership of this equipment shall vest with the Agency.

b) MTPA shall enter into a contract with a service provider to devise a cell phone scheme in which qualifying users shall participate.

7. DELEGATION OF AUTHORITY

The authority to approve or decline participation in the scheme shall vest with the CEO who shall approve applications which have been recommended by the General Manager of the concerned Business Unit.

8. QUALIFYING CRITERIA AND ALLOWANCES

8.1 A cell phone allowance shall be determined by the resolution of EXCO, as and when it becomes necessary.

8.2 The following personnel automatically qualify for cell phones;

a) Members of the Executive Committee
b) Senior Managers
c) Any other person who shall be recommended by the respective General Manager for approval by the CEO.

8.3 Officials who are on the cellular phone scheme shall endeavour to be telephonically available at all reasonable times.

8.4 Special arrangements for international travel shall be approved by the CEO.

8.5 Call costs incurred by employees on international roaming whilst in another country other than RSA on official business shall be borne by the Agency.

9. DEPARTURE AND FAILURE TO COMPLY WITH THE POLICY AND PROCEDURES

a) Any departure from this Policy and Procedures shall require the approval of the CEO.

b) Failure to comply with this Policy and Procedures will entitle the CEO to terminate the employee’s participation in the scheme.

c) Abuse of the cell phone scheme may lead to disciplinary action.

10. AMENDMENT OF THE POLICY

The policy shall be amended as and when required and shall follow the procedure of policy formulation.
# Document Control Sheet

## Document Title:
Employee Retention Policy

## Presented by:
Themba Makhubo

## Division: Unit:
Human Resources

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</tr>
</tbody>
</table>
# CONTENTS

1. Preamble .................................................................................................................. 53  
2. Purpose .................................................................................................................... 53  
3. Authorization .......................................................................................................... 53  
5. Scope of application ............................................................................................... 54  
6. Definitions ............................................................................................................... 54  
7. Accountability ......................................................................................................... 55  
8. Policy Statement ..................................................................................................... 55  
9. Retention Strategies ............................................................................................... 56  
9.1 Financial Rewards & Recognition ........................................................................ 56  
9.2 Talent Pool & Succession Planning ...................................................................... 56  
9.3 Leadership Alignment, Development & Support ................................................ 57  
9.4 Strategic Alignment in Human Resource .............................................................. 57  
9.5 Creating a positive employment brand ............................................................... 57  
9.6 Monitoring ............................................................................................................ 58  
10. Amendments .......................................................................................................... 58
1. **Preamble**

In a world of increased global competitiveness, organizations are compelled to differentiate themselves significantly in order to recruit, select and retain competent employees.

Mpumalanga Tourism and Parks Agency recognizes that it is no longer enough to rely on market related remuneration alone as a retention strategy.

Therefore the agency seeks to achieve sustainable employee retention through the systematic integration of roles and people factors.

This seeks to support the people oriented approach of the agency by anticipating employee needs and implementing the appropriate strategies.

This retention policy is designed to foster collaborative implementation between Human Resources and Line Management. Mpumalanga Tourism and Parks Agency recognizes that human resources are the most valuable assets. A great deal of time and money is invested in the recruitment, training and development of employees and, as such, every effort should be made to retain those employees who have scarce or critical skills.

2. **Purpose**

The purpose of the employee retention policy is to enable Mpumalanga Tourism and Parks Agency to pro-actively:

2.1 Prevent the loss of competent employees, which could have an adverse effect on service delivery.
2.2 retain employees with scarce skills and employees occupying critical positions
2.3 provide information and techniques for employee retention

3. **Authorization**

This policy is authorized by the MTPA Act, 2005 (Act no 6 of 2005)
4. **Legislative Framework: Human Resource Management in South Africa**

This policy should be read within the context of the Legislative Framework for Human Resource Management in South Africa, the Employment Equity Plan and all Human Resource policies of Mpumalanga Tourism and Parks Agency.

The legislative framework to be considered for recruitment and retention in South Africa includes:

4.1 The Constitution and in particular section 195(1)(h)(i);
4.2 Labour Relations Act, 1995;
4.3 Employment Equity Act, 1998;
4.4 Promotion of Administrative Justice Act, 2000

5. **Scope of Application**

This policy applies equally to all employees of Mpumalanga Tourism and Parks Agency.

6. **Definitions**

6.1 Employees: persons assisting in carrying out or conducting the business of the Agency, and receive or are entitled to a salary.


6.3 Retention: keeping specific/targeted individuals within the agency for an extended period of time.

6.4 Strategies: tactics or procedures used to incentivise targeted employees to remain in the employment of the agency.

6.5 Scarce skills: refers to skills which are undersupplied by both the province and the country as a whole. The current or future demand for skilled, qualified and experienced people to fill such occupations or professions in the labour market is limited.

6.6 Critical positions: particular capabilities needed within an occupation, the absence of which can have a major negative impact on the functioning of the organisation

6.7 Competent employee refers to employees who perform above average or who scores above 50% in terms of the PMDS policy.
7. **Accountability**

7.1 All managers are accountable for identifying employees with scarce skills and those occupying critical positions in their division.

7.1.1 Positions which should be considered as scarce skills or critical positions must have been submitted by manager to the Chief Human Resource Officer [CHRO] for inclusion on the list for scarce skills and critical skills.

7.2 The Chief Human Resource Officer will make submissions to the EMC for approval of positions to be considered as scarce skills or critical skills.

7.3 Due to the ever changing labour market, scarce skills/critical skills must be approved on an annual basis and should be in line with the financial year of MTPA.

7.4 Managers are accountable to timeously inform the Chief Human Resource Officer of employees that are contemplating leaving Mpumalanga Tourism and Parks Agency.

7.5 The Chief Human Resource Officer is accountable for advising line managers on effective retention techniques, process and best practices.

7.6 The Chief Human Resources Officer is accountable for identifying trends that exist in the workplace regarding the reasons for termination and to develop appropriate strategies to retain employees.

8. **Policy Statement**

The employee retention policy shall draw from all human resource processes.

This policy is multi-pronged, and shall cover a number of initiatives which are interdependent and mutually reinforcing.

The proposed interventions shall be geared towards attaining sustainable success in the long term, are neither exclusive nor exhaustive, but open to regular review and enrichment.
9. Retention Strategies

9.1 Financial Rewards & Recognition

Annual strategic leadership breakaways will discuss and decide on specific People Management and Retention expectations for Critical Positions & Skills. The individuals occupying critical positions will become eligible for financial rewards and recognition based on these retention strategies:

9.1.1 The 24-hour counter-offer process that may be implemented in the case of an employee resigning due to remuneration reasons; the line manager and the Chief Human Resource Officer will jointly agree on the need to retain the employee; and on what would be a reasonable intervention. This may include, but not limited to, reviewing the remuneration package of the employee concerned.

9.1.2 Market related/Equitable annual salary reviews based on job performance to eliminate resignations attributed to remuneration reasons.

9.1.3 For employees occupying critical positions, an amount equal to 10% of annual salary of the employee may be offered and paid in annual instalments to such individuals, if they stay in the organization for a period of three years. This amount shall be paid at the end of the third year.

9.2 Talent Pool & Succession Planning

The Chief Human Resources Officer with the support of Line Managers will identify critical positions and competency requirements thereof. Individuals who occupy these positions and possess the necessary competencies will become part of the talent pool for MTPA.

9.2.1 EXCO members will review the Talent Pool against retention trends on a quarterly basis. The Chief Human Resource Officer will update the Talent Pool with the emergent new information, and targeted action shall be pro-actively implemented in cases where skill shortages are identified.

9.2.2 Skilled and/talented employees identified as part for the talent pool, will be rotated within the various functions of the agency, to enhance their multi-skilling in support of Succession Planning.
9.3 Leadership Alignment, Development & Support

MTPA will utilise education, training and development as a retention mechanism. A Development Programme for all new or promoted managers/supervisors will be designed and implemented. This program will be supported by:

9.3.1 A compulsory Executive coaching course for all new senior management appointments.

9.3.2 An annual management and leadership style assessment and profiling on which to base all individual development plans.

9.3.3 Team building initiatives that will be based on the strategy, mission and vision of MTPA.

9.3.4 Career-development workshops for all employees.

Strategic Alignment in Human Resource

9.4.1 This policy recognizes that employee retention is influenced by other human resource processes which need to be managed in order to attract or retain employees. Employee retention begins with the recruitment and selection process.

9.4.2 All appointment decisions must be based on valid and reliable assessment and selection tools and processes. This will enable Mpumalanga Tourism and Parks Agency to attract the right calibre of employees who will fit the organisational culture, ethos and values. An optimum cultural fit between the organization and the employee enhances retention.

9.4.3 Once appointed, employees will be inducted into Mpumalanga Tourism and Parks Agency through a comprehensive induction program. This will optimise the performance of the newly appointed employees and decrease the likelihood of premature flight.

9.5 Creating a positive employment brand

Competent employees have become more discerning, demanding and are attracted to organisations with a positive brand. In order to entice such employees to our organisation; we shall make our organisation visible and appealing.

9.5.1 To capitalise on the positive employment brand, we shall offer and live up to a compelling Value Proposition for aspirant employees.
9.5.2 Display Mpumalanga Tourism and Parks Agency’s core Business Values in all our engagements with current and potential employees, customers and partners.

9.5.3 Boost our Visibility through partnerships with selected tertiary institutions, and participation in career expo exhibitions.

**Monitoring**

The Chief Human Resource Officer will record and track **Employee Turnover** statistics on a monthly basis, in order to identify trends, and advise line management on the most appropriate interventions targeted at reversing the identified undesirable trend.

9.5.4 The Chief Human Resources Officer will ensure that **Exit Interviews** are conducted immediately for all employees who resign. Feedback from Exit interviews will be analysed every quarter to identify emerging trends and patterns. This feedback will be used to design and develop suitable remedial action.

9.5.5 The actual exit interview may be conducted by an internal or external expert, depending on the prevailing circumstances.

9.5.6 Management will monitor and improve Workload Distribution to enable a better work-life balance for employees. A flexi-time arrangement may be developed and implemented to cater for work-life balance.

9.5.7 Regular climate, culture and employee engagement **Surveys** will be conducted in order to pre-empt and identify potential employee turnover risks.

9.5.8 Regular **benchmarking** with similar and industry leading organizations will be conducted in order to complement feedback from the surveys. An annual benchmark for acceptable turnover rate will be set, for purposes of progress measurement.

**10. Amendment of the policy**

The policy shall be amended as and when required and shall follow the procedure of policy formulation.
1. Preamble

The Mpumalanga Tourism and Parks Agency [MTPA] recognizes the serious nature of HIV/AIDS epidemic and its impact on the agency. The Management of MTPA is committed to ensuring that the impact of this pandemic on the effective delivery of services is minimized. The effect of HIV/AIDS is broad and relates to the health, social and psychological well-being of those infected, their families as well as and surrounding communities in which they live.

2. Definition
2.1. **HIV**- Human Immunodeficiency virus: the name if the virus which attacks the immune system and leads to AIDS

2.2. **AIDS**- Acquired Immune Deficiency Syndrome: a collection of disease that result from infection with HIV

2.3. **Immune system**- a complex system of cells and cell substances that protects the body from infection and disease.

2.4. **Care**- a broad term referring to the steps taken to employee well being through medical, psycho-social, spiritual and other means.

2.5. **Health promotion**- programmes aimed at ensuring the physical, mental and general well being of employees.

2.6. **Confidentiality**- the right of every employee’s medical information to be kept private, including HIV status.

2.7. **Preventative programme**- a programme designed to prevent HIV transmission, including components like awareness, education and training, condom distribution, treatment of STI’S and occupational infection control.

2.8. **Positive living skills** - skills that empower people living with HIV/AIDS to cope with the difficulties and challenges they might face and help them to live a long and fulfilling life.

2.9. **EWP**- Employee Wellness Programme

2.10. **STI**- Sexually Transmitted Infections

3. **Purpose**

The purpose of this policy document is to provide guidance and commitment that the employer has in ensuring a safe and sound working environment to all employees either affected or infected by HIV/AIDS.

4. **Scope of Application**

This policy applies to all employees of MTPA and their immediate family members.

5. **Legislative framework** This policy derives its mandate from the following:


5.2. The Constitution of the Republic of South Africa

5.3. Labour Relations Act, 1995 (Act no. 66 of 1995)

5.4. Basic Conditions of Employment Act 1997 (Act no. 75 of 1997)

5.5. Compensation of Occupation Injuries and Disease Act, 1993 (Act no. 130 of 1993)

5.7. Code of Ethics and Rules for Social Workers
5.8. Code of Good Practice on Key aspects of HIV/AIDS and Employment

6. Guiding principles
   1. Non-discrimination: the agency shall ensure that no employee living with HIV/AIDS is unfairly discriminated against on the basis of HIV status in any employment policy or practice.
   2. Safety in the workplace: all employees have a right to a safe environment.
   3. Voluntary Counseling and Testing: no employee or prospective employee shall be required to test for HIV. The agency shall encourage voluntary counseling and testing of HIV.
   4. Confidentiality: the agency shall ensure that the HIV status of an employee is kept confidential. No employee shall be obliged to disclose his/her status unless such employee poses a threat to other employees. Where an employee has to disclose, the following procedure will be followed:
      i. The exposed employee will attend therapy sessions, where the employee is told of the importance of disclosure as well as its consequences. The employee should also be informed of the supportive counseling service that can be made available to people affected by the disclosure.
      ii. The EWP will also assess the motive behind exposing other employees, necessary fears and concerns will be addressed
      iii. If the behavior continues and if there is a clear and imminent danger to other employees or partner, the EWP will get a written consent from the employee an employee will be given a period of 3 days to disclosure.
      iv. If the employee is not willing to sign, the EWP informs employee that she will inform the partner or the person he/she is putting in danger.
      v. Should the employee decide to terminate therapy sessions because of this decision, the EWP will have to continue to disclosure the status.

7. Roles and Responsibilities
   The employer, employees and unions will have varying priorities in relation to a workplace HIV/AIDS response:

7.1. The employer: EWP
i. Ensure that the strategies are developed to minimize the impact of HIV/AIDS on the working environment, in order to maintain quality service delivery.

ii. Comply with legal provisions relating to HIV/AIDS at the workplace.

iii. Monitor absenteeism and declining productivity

iv. Promote a safe working environment

v. Ensuring that appropriate prevention, treatment, care and support is provided to employees living with HIV/AIDS.

vi. Ensuring that the resources are available to meet the demands posed by the epidemic

7.2. The employees:

i. Access and use the supportive services offered by the EWP, such as counseling, advice and the freely distributed condoms.

ii. Ensure that confidentiality is maintained.

iii. Avoid behavior that expose them to HIV infections

iv. Ensure that they participate in trainings and capacity building that is provided in the working environment to deal with HIV/AIDS

7.3. The unions

i. Ensure a non-discriminatory and supportive environment for all employees both affected and infected.

ii. Assist in ensuring that HIV/AIDS workplace policies and programmes are known to all their members.

iii. Assist in educating members on their rights and obligations regarding HIV & AIDS at the workplace.

8. HIV/AIDS workplace programmes

The workplace programme on HIV & AIDS has two core branches:

1) Programmes aimed at preventing or reducing new HIV infections

2) Programmes that provide treatment, care and support to employees and their families who are affected or infected with HIV/AIDS.

8.1. Prevention programmes

1) Awareness campaigns
2) Education and training. Each workplace/Reserve shall have two peer counselors trained on HIV/AIDS, confidentiality, disclosure, conducting support groups and Anti Retro Viral treatment.

3) Creating a non-discriminatory environment

4) STI prevention and treatment

5) Infection control

6) Voluntary counseling and testing

7) Male and female condom distribution

8.2. **Treatment, Care and Support programmes**

This programme aims to improve the quality of life for employees living with HIV/AIDS, help employees affected to cope with additional emotional, financial and other demands placed by the pandemic. This programme consists of the following components:

1) Psycho-social assessments
2) Ongoing counseling and support groups
3) Support to develop positive living skills
4) Health promotion e.g. healthy eating habits and nutritional supplements
5) Support during bereavement periods
6) Setting up of social support structures
7) Assistance for employees to plan for their future.

9. **Monitoring and Evaluation**

The programmes that the agency has in place will be measured through the following outcomes:

1) Monthly statistic of staff that has disclosure or are living openly with HIV/AIDS
2) Number of employees who are participating in support groups
3) Number of condoms distributed per month.
4) Name of employees trained to become peer counselors
5) The activities, results and comments around specific objectives and activities committed to by the agency.
6) The obstacles and challenges encountered, assistance and support required to achieve the objectives.
7) The quantity of nutritional supplements distributed

10. **Amendment of the policy**

The policy shall be amended as and when required and shall follow the procedure of policy formulation.
Recognition of Staff Excellence
RECOGNITION OF STAFF EXCELLENCE

1. Purpose
After observing the commitment and dedication that employees have shown in the Agency, Management has developed a policy on recognition of employee service and excellence. Whereas performance management deals with rewarding performance of assigned functions, this policy focuses on recognition for meritorious conduct, exemplary service beyond the call of duty and special achievements.

2. Scope of Application

This policy applies to all employees of the Mpumalanga Tourism and Parks Agency.

3. Legislative guidelines

This policy is guided by best practices in the market and relevant MTPA policies.

4. Award Funding:

The Executive Management Committee (EMC) will decide on the amount or percentage or type of award to be used for rewards.

5. Award Categories:

Awards may be given to individuals as well as to teams of employees who have contributed to specific projects or ways which made improvements to the Agency.

Examples of qualifying outcomes include: improved customer service, innovative ideas for process simplification, cost reductions, revenue enhancements, and other measurable performance outcomes. Awards will be in the following categories:

5.1 Individual Performance Awards – Reward staff for individual accomplishments and outcomes, such as meeting important targets or objectives, or for contributions to the organizational mission beyond usual expectations, innovative ways of enhancing the efficiency of the Agency. Significant contributions should be rewarded soon after their occurrence. Example: issue letter of staff recognition

5.2 Team Awards – Reward staff for team-based projects that achieve measurable outcomes or make other meaningful contributions to the goals and mission of MTPA. Contributions may result from short-term projects, committees, or other official or unofficial work groups.

6. Types of Awards

I. Cash awards to recognize outstanding individual and/or team
   a. Accomplishments, to be determined by EMC
II. A long service award shall be allocated on completion of 5, 10 and 20 years of continued service.
III. Upon the completion of each 5 year period a badge indicating the number of years in service will be awarded to each employee.
IV. Non-cash awards to recognize meritorious individual accomplishments;
V. Corporate gifts can also be used as non-cash awards/non-monetary rewards covered in 5.4.5 of the MTPA Retention policy and strategy.
VI. An employee who has saved the life of another person in the execution of duties, an award in the form of a bravery badge, a framed certificate and a any other item as determined by the CEO, will be presented.
VII. Certificate of excellence for outstanding performers.
VIII. An employee who has put his/her own life at great risk to achieve an objective of the MTPA shall receive a bravery certificate, a badge and a any other item as determined by the CEO, will be presented.
IX. Rewards will be presented in a highly visible manner at a special MTPA award ceremony once a year.

7. Nomination and Selection Criteria:

The Staff Recognition of excellence policy is contingent on the employee’s demonstration of outstanding performance that benefits MTPA in one or more of the following areas:

I. Creativity: One-time innovation or creation that results in time/Financial Savings or benefit, or ongoing innovative/creative activities that benefit organizational systems, protocols, and/or procedures.

II. Organizational Abilities: Extraordinary skills in leadership resulting in the accomplishment of significant Departmental or component goals and objectives; project management (which could include developing a project and implementing it with substantial success); organizational capability leading to a greater level of department or broader effectiveness.

III. Work Incentives: For meeting productivity, customer service, or similar goals.

IV. Teamwork: Acting as an exceptionally effective and cooperative team member in carrying out goals of the department/component, demonstrating superior interactions with, and a positive influence on, managers, peers, supervisors, subordinates, the community, and the client population served. This individual will be notably “service-oriented” and a key resource person. Individual contributions to the component/Departmental diversity efforts may be recognized within this category. The nomination for each award should provide specific information about the individual or team contributions, performance examples, goals accomplished, or targets met or exceeded.

8. Amendment of the Policy

This policy shall be amended as and when required and shall follow the procedure of policy formulation.
Guidelines For Time Off on Pay Day
1. **Preamble**

MTPA recognizes the need to provide support to employees working at reserves where there are problems regarding access to public transport, and where the town is situated far away from the reserve. This situation poses a challenge for employees to access banks in order to withdraw their salaries.

2. **Purpose**
The purpose of these guidelines is to help managers to manage time off on pay day for staff at reserves.

3. **Scope of Application**
   This policy guide applies to all employees of the MTPA working at reserves.

4. **Legislative Framework**
   None

5. **Control Measures**
   i. The relevant reserve manager must ensure adherence of policy by all employees
   ii. Managers or Supervisors must ensure that there is no disruption of service as a result of the implementation of this policy.
   iii. Employees should not expose MTPA to risks by abandoning work on pay day.

6. **Time off on pay day**
   i. Employees who wish to take time off must have worked additional hours which should equal 8 hours in total before taking time off on payday. Arrangements on how the hours should be worked must be made with the reserve manager in consultation with supervisors. Employees should not be allowed to work more than 3 hours overtime a day as specified in the overtime policy.
   ii. The reserve manager must make sure that all records pertaining to time worked by each employee are kept and the attendance schedule should be in place before the pay day to ensure service delivery is not affected.
   iii. All employees must report for duty on pay day and attendance register must be marked so that employees may be covered in terms of the Compensation On Injury on Duty Act (COIDA).
   iv. Only staff who reported for duty will be covered for injury on duty.

7. **Transport**
   i. Employees should be encouraged to use own or public transport but if it is not reasonable possible to get public transport the reserve can provide assistance. Assistance will depend on the availability of suitable passenger transport or the most economical means of transport.
   ii. The rules regulating motor vehicles and the transport policies of the MTPA will apply during the use of any transport provided by MTPA, which include roadworthiness of the vehicle, no overloading, driver must have a valid drivers license that meet requirements of the vehicle,
   iii. The driver must have a valid trip authority for transporting the employees on that pay day.
iv. The driver must attach the list of all employees traveling with him/her and no private passengers should be allowed.

v. Employees should not be allowed to load heavy personal items such as cement, building material, and wood.

8. Essential service staff

i. Essential service staff must at all times be available and present in sufficient numbers to ensure that work continues without interruption.

ii. Essential service staff is entitled to the same privileges offered by this policy and arrangements with the reserve manager must be made regarding time off.

iii. Essential service staff not taking payday off will be entitled to another full day off upon negotiation with the reserve manager.

9. AMENDMENTS

This policy guide shall be amended as and when required and shall follow the procedure of policy formulation.
Employment Equity Plan: 2008 – 2013

Mpumalanga
TOURISM AND PARKS AGENCY

Employment Equity Policy

2009
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<td>Themba Makhubo</td>
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<td>Human Resources</td>
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# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>DOCUMENT CONTROL SHEET</td>
<td>1</td>
</tr>
<tr>
<td>VERSION CONTROL</td>
<td>1</td>
</tr>
<tr>
<td>1. POLICY</td>
<td>3</td>
</tr>
<tr>
<td>2. SCOPE</td>
<td>3</td>
</tr>
<tr>
<td>3. ACCOUNTABILITY</td>
<td>3</td>
</tr>
<tr>
<td>4. DEFINITIONS</td>
<td>4</td>
</tr>
<tr>
<td>5. CRITICAL STAKEHOLDERS</td>
<td>5</td>
</tr>
<tr>
<td>5.1 The Assigned Manager: Employment Equity</td>
<td>5</td>
</tr>
<tr>
<td>5.2 The Employment Equity Committee</td>
<td>5</td>
</tr>
<tr>
<td>5.3 Employment Equity Members</td>
<td>6</td>
</tr>
<tr>
<td>5.4 The Chief Executive Officer of the agency</td>
<td>7</td>
</tr>
<tr>
<td>5.5 Human Resources</td>
<td>8</td>
</tr>
<tr>
<td>5.6 Line managers</td>
<td>8</td>
</tr>
<tr>
<td>6. PROCEDURE</td>
<td>8</td>
</tr>
<tr>
<td>6.1 Non-discrimination</td>
<td>8</td>
</tr>
<tr>
<td>6.2 Sexual Harassment</td>
<td>9</td>
</tr>
<tr>
<td>6.3 Enforcement</td>
<td>9</td>
</tr>
<tr>
<td>7. ALIGNMENT OF THE EMPLOYMENT EQUITY POLICY WITH BUSINESS STRATEGY</td>
<td>10</td>
</tr>
</tbody>
</table>
EMPLOYMENT EQUITY POLICY AND PROCEDURE

1. POLICY

The Mpumalanga Tourism and Parks Agency recognises the need to address the imbalances of the past as stated in the Employment Equity Act.

The agency shall practice a non discriminatory and equitable process in all matters of employment including but not limited to: selection, hiring, termination, promotion, transfer, work assignment, work scheduling, compensation of employees, and any other conditions of employment. To this end, MTPA undertakes to:

1.1 Comply with the Employment Equity Act and actively promote diversity ensure equal employment opportunity.

1.2 Develop and implement policies and procedures to support affirmative action measures.

1.3 Ensure that active steps are taken to accelerate the advancement of designated groups as prescribed in the Act.

2. SCOPE

This policy and procedure applies to all employees of MTPA in all levels of the agency.

3. ACCOUNTABILITY

3.1 All managers are accountable for ensuring the terms and intent of this policy and procedure are met at all times.

3.2 Human Resources Management is accountable for ensuring all employees understand the terms of this policy and procedure.

3.3 Human Resources Management is accountable for ensuring all selection processes are conducted within this policy and procedure.
4. DEFINITIONS


4.2 **Sexual harassment**: any unwelcome or unwanted conduct of a sexual nature (verbal or physical) when:
   a) Submission to or rejection of this conduct by an employee is used as a factor affecting hiring, evaluation, promotion, or other aspect of employment.
   b) This conduct substantially interferes with an individual’s employment or creates an intimidating, hostile, or offensive work environment.

4.3 **Employment Equity**: a situation where any form of unfair discrimination has been eliminated and where a workplace profile reflects equitable representation of suitably qualified people of designated groups from all levels.

4.4 **Suitably Qualified Person**: a person that can perform a job as a result of the person possessing one or a combination of:
   a) Formal qualification;
   b) Prior learning;
   c) Relevant experience; or
   d) Capacity to acquire, within a reasonable time, the ability to do the job.

4.5 **Affirmative Action Measures**: intervention measures designed to ensure that suitably qualified people from designated groups have equal employment opportunities and are equitably represented in all occupational categories in the workplace.

4.6 **Diversity**: differences which include but are not limited to race, gender, disability, sexual orientation, religion, culture, nationality, ethnicity and language.

4.7 **Designated Groups**: Black people, Coloureds, Indians, Women and People with Disabilities.

4.8 **Employee**: any person, other than an independent contractor, that works for the agency and receives, or is entitled to receive, remuneration from the agency including experiential learners.

4.9 **Employment practice**: include recruitment procedures, advertising and selection criteria; appointments and the appointment process; job classification and grading; remuneration, employment benefits and terms and conditions of
employment; job assignments; the working environment and facilities; training and development; performance evaluation systems; promotion; transfer; demotion; disciplinary measures other than dismissal; and dismissal

4.10 People with disabilities: means people that have a long term or recurring physical or mental impairment that substantially limits their prospects of entry into, or advancement in employment.

5. CRITICAL STAKEHOLDERS

5.1 The Assigned Manager: Employment Equity

The agency will at all times have a Senior Manager Assigned the responsibility to drive the planning and implementation of the Employment Equity Act, as provided for in the Act. The incumbent will be responsible for:

a) Providing expert guidance to the Executive Management Team of the agency, the Employment Equity Committee and Human Resources
b) Ensure collaborative governance of employment equity structures and the empowerment of committee members
c) Ensure reasonable consultation and communication to all stakeholders on the development, monitoring and reporting of progress on the employment equity plan
d) Regular reporting to the Executive Management Team

5.2 The Employment Equity Committee

The agency will ensure that an Employment Equity Committee is established and is empowered with the relevant training, appropriate authority and mandate. This committee’s responsibility will include, among others, to:

5.2.1 Participate in the Consultation Process, to develop the Employment Equity Plan, Provide input into the Employment Equity Report for submission to the Director General of Labour. The Human Resource Development Manager on the committee will consult the committee on the learning needs analysis, Workplace Skills Plan and implementation thereof.

5.2.2 The committee will be required to fulfil a Monitoring or Watchdog Function. This includes, but is not limited to:
a) Providing feedback and act as a “conscience” for the EE Manager, HR.
b) Monitor whether the affirmative action measures as included in the EE Plan are being implemented within the required time frames
c) Effective monitoring of Skills Development
d) Monitoring of policies and procedures relating to recruitment interviews and succession discussions

5.2.3 The Committee may also be required to play an Advisory Function by recommending:

a) Ways to resolve grievances and disputes arising from the Employment Equity Plan and its implementation
b) Talent retention strategies, skills development strategies, career and succession planning, resource utilization, how to create a culture that values differences in people.
c) How to inform, engage, align and energise staff around Employment Equity
d) Corrective action in case of deviations from the numerical goals or strategies as reflected in the Employment Equity Plan
e) Study relevant research, benchmarks and best practices in order to advise the EE Manager whether or not the Employment Equity process requires changes in view thereof

5.3 Employment Equity Members

5.3.1 Individual members will be required to play a Change Agent Role, this will entail the following:

a) Help build a critical mass of understanding, support for, and action transformation/affirmative action in MTPA
b) Assist the Employer with planning events, providing meeting management and facilitation support, as needed
c) Help shape communications and scan the entire change effort for information and rumours requiring attention by the EE Manager
d) Assess progress and identify problems, concerns, political and cultural issues requiring attention
e) Help facilitate the change in mindset and behaviour, and scan the agency for opportunities to model the new mindset, behaviours and cultural practices on a daily basis
f) Recognise best practice in individuals and teams

5.3.2 To ensure an informed and constructive consultation process, structured and regular meetings of the Committees should be held. Consultation includes the following:

a) The opportunity to meet and report back to employees and management
b) Reasonable opportunity for employee representatives to meet with the employer
c) The request, receipt and consideration of relevant information, subject to the process set out in paragraph 12 and Section 16 of the Labour Relations Act, No 66 of 1995, or any other legislation dealing with disclosure of information
d) The right to meet with constituents to obtain their views and to feedback this information back to the committee meetings and

5.4 The Chief Executive Officer of the agency

The ultimate accountability for employment equity lies with the Chief Executive Officer of the agency, in his role as chairperson of the Executive Management Committee:

- Ensures that employment equity is an standard item on the agenda in Executive Management meetings
- Tracks and communicates progress on the employment equity plan of the agency
- Makes decisions relating to the implementation of employment equity and affirmative action measures
- Gives a mandate to the Assigned Manager: Employment Equity on all matters relating to employment equity in the agency.
5.5 **Human Resources**

Human Resources is responsible for supporting the implementation of employment equity through giving expert advice and interpretation of policies to both line management and employees. Furthermore they support in:

- The development of the employment equity plan in consultation with the committee
- Generation of human resources reports required by the committee to track employee movement
- Coordination of the establishment and maintenance of the employment equity committee in consultation with the Assigned Manager: Employment Equity
- Coordinate the training of employment equity committee members and other stakeholders.
- Drive initiatives to foster a change mindset.

5.6 **Line managers**

Line managers are responsible for implementing all the affirmative action measures as contained in the employment equity plan. This includes, among others:

- a) Creating space for creative conversations on diversity and change
- b) Making appointment decisions in line with the numerical goals of the agency, by appointing people from designated groups
- c) Create space for employment equity committee members to consult and interact with employees

6. **PROCEDURE**

6.1 **Non-discrimination**

6.1.1 No decisions regarding employees will be influenced by race, sex, colour, religion, national origin, age, disability, marital status, or any other unlawful basis.

6.1.2 The agency shall seek to provide a professional work environment in which all individuals are treated with respect and dignity.
6.2 Sexual Harassment

6.2.1 Each employee has the right to work in a professional atmosphere that promotes equal opportunities and prohibits discriminatory practices, including sexual harassment.

6.2.2 No employee will be permitted to harass, intimidate, or subject any other employee to a hostile work environment because of that employee’s race, sex, colours, religion, national origin, age, disability, marital status, or any other unlawful basis.

6.3 Enforcement

6.3.1 Any employees violating this policy will be subjected to the agency’s Disciplinary Procedure which may lead to summary dismissal, depending on the type and degree of violation.

6.3.2 Any employee who becomes aware of a violation of this policy by any other employee is expected to report such violation immediately to their supervisor, or assigned EE Manager.

   6.3.2.1 Any such grievance will be promptly investigated.

   6.3.2.2 The grievance and its investigation will be kept confidential.

   6.3.2.3 Upon completion of the investigation, the complainant and, if appropriate, the alleged violator will be notified of the results of the investigation and any action to be taken by the agency.

6.3.3 If a party to a complaint disagrees with its resolution, the party may file a written appeal in line with the Disciplinary Procedure of the Agency.

6.3.4 In the event a complaint is found to be false or malicious, the complainant will be subject to the agency’s Disciplinary Procedure.

6.3.5 The agency will not in any way victimize or allow victimization of an employee who makes a valid complaint of a violation.

6.3.6 The Human Resources section may be approached to assist with filing of the grievance.
7. **ALIGNMENT OF THE EMPLOYMENT EQUITY POLICY WITH BUSINESS STRATEGY**

Any changes in the Business Strategy of the MTPA shall take into account the provisions of this policy, as far employment practices are concerned.
DOCUMENT CONTROL SHEET

Document Title: REMUNERATION POLICY

Submitted by: TT Makhubo, Chief HR Officer

Division/Unit: Human Resources

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MPUMALANGA TOURISM AND PARKS AGENCY

1. PREAMBLE
To achieve its mission and strategic objectives the Agency shall adopt a suitable remuneration policy which shall ensure that all employees are remunerated fairly and are treated consistently throughout the Agency.

Remuneration is the most tangible reward provided to employees. To be effective, it requires an assessment of the employee’s contribution to the organization in a way that is perceived to be fair and equitable by most employees.

The objectives of the remuneration policy shall be to ensure that the remuneration system:

- Manage remuneration expenditure in an appropriate manner and offers the desired yield in terms of the behaviour and performance of the employees — in line with the Agency’s values and performance indicators

- Rewards individuals for the achievement of the Agency’s objectives and motivates high levels of performance

- Rewards exceptional performance by individuals through the performance management system

- Allows the Agency to compete effectively in the labour market and to recruit and retain high calibre employees

- Achieves consistency and fairness in relation to the need to pay employees with similar responsibilities and levels of performance, similar pay

2. **SCOPE OF APPLICATION**

This policy will apply to all Mpumalanga Tourism and Parks Agency employees, on initial employment and at each remuneration review thereafter.
3. **LEGAL AND RELATED MATTERS**

This Policy must be read in conjunction with:

- General Conditions of Service
- Basic Conditions of Employment Act
- Employment Equity Act
- Income Tax Act

4. **DEFINITION OF KEY TERMS**

In this policy, the following words shall have the following meanings, unless the context clearly indicates otherwise:

**Acting Appointment** refers to a temporary appointment of an existing employee to a higher level position vacated by an incumbent who is expected to return to the position at which time the acting appointee will return to his/her former position.

**Agency** is the Mpumalanga Tourism and Parks Agency.

**Basic remuneration or salary** is the difference between the total cost of employment and the costs of both compulsory, statutory contributions and benefits (e.g. medical aid, group life, Unemployment Insurance Fund (UIF) and retirement or pension fund contributions) and the individual's choice of benefits.

**Basic remuneration plus add-on benefit approach** refers to a traditional approach to remuneration where the emphasis is on a basic salary which is calculated up front and to which all benefits are added.

**Casual employee** shall mean an employee engaged on a day to day basis.
Compulsory Contributions and Deductions are all contributions or deductions that are compulsory in a total remuneration package and include pension/provident fund contributions, medical aid, group life, and UIF contributions.

Contract worker refers to an employee whose contract of employment is due to end when a specified date is reached, a specified event does or does not happen or a specified task has been completed.

Effective date is the date of the Policy coming into operation.

External Parity means the extent to which the Agency remuneration structure compares with the remuneration commonly paid at that level and to that position type in the competitive market as defined or reflected in a comparative database as defined and agreed from time to time.

Internal Parity is the level at which an employee is remunerated in relation to the remuneration paid to other employees in similar positions in the organization with due regard to qualifications, skills, experience and market pressures on retention.

Job Evaluation is the process whereby a position is valued in relation to a set of objective criteria based on its relative worth in the organization.

Median (50th Percentile) means the middle value of remuneration within a particular sample: 50% of the sample receives a higher value of remuneration and 50% receive a lower value.

Paterson refers to the job evaluation system used at the Agency which categorise jobs on the nature and complexity of decision making required in a job.

Pay Curve means the remuneration consequence of differentiating a remuneration band per grade, from the lowest to the highest, resulting in a graphical curve that demonstrates how each job grade remuneration levels are different from the previous and the next, from entry to maximum in each grade.
Personal-to-holder is the status which provides protection of current terms and conditions to an employee, who has accepted a specific remuneration package, where that package may not conform to all aspects of this Policy.

Policy shall mean this Remuneration Policy for the Mpumalanga Tourism and Parks Agency.

Remuneration refers to salary or pay which an employee receives in return for work or services rendered to the Agency.

Remuneration band – is the minimum and maximum market-related values in respect of basic salary or total cost of employment for a specific job grade.

SARS is the South African Revenue Service.

Total Cost of Employment is the sum of basic salary plus all the cash and non-cash benefits.

UIF refers to Unemployment Insurance Fund.

Variable remuneration is any ad-hoc remuneration not included in the total guaranteed remuneration package which relates to overtime, shift allowance, standby allowance/call-out allowance and other forms of remuneration that are not guaranteed, including any incentive or performance bonuses or scarcity allowance.

In this policy, unless inconsistent with the context, words referring to any one gender shall include a reference to the other gender; the singular shall include the plural and vice versa; and natural persons shall include artificial persons and vice versa.

4. PRINCIPLE OF REMUNERATION
Support for Strategic Objectives: Remuneration and reward frameworks and decisions shall be developed in a manner that is consistent with, supports and reinforces the achievement of the Agency vision and strategy.

Transparency: The process of remuneration management shall be transparent, conducted in good faith and in accordance with appropriate levels of confidentiality.

Internal equity: The Agency shall remunerate all staff fairly in terms of their roles within the organisation. Positions shall be formally evaluated to determine their relative weight in relation to other positions within the Agency and consequently their Paterson grade on which the remuneration shall be based.

External equity: The Agency strives to pay its employees an equitable remuneration, capable of attracting and retaining high quality staff. Therefore the Agency will remain logically mindful of the ongoing need to attract and retain high quality people, and the influence of external remuneration pressures. Reference to external market norms will be made using appropriate market sources, including relevant and comparative survey data, as determined to have meaning to the Agency’s remuneration practices at that time.

Market-Related Remuneration: The Agency shall measure its remuneration practices against both the local and national market through the use of remuneration surveys and through benchmarking with other comparative institutions.

Flexibility: Remuneration and reward offerings shall be sufficiently flexible to meet both the needs of individuals and those of the institution whilst complying with relevant tax and other legislation.

Performance-Driven Remuneration: The Agency shall entrench a culture of performance driven remuneration through the implementation of the Performance Management System.

Affordability and Sustainability: The Agency shall ensure that remuneration is affordable on a sustainable basis.
5. POLICY PROVISIONS

5.1 Approaches to remuneration

In recognition of the fact that “a one size fits all” approach will not be compatible with the types of skills required by the Agency to ensure delivery on its mandate the Agency, adopted a twofold approach as its basic remuneration philosophy namely:

5.1.1 A concept of an all inclusive total cost of employment approach to be used for positions in jobs graded C3 and above.

5.1.2 The remuneration practice of salary plus benefits for all positions in job grades lower than C3.

5.2 Job evaluation

In order to establish the relative worth of each position and ensure equity in remuneration, a job evaluation system shall be consistently applied across all jobs. The Agency shall use the Paterson method of job evaluation for all positions. All positions shall be evaluated every five years or sooner if the job content has changed significantly. Posts will only be re-evaluated where necessary. Positions will be evaluated according to the Agency's job evaluation policy.

5.3 Remuneration structure

5.3.1 Market positioning

Skills are a limited resource in a finite labour market and thus the Agency must make remuneration decisions in the context of the market from which it draws its skills. It is therefore imperative to know and understand both the current market practices and the future trends. The Agency shall select a credible market survey that measures both the environmental conservation and tourism sectors and the general market.
5.3.2 Determination and review of remuneration bands

The remuneration ranges are to be revised at minimum once every three years or more frequently as determined by the Remuneration Committee of the Agency in order to ensure that the remuneration objectives are being achieved. During this review recommendations shall be made for the positioning of the bands relative to the market. All remuneration adjustments to align existing salaries with chosen benchmarks shall be based on the performance of the affected individuals.

The following principles applies in respect of the Agency’s remuneration bands:

- The minimum and maximum of a remuneration band shall be 15 per cent below and above the midpoint of the remuneration band. The midpoint of the remuneration band is the market-related median for the specific job grade.

- The need for overlaps between grades is accepted as a practical reality. An overlap of 15 per cent between grades will apply.

- On the assumption that there is an equal increase in responsibility between each grade and the next one, the “ideal” pay slope should have an equal percentage increase in salary between each grade and the next. The pay slope of the Agency’s pay curve provide for 15 per cent increase in remuneration between each job grade.

5.4 Remuneration mix

(a) Basic salary plus benefits – Paterson C2 and lower positions

The reward mix for all employees in Paterson C2 and lower positions is made up of basic pay and benefits. The basic pay for an individual will be based on their level of responsibility in the organisation and the size of their job, as depicted by the appropriate level. Benefits will be provided in accordance with collective agreements, as well as the Agency’s conditions of service and human resource policies. Benefits includes the following:

i) Medical Aid and Health Insurance
All employees on a basic salary shall become members of registered medical aid schemes of the Agency, subject to the rules and conditions of the specific scheme. The Agency shall contribute 66.67% towards a medical aid plan for employees who are on basic pay to a maximum as determined by the Executive Management Committee [EMC], annually.

ii) Retirement insurance

All employees on a basic salary shall become members of the Agency’s provident fund, subject to the rules and conditions of the fund. The Agency shall contribute 7.5 per cent towards the provident fund for all employees who are members of the fund and the other 7.5 per cent will be contributed by the employee.

iii) Annual bonus

The annual bonus for employees on basic salary shall be paid in the employee’s birthday month, equivalent to one (1) month’s base salary. The service bonus shall be pro-rated in the first year of service.

iv) Housing allowance

All employees on Basic salary shall receive a housing allowance. The housing allowance amount shall be determined and reviewed by the Executive Management Committee of the Agency, annually.

v) Insurances

Insurances include disability, group life and funeral, subject to the rules and conditions of the respective funds. The Agency shall contribute 100 per cent towards the aforementioned insurances for all employees appointed on a permanent basis.
(b) Total Cost of Employment – Paterson C3 and higher positions

The all inclusive total cost of employment package includes cash and non-cash salary. Employees receiving a total cost of employment package are allowed to structure their remuneration packages subject to the provision of the Income Tax Act. **It should be emphasized that the elements below are already included the total cost of employment.** Employees are allowed the freedom to structure their total cost of employment packages to their specific needs and to be tax efficient. They may re-negotiate their package structure monthly provided that such restructuring be confirmed in writing. The total cost of employment package can be structured according to the following elements:

i) **Cash salary**

Cash salary may include the following:

- **Basic pensionable salary** – the fixed guaranteed cash payment made to an employee on a monthly basis.

- **Annual bonus** - an employee determine the amount for an annual bonus in their package under the following conditions:
  - The bonus is paid on the birth month of the employee.
  - Pro rata bonus is paid on termination of service
  - If an employee who elected to receive a bonus is employed for less than 12 months, a pro-rate bonus is paid

- **Car allowance** – the criterion for employees to qualify for this benefit shall be dealt with in terms of the policy on vehicle subsidy scheme.

ii) **Non-cash salary**

Non-cash salary includes employer's contribution to medical aid, pension funds and/or insurances. If an employee select one of these benefits it will be subject to
the rules and conditions of the respective funds. The Agency’s contribution to these funds will be the same as in the case of those employees on the basic salary plus benefits approach.

Other elements may also be introduced subject to the approval of the Remuneration Committee.
5.5 Variable remuneration

5.5.1 Non-Pensionable Market Allowances/awards

Market allowances provide the Agency with a mechanism to remunerate employees above the prescribed level in certain circumstances. This enables the Agency to respond to and compete with the market for key staff.

(a) Scarcity Allowances

Every year the Human Resources Division shall recommend to the Remuneration Committee a closed list of recognised scarce skill disciplines based on the following criteria:

• Turnover rate of employees in a particular occupation must be significantly above the Agency’s average turnover – this relates to the resulting high vacancy rate.

• The demand for a particular skill/s should outweigh supply.

• The skill/s should require an advanced knowledge in a field/science or learning by a prolonged course of study and/or specialized instruction and/or years of service.

• Vacancies should prove difficult to fill.

• There should be a demand for the identified skill in the local and national market, indicating strong factors attracting such employees into the private sector.

• Individual skills / knowledge / experience critical to a specific project or service.

Once approved by the Remuneration Committee and subject to budget funding being available, staff in recognised scarce skill disciplines shall receive a nonpensionable allowance calculated as follows:
(* Basic salary plus benefits approach: up to 10% of basic remuneration
* Total Cost of Employment Approach: up to 10% of total remuneration package

Ongoing payment of Scarcity Allowances or the quantum thereof, once granted, is not guaranteed. Ongoing payment is also subject to the recipient maintaining an acceptable performance level as determined in the annual performance assessments by his/her line manager or in terms of the prevailing performance management system. If the performance rating of a recipient of a scarcity allowance drops below the rate for an employee who ‘meets expectations’ for any annual cycle, then the scarcity allowance shall be suspended for the next twelve month cycle or subsequent twelve month cycles until the performance rating is at the required level. A scarcity allowance is not part of the individual’s guaranteed total remuneration package. There is therefore no expectation of continuity of a scarcity allowance and it may be withdrawn at any stage, if a discipline no longer qualifies as a scarce skill.

(b) Performance Incentive Award Scheme

An incentive scheme shall be implemented in terms of the Performance Management and Development System of the Agency.

(c) Acting Allowances

Situations that require appointing an individual in an acting capacity at a higher level represent an ideal opportunity to utilise employees from the designated employment equity groups, as well as other existing employees in positions of increased responsibilities for both evaluative and professional developmental purposes. An acting appointment is therefore seen as beneficial to the incumbent. An acting allowances is payable when an employee is required to undertake the full duties and responsibilities of a higher level post for a minimum of ten days and a maximum of three consecutive months. An employee may not be appointed in an acting capacity to a position which is higher than two levels above their substantive post level and should meet most, if not all, of the minimum requirements for the higher level position.
An acting allowance is calculated as the difference between their current salary and that of the entry level position in which they are acting.

(d) Attraction and Retention of Exceptional Staff

In exceptional cases the CEO may consider requests to make remuneration adjustments or increased offers of employment to:

i) Retain key employees where the loss of these employees would impact negatively on the achievements of a particular operational unit and the Agency’s strategic objectives and where uncompetitive remuneration is the primary motivation for leaving. These requests are considered exceptionally on receipt of a signed letter of resignation, after assessing viability of retention, the employee’s past performance and other options for retention. The Human Resources Division shall conduct an investigation to establish the veracity of the alternative remuneration offer made to the employee.

ii) Attract exceptional candidates to the Agency where uncompetitive remuneration is the primary factor influencing the decision not to accept an offer of employment. The Executive member with portfolio responsibility for the operational unit shall be invited to be part of the sub-committee.

5.5.2 Other Variable Remuneration

In addition to the above forms of variable remuneration the following payments are deemed to be variable remuneration:

(a) Standby allowance

In certain instances, there may be a need for employees to be on standby and details thereof will be included in their letter of appointment or a subsequent letter should this need arise after appointment. Standby duty must be assigned and approved by the divisional head in advance.
The purpose of having staff on standby is to ensure a rapid solution of operational problems that might disrupt or negatively affect essential services, etc., after normal working hours. Employees on standby must be contactable by telephone at a number specified in advance, be at a location which is within reasonable distance of the Agency’s operation and attend to the call-out.

The granting of a monthly standby allowance will only be considered in exceptional cases on the submission of a motivation as to the reasons for the employee being on continuous standby. A monthly allowance is based on staff being on standby 22 days per month.

(b) **Transfer allowance**

An employee who is transferred based on the business needs of the Agency, subject to the general conditions of service in this regard, shall receive a once off transfer allowance equal to 10 per cent of his annual salary.

(c) **Travel and subsistence allowance**

The Agency shall pay subsistence and reimbursement for local travel to employees at such rates and on such conditions as determined by the South African Revenue Services (SARS). Subsistence allowance shall be claimed after the trip has been undertaken. Advances for foreign travel shall be paid in accordance with the SARS guidelines. The payment of travel and subsistence allowance is subject to the rules conditions set out in the Agency’s Subsistence and Reimbursement Policy.

(d) **Overtime**

Employees may be required to work overtime subject to the provisions of the Basic Conditions of Employment Act. Overtime is payable for all hours worked in excess of 40 in any work week. No employee will be remunerated for overtime work unless such overtime has been authorized by a
Chief Officer for that Department. Remuneration for overtime worked shall be in terms of the Basic Conditions of Employment Act and the overtime policy of the Agency.

5.6 REMUNERATION ADJUSTMENTS AND REVIEWS

5.6.1 Annual Cost of Living Remuneration Adjustments

Remuneration will be adjusted annually by means of a cost-of-living adjustment at 1 April of each year, as determined through a collective bargaining process. These increases shall be awarded based on prevailing rates of inflation at the commencement of negotiation, market movements and affordability considerations. All increases shall be to basic remuneration or to the total remuneration package as applicable. Cost of living adjustments for Paterson grade C3 and higher will be based on the Total Cost of Employment package. For employees in Paterson grade C2 and lower will be based on the basic salary, with benefits being adjusted according to policy or collective agreements. Any employee who is remunerated above the maximum of the remuneration band will be managed in respect of his/her remuneration on a personal-to-holder basis (personal notch). The cost of living should also be adjusted on all vacant positions or pay grades of MTPA.

5.6.2 Post grading or Re-grading

The determination on what salary or payment should be offered on newly created positions should be based on job evaluation and the parteson grading system. Where a position has been re-graded to a higher level, the current incumbent’s remuneration must be matched to the remuneration band for the new grade. If the current remuneration equals or exceeds the minimum of the higher level, no further adjustments shall be made.

5.6.3 Promotion

Employees who are promoted must first be matched to the remuneration band of grade of the position he is promoted to. If promotion recipient’s current remuneration is lower than the remuneration at the higher level, he shall receive an increase up to the minimum of the remuneration band or 10 percent in basic remuneration or Total Cost of Employment package whichever is the greater. If the recipient is earning above the minimum remuneration for the higher level, he shall be granted a 5 percent increase in basic remuneration or in Total Remuneration
Package as applicable. The criterion for promotion shall be determined in the Promotion Policy of the Agency.

5.6.4 Performance reward

Reward for performance shall be paid in the form of notch increments. Performance related notch increments shall be determined by the notches adopted within the remuneration bands and the Performance Management Policy and shall be considered on an annual basis, provided that implementation shall be effective from [1st of July] every year. Performance rewards are subject to the following conditions:

- Employees shall be required to have completed a minimum of 12 months service to become eligible for such performance related increments.

- Performance related increments may not exceed the maximum of the applicable remuneration band for the position; employees whose basic salary is equal to or above the maximum of the relevant pay range will therefore only be eligible for annual Cost of Living Adjustment.
5.7 COMMENCING SALARIES

New external and internal appointments will be offered remuneration in the applicable remuneration band on the following basis:

<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>NOTCH</th>
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<tbody>
<tr>
<td>Does not meet all the minimum requirements of the job</td>
<td>2 percent below the 1st notch minimum of the scale</td>
</tr>
<tr>
<td>Meets all the minimum requirements of the job and need to be directly supervised</td>
<td>1st notch</td>
</tr>
<tr>
<td>Meets all the minimum requirements of the job plus some experience, but still need to be closely supervised</td>
<td>2nd notch</td>
</tr>
<tr>
<td>Meets all the minimum requirements of the job plus fairly solid experience, will be able to do the job with minimum supervision.</td>
<td>3rd notch</td>
</tr>
<tr>
<td>Meets all the minimum requirements of the job with extensive experience will be able to do the job independently without direct supervision.</td>
<td>4th notch</td>
</tr>
<tr>
<td>Extremely well qualified (consider experience and/or qualifications)</td>
<td>5th notch</td>
</tr>
</tbody>
</table>

The Chief Human Resource Officer should recommend a commencing salary in accordance with the guidelines above. Such a recommendation should be based on a careful consideration of a candidate’s task maturity in terms of qualification, experience and ability to function effectively without direct supervision. Furthermore the candidate’s position relative to existing staff in the same grade should also be considered in order to justify the decision to appoint at a specific notch.

There may be candidates that do not satisfy the minimum requirements in terms of qualification and/or experience for a particular position. In such cases line management should motivate to the representative in Human Resources why the candidate’s should be considered for appointment. If Human Resources is satisfied that the candidate should be considered for appointment remuneration below the minimum notch of the remuneration band for the position may be considered in accordance with the guidelines above.
5.8 REMUNERATION COMMITTEE

5.8.1 Establishment of a Remuneration Committee

A remuneration Committee will be established comprising members to be appointed by the EMC. This committee will report to and derive its mandated powers from the EMC.

5.8.2 Membership of the Committee

The chairperson of this committee shall be a member of the EMC. The members of the Remuneration Committee will be appointed by the EMC for a term of three (3) years. All the members should be knowledgeable in the field of remuneration, human resources, legal and finance. The committee can request the Agency to appoint an expert to assist as and when required.

5.8.3 Instructions to the Committee

The Committee will observe the following guidelines and procedures, subject to exercising its discretion, in the conduct of its activities:

- The Remuneration Committee will make recommendations, which must be considered for approval by the Board
- The frequency of ordinary meetings will be determined by the number of issues that need to be dealt with by the committee, but such number of meetings is limited to four (4) per financial year, provided that the committee may hold special meetings.
- The kind of issues that will be discussed by the remuneration committee relate to remuneration policy issues and/or issues that have a strategic impact on the organization

5.8.4 Powers of the Committee

The committee will have full access on request to all financial information of the Agency, including all of the personnel records relating to any employee in respect of whom the committee will be
making its remuneration recommendations. The chairperson will be responsible for the convening of the committee, maintaining minutes and copies of all reports and data which have been utilized by the committee in reaching its decisions as well as the communication of decisions to the board where applicable.

5.9 CASUAL EMPLOYEES AND CONTRACT EMPLOYEES

5.9.1 Casual employees

Subject to the Agency’s policy on the employment of casual employees they will be paid an hourly rate based on the minimum of the remuneration band for basic salary in respect of relevant job grade of the position. Remuneration of casual employees shall not include benefits.

5.9.2 Contract workers

There will be many occasions where the use of fixed-term contracts is justified. Within this context examples of necessary and objective reasons or circumstances for the use of fixed-term contracts could include where:

- the position requires specialist skills for a limited period or to accomplish a specific task or project which has a predetermined lifespan;
- the appointment is made to cover the temporary absence of another member of staff inter alia to cover sickness, maternity leave, secondment, acting appointments, sabbatical etc;
- the post is a secondment to the Agency;
- the position is externally funded;
- there is no reasonably foreseeable prospect of short-term funding being renewed nor other external or internal funding being available or becoming available;
- the position has been created to satisfy a short term need e.g. seasonal work or the implementation of a specific time limited project;
- the operational demand can be demonstrated as particularly uncertain;
- the individual is re-engaged following normal retirement to complete activities or transfer knowledge; and
• the contract is for training or career development e.g. clinical staff undertaking professional training, learner ships/ traineeships/apprenticeship.

Contract workers will be appointed on a total cost of employment approach based on the remuneration band applicable to the position.

5.10. DEVIATIONS FROM THE POLICY

Any deviations from the policy are subject to the approval of the Board on recommendation by the Remuneration Committee.

6 AMMENDMENTS

Any amendment to this policy shall follow the process of its formulation
1. Preamble

Relocation and resettlement often happen as a result of new employees joining the Mpumalanga Tourism and Parks Agency [MTPA], or internal appointments where the employee has to relocate to a different work station.

The MTPA is committed to providing support to new employees and their immediate families with regard to Relocation and resettlement.
2. Purpose

The purpose of this policy is to provide a policy framework on relocation and resettlements of new employees or employees who as a result of a recruitment process were successful for appointment in a new position.

3. Scope of application

This policy will apply to all new employees or employees of the MTPA who as a result of a recruitment process needs to be appointed in a new position. All reference to employee in this policy refers to these types of employees.

4. Legislation Guide

This policy is authorised by section 6.37 of the conditions of service of the MTPA, as approved by the Board on 15 December 2007.

5. Relocation

Relocation is classified as a move from one workstation or major centre to another. The major centers being towns outside Mpumalanga province, and/or towns situated at least 150 km apart within the province

5.1 Inspection trip

- The employee together with the employee’s spouse / partner is entitled to a two (2) day inspection trip to the new location for the purpose of scouting for accommodation and schools. This is only applicable in the event were children need to be registered or if school interviews are required.

- The MTPA will carry the costs of traveling and hotel accommodation at a hotel to be determined by the MTPA, including dinner and breakfast.
5.2 Removal and storage of personal and household effects

- The employee will be required to submit a list of all the personal belongings which need to be moved. The removal company quotations MUST include insurance coverage. The supply chain unit will be responsible for the appointment of service providers.
- Relocation shall only include household goods, furniture and packaging but will exclude transportation of animals.
- The company will cover the cost of packing and removal of all personal and household effects to the new destination.

5.3 Traveling to new location

Travelling to the place of employment to assume duty shall be at the cost of the employee.

5.4 Interim accommodation

- The company will carry the cost of temporary accommodation only for the employee, spouse, biological or adopted children for a period of up to one (1) month whilst searching for accommodation.

5.5 Re-imbursement period

- Should the employee leave the company of his/her own accord or as a result of misconduct, within six [6] months from the date of relocation, then the employee shall be obliged to re-imburse the company for all relocation costs incurred.
- In the case of retrenchment or termination due to ill health, no re-imbursement period will apply.

6 AMENDMENTS

Any amendment to this policy shall follow the process of its formulation

**DOCUMENT CONTROL SHEET**

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<th>INCAPACITY MANAGEMENT POLICY</th>
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<tr>
<td>Submitted by:</td>
<td>TT Makhubo, Chief HR Officer</td>
</tr>
<tr>
<td>Division: Unit:</td>
<td>Human Resources</td>
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1. Introduction

MTPA recognises that employees may become incapacitated due to illness or injury and may, for this reason, no longer be capable of performing their duties to the required standard.

MTPA is therefore committed to managing employee incapacity due to illness or injury in an effective, fair and equitable manner that complies with the relevant legal requirements.

2. Applicable Legislation

- MTPA Conditions of Service
- Labour Relations Act, No 66 of 1995
- COID Act
3. Definitions

The following definitions apply to the terms that appear in the text of this procedure.

3.1 Impairment

Impairment constitutes a change in an individual’s health status resulting in such individual being unable to perform his/ her duties.

3.2 Disability

Disability constitutes an alteration or reduction in an individual’s capacity to meet occupational demands because of impairment.

3.3 Functional capacity/reduced functional capacity/functional limitations

   a) **Functional capacity** constitutes the full capacity an individual employee has when no impairment or disability is present.

   b) **Reduced functional capacity** refers to the reduction of an employee’s functional capacity as a result of an impairment.

   c) **Functional limitation(s)** refers to the part of the employee’s functional capacity that is reduced as a result of the impairment.

3.4 Incapacity

Incapacity constitutes a reduction of an individual’s capacity to perform the essential outputs of the job in which he / she is employed, as a result of impairment.

3.5 Accommodation

Accommodation constitutes any reasonable action instituted by MTPA management to ensure an optimal fit between an employee’s functional capacity and the occupational demands of his / her job and may include, among others:

   3.5.1 Adaptation of the employee’s job outputs by adding more of those activities which the employee’s functional capacity allows the employee to perform and removing those activities which the employee cannot perform. This must, however, be feasible and viable for MTPA and must provide the employee with productive employment.

   3.5.2 Adjustment / adaptation of the employee’s work environment in order to ensure that the employee can perform the essential elements / outputs of his / her job.
3.5.3 Offering alternative employment where such employment provides a reasonable fit between the employee’s functional capacity and the required job outputs. Such position may be at a lower grade and remuneration.

3.5.4 Offering the employee counselling and rehabilitation. If the impairment relates to alcohol or substance abuse,

3.5.5 A combination of any number of the above-mentioned options.

4. Purpose

To ensure a holistic and comprehensive management of incapacity as well as to establish a management model to ensure that employee incapacity is managed in a fair, effective and equitable manner.

5. Scope of Application

This policy is applicable to all MTPA employees and its management.

6 Management Model

6.1 Layout

In order to effectively manage the physical and/or mental incapacity of an employee in the workplace, MTPA shall focus on:

6.1.1 The nature of an employee’s impairment ranging from being permanent or temporary in nature.

6.1.2 The impact of the impairment on the employee’s capacity to meet occupational demands, and ascertain whether this is permanent or partial disability.

6.2 The employer can only determine the nature and impact of impairment with of the employee concerned, by consulting a qualified practitioner.

7. Managerial Responses

7.1 Permanent total incapacity

If the incapacity of an employee is classified as being permanent total, it implies that such employee cannot perform any occupational activities. The organisation’s response to this type of incapacity would be to terminate the contract of employment. This shall be done in one of two ways:
7.1.1 Medical boarding

Medical boarding shall refer to ill health retirement. In this instance, the employer shall determine whether the employee can apply for ill health retirement.

If the employee has submitted such application and the application has been approved, the service of the employee will be terminated on the basis of mutual agreement.

The employee’s application for ill health retirement will only be considered if the employee can no longer enter into the labour market generally.

While awaiting response from the relevant body, the employee shall remain on the employer’s pay roll.

If the application is declined the employee’s impairment / disability shall be classified as permanent partial and the process for permanent partial incapacity shall be followed.

7.1.2 Termination of Employment

If the employee refuses to apply for ill health retirement the employer shall take ascertain the following:

(a) That no job adaptation is possible or feasible;

(b) That no adjustment of working environment is possible or feasible; and

(c) That no alternative employment is possible or feasible.

If the employer is satisfied that none of the above is possible, then the employer can terminate the contract of employment.

7.2 Temporary total incapacity

Temporary total incapacity shall mean that such employee has no functional capacity and cannot currently perform any occupational activities, but that this incapacity is of a temporary nature. The response of MTPA shall be guided by the anticipated period of incapacity.

7.2.1 Reasonable Period
If the period of employee illness does not exceed 90 days, the employer shall not take action against the employee. The employee shall be granted sick leave.

### 7.2.2 Unreasonably long Period

If the period of illness exceeds 90 days, the employer shall conduct an investigation to ascertain:

(a) The nature of the job done by the employee.

(b) The period of absence, actual and anticipated.

(c) Seriousness of the illness

(d) The possibility of replacement.

If the alternative is not found, the employer shall terminate the contract of employment.

### 7.3 Temporary partial incapacity

Temporary partial incapacity it implies that such employee has a reduced functional capacity. Such employee can still perform some occupational activities.

Depending on the nature and extent of the employee's reduced functional capacity, the organisation’s response may be to temporarily accommodate the employee by doing one of the following:

f. (a) Adapting the employee’s work outputs by taking away those outputs which he / she cannot perform and adding more of those outputs which he / she is capable of performing

g. (b) Adjusting the employee’s work environment in such a way as to maximise his / her reduced functional capability

h. (c) Providing the employee with alternative work consisting of occupational activities that his / her reduced functional capability allows him / her to perform

i. (d) If applicable, offering the employee counselling and / or rehabilitation for the abuse of alcohol or other substances

### 7.4 Response to permanent partial incapacity

If the incapacity of an employee is classified as being permanent partial, it implies that such employee has a reduced functional capacity, but still has some functional capacity to perform occupational activities. These employees may also be designated as employees with disabilities for employment equity purposes.
Depending on the nature and extent of the employee’s reduced functional capacity, the organisation’s response may be to permanently accommodate the employee, in a feasible manner, by doing one of the following:

8. (a) Adapting the employee’s work outputs by taking away those outputs which he / she cannot perform and adding more of those outputs which he / she is capable of performing

9. (b) Adjusting the employee’s work environment in such a way as to maximise his / her reduced functional capability

10. (c) Providing the employee with alternative work consisting of occupational activities that his / her reduced functional capability allows him / her to perform

11. (d) If applicable, offering the employee counselling and / or rehabilitation for the abuse of alcohol or other substances

If the MTPA cannot reasonably accommodate such impaired employee, and such inability to accommodate him / her is due to the operational requirements of MTPA, the services of such employee will be terminated. Upon termination, the employee will receive a separation package payout as prescribed by the Remuneration and Benefits Manager, Human Resources Division.

8. Incapacity investigation

8.1 Principles

8.1.1 The incapacity investigation need not be a formal investigation and should preferably take the form of a round-table discussion. It is not a disciplinary process; therefore the processes followed in the MTPA Disciplinary Code and Procedure do not apply.

8.1.2 The principal objectives of the incapacity investigation are to determine the following aspects:

8.1.2.1 Whether or not the employee can perform the job outputs of the job he / she was appointed for; and

8.1.2.2 If the employee is not capable of doing so:

   g) (a) the extent to which the employee is able to perform the work;

   h) (b) the extent to which the employee’s work circumstances might be adapted to accommodate the disability;

   i) (c) where adaptation of the work circumstances is not possible, the extent to which the employee’s duties might be adapted; and

   j) (d) the availability of any suitable alternative work.

8.1.2.3 Although the incapacity investigation is not a formal enquiry, the rules of natural justice still apply. The employee will, therefore, have the following rights:
(a) To be present.

11 (b) To understand the proceedings.

12 (c) To be represented by a trade union official, shop steward or fellow employee (a legal practitioner will not be allowed to represent the employee).

13 (d) To defend himself /herself against any submission or allegation that adversely affects him / her.

14 (e) To state his / her case and submit evidence with regard to the objectives of the investigation.

8.1.2.4 No medical information pertaining to the incapacitated employee may be disclosed to any person involved in the investigation without the express consent of the employee. If the employee refuses to disclose, or to allow disclosure of such information, the occupational medicine practitioner will be allowed to present only information pertaining to the disability and functional limitations of the employee. No information pertaining to the employee’s impairment may then be disclosed.

8.1.2.5 The investigation should be held in camera, and only those persons who need to be present in terms of this procedure may attend the investigation. The admission of any other person as an observer will be subject to the consent of the incapacitated employee and the chairperson.

8.2 Parties to be present at the investigation and their roles

Depending on the nature of the employee’s impairment, the following parties may attend the incapacity investigation:

<table>
<thead>
<tr>
<th>Number</th>
<th>Party</th>
<th>Function at the incapacity investigation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Chairperson</td>
<td>A person appointed by the line manager</td>
</tr>
<tr>
<td>2</td>
<td>The line manager/ supervisor</td>
<td>Provides information with regard to:</td>
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<td></td>
<td></td>
<td>- the job outputs of the employee;</td>
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<td></td>
<td></td>
<td>- the work environment;</td>
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<td></td>
<td></td>
<td>- the possibility of adapting the work environment; and</td>
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<td></td>
<td></td>
<td>- the possibility of adapting the employee’s duties.</td>
</tr>
<tr>
<td>Number</td>
<td>Party</td>
<td>Function at the incapacity investigation</td>
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</tr>
<tr>
<td>3</td>
<td>The impaired employee</td>
<td>The employee whose incapacity needs to be managed. The employee has to provide input with regard to his/her functional capability.</td>
</tr>
<tr>
<td>4</td>
<td>The impaired employee’s representative</td>
<td>Supports the employee and represents the best interests of the employee during the investigation.</td>
</tr>
<tr>
<td>5</td>
<td>The human resources practitioner</td>
<td>Provides information with regard to vacant/available positions that may be considered in order to offer the employee alternative work.</td>
</tr>
<tr>
<td>6</td>
<td>The occupational nursing practitioner</td>
<td>Provides and interprets medical information.</td>
</tr>
<tr>
<td>7</td>
<td>The occupational medicine practitioner</td>
<td>After studying the available medical reports, provides and interprets the medical information for the investigation. Provides an opinion with regard to the employee’s functional capability/disability and applicable job accommodation recommendations.</td>
</tr>
<tr>
<td>8</td>
<td>Employee Relations Specialist</td>
<td>Provides substantive and procedural advice to the chairperson.</td>
</tr>
<tr>
<td>9</td>
<td>The Employee Wellness Practitioner</td>
<td>If necessary, provides information and interpretation of the employee’s psychological functional capability and applicable job accommodation recommendations.</td>
</tr>
</tbody>
</table>

**8.3 Procedure to be followed during incapacity investigation**

In the incapacity investigation the following aspects should be considered:

8.3.1 Name, age and job title of the employee.

8.3.2 A survey of the medical evidence after consent has been obtained from the employee, preferably presented by either the occupational nursing practitioner or the occupational medicine practitioner. This should be based on the available medical reports, including those provided by the employee.
8.3.3 Impairment / disability classification. The nature of the impairment(s) must be classified as either permanent or temporary.

8.3.4 Job outputs – the activities of which the employee’s current job consists, comprising a list of the outputs (percentage of total job) and the activities (physical and mental) required to deliver these outputs.

8.3.5 Determining the employee’s disability in terms of the employee’s ability to perform the physical / mental activities required. This may be classified into three categories, namely those activities which the employee:

i. (a) cannot perform at all;
ii. (b) can perform with assistance / limitation(s) (describe the assistance / limitation(s)); and
iii. (c) can perform without assistance / limitation(s).

8.3.6 Subsequent classification of the employee’s disability as one that will be either total or partial.

8.3.7 Classification of the employee’s incapacity in one of the four possible incapacities in terms of the integrated model, namely:

(a) permanent total - follow the process set out in paragraph 7.1
(b) temporary total - follow the process set out in paragraph 7.2
(c) temporary partial - follow the process set out in paragraph 7.3 ; and
(d) permanent partial - follow the process set out in paragraph 7.4

8.4 Procedure to determine the employee’s functional capacity

In order to determine the employee’s functional capacity, the following detailed procedure must be followed:

8.4.1 The employee’s functional capacity (disability) is determined by:

a) listing the job outputs of the position (as per the job profile and inputs from the employee) in which the employee has been appointed; and

b) assigning a percentage to each specific output, indicating what percentage of the total job that particular activity constitutes in terms of time.
8.4.2 If the impairment is physical in nature, for example a back or neck impairment, the physical activities that need to be performed in order to deliver each specific output must be listed, for example sitting, standing, bending, walking and stooping.

8.4.3 If the impairment is psychological / psychiatric in nature, for example depression or post-traumatic stress syndrome, then the mental aspects of the activities that need to be performed in order to deliver each specific output must be listed, for example being able to concentrate for long periods and work under stressful conditions.

8.4.4 Once those physical and / or mental activities have been identified, these aspects must be categorised in one of the following three categories:

12. (a) Those activities which the employee can perform without restriction.
13. (b) Those activities which the employee can perform with restriction. The nature and extent of the restriction(s) must also be listed.
14. (c) Those activities which the employee cannot perform.

8.4.5 Once the above have been done, the data must be related back to the job profile. This is done by determining which job outputs in the job profile the employee could perform, and which ones the employee couldn’t perform.

8.4.6 Thereafter, the manner in which the employee can best be accommodated in the workplace must be determined.

8.5 Job accommodation

The concept of job accommodation consist of four different aspects, namely

(a) Adaptation of job outputs

This process entails the redesign of the employee’s job outputs in order to add more of the activities the employee is able to perform and take away those activities which the employee cannot perform.

(b) Adjustment of employee’s work environment

The adjustment of the employee’s work environment in order to accommodate the employee’s functional limitations. Such adjustments may include ergonomic adjustments such as the raising of the workstation, the provision of an ergonomically adjusted chair, assistive devices such as headphones instead of a normal telephone, document holders to type from, making facilities accessible, for example by the building of ramps. This process is best done with the assistance of an occupational medicine practitioner, and or a Employee Wellness Practitioner (if applicable). It must be noted that such adjustments must be feasible and economically viable.
(c) Alternative work

1. An offer of alternative work could be considered if workplace adjustments or job output adaptation is not possible or feasible. If it is not possible to adjust the employee’s work environment or to adapt the employee’s job outputs, MTPA shall then consider offering the employee alternative work consisting of job outputs that the employee can productively perform.

2. The alternative position shall further take cognisance of the employee’s functional limitations after advice from a Occupational therapist, Occupational medicine practitioner or a Psychologist (if applicable).

3. Such alternative employment does not have to be at the same grade or remuneration. It must, however be reasonable, which implies that the employee should be able to perform such newly offered work, based on the employee’s education, experience and skills.

9 AMMENDMENTS

Any amendment to this policy shall follow the process of its formulation
JOB EVALUATION POLICY

DOCUMENT CONTROL SHEET

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<td>Division: Unit:</td>
<td>Human Resources</td>
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Mpumalanga
TOURISM AND PARKS AGENCY
Version control

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<td>13-11-2009</td>
<td>Themba Makhubo</td>
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<td>16-11-2009</td>
<td>Themba Makhubo</td>
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</table>

Table of Contents

Headings

1. Policy Statement 3
2. Procedures for job evaluation 3 - 5
3. Appeal Procedures 5 - 7

Annexure

Application for evaluation form 1/1
Request for review form 1/2
Appeal advice form 1/3
1.1 **Policy statement**

It is the policy of Mpumalanga Tourism and Parks Agency to determine the relative value of the various positions by using the Paterson method of job evaluation, based on the content of the various positions and requirements to execute the functions of these various positions. This will enable Mpumalanga Tourism and Parks Agency to achieve the following targets:

- A clear hierarchy of identifying positions
- To attach a remuneration structure to these hierarchy of positions to ensure internal fairness
To provide a basis to compare with the labour market in order to offer compatible salaries
To provide a basis for the development of a healthy remuneration system.

1.2 Procedure

1.2.1 Job grading

All the evaluation and re-evaluation of jobs will be done by an internal grading committee, in consultation with an external consultant, in order to ensure internal fairness and objectivity.

1.2.2 Evaluation of jobs

A job description shall be compiled according to the following guideline:

i. It must give an accurate and realistic picture of the description of the position as it is, or as the tasks are being executed currently.

ii. It must indicate the position of the job in Mpumalanga Tourism and Parks Agency, as well as reflecting the purpose and content of the job (key performance areas), key performance indicators, etc.

iii. It must be written and understood clearly – the staff member and the manager/supervisor must interpret and understand it well and in the same way.

iv. The job description must be in the format, designed by Mpumalanga Tourism and Parks Agency.

1.2.3 Application for a job evaluation

The immediate manager/supervisor applies to have a job evaluated by completing the Application form for Job evaluation (Form 1/1) and by attaching a copy of the job
description to it. This application form is sent to the Senior Manager: Human Resource Management.

1.2.4 Controlling of application by the Senior Manager: Human Resource Management

(i) The signature of the staff member as well as the supervisor/manager assists the Senior Manager: Human Resource Management to control the job description, to ensure that it meets the requirements stipulated in paragraph 1.2.2(a) above.

(ii) Compares the job description to determine whether there is an overlap of functions with:

1. The immediate supervisor
2. The immediate subordinate (if any)
3. Colleagues who execute the same function
4. If something is not clear, an investigation is done, supported by the department head to minimise overlaps and adjust the job description

1.2.5 Arranging for the job grading

The Senior Manager: Human Resource Management will ensure that the job gets graded.

1.2.6 Presentation of the job description to the grading committee for grading

(i) The grading committee will ensure that a position is graded according to the Paterson grading rules.

(ii) There may be anomalies in any job grading. Exceptions must be made when these anomalies cannot be determined by applying the job grading rules. The reason for this judgement must be detailed in a document as an addition to the grading rules. This must then be consistently applied as a grading rule to suchlike situations.
2 Appeal or revision procedure

Any staff member can request that his/her job grading be revised according to the following procedure:

(a) The supervisor/manager completes an Appeal Form (Form 1/2) on behalf of the staff member and forwards it to the Senior Manager: Human Resource Management. The appeal form must be accompanied by an updated job description for that particular position.

(b) The Senior Manager: Human Resource Management acknowledges receipt of the appeal form and attaches a number to it.

(c) The number of the appeal, the date received and the acknowledgement date are indicated on the Appeal Form (Form 1/2).

(d) Completed details as indicated in the Appeal Form are written in the Appeal register.

(e) The appeal and the job description are examined carefully to determine whether the appeal is justified. The appeal will be justified if the content of the position has changed substantially. Appeals will only be considered if the Chief Officer in the said unit is of the opinion that the position is graded incorrectly in its present form relative to other positions, indicating that a change in job content has occurred since the previous grading.

(f) Should the appeal not be justified, Form 1/3 must be completed and be signed by the Senior Manager: Human Resource Management to inform the Chief Officer. Should the appeal be justified, the following procedure must be followed:

(i) The Chief Human Resource Officer shall investigate the position.
(ii) Interview the supervisor and the staff member and execute a physical inspection to confirm the content of the position – always ensuring that the staff member does what is expected from the position and that this position does not overlap with other positions.

(iii) If necessary, adjust the job description.

(iv) Arrange for a job grading by the grading committee.

(v) After the grading committee has graded the position, a Job grading report (Form 1/4) must be completed indicating the reason for upgrading, no change or any change in this position. The Job grading report is sent to the Executive Committee for endorsement.

(vi) The date when this position grading has been revised, the date when it was graded and recommended grading, as well as any other comments are written in the Appeal register.

(vii) The Chief Officer shall be notified regarding the outcome of the grading by sending a copy of Form 1/4.

3. Amendment of the policy

This policy shall be amended as and when required and shall follow the procedure of policy formulation.
DECLARATION OF INTEREST POLICY

1. PREAMBLE

The Mpumalanga Tourism and Parks Agency (MTPA) recognize that some employees may have financial interests in other activities beyond their responsibilities at the MTPA.

2. PURPOSE

The purpose of this policy is to provide information on the declaration of interest by employees.

3. DEFINITION OF TERMS

3.1 Agency: Mpumalanga Tourism and Parks Agency established in terms of the Mpumalanga Tourism and Parks Agency Act 5 of 2005 (MTPA)
3.2 Register: means the Register of employees interests kept in terms of section 6 of this policy

3.3 Registrable interests: means the financial interests listed in section 9 of this policy

3.4 Remuneration: means receipt of benefits in cash or in kind

3.5 Submitted form: means the approved HR form for declaration of interest

**AUTHORISATION**

None

4. REGULATORY FRAMEWORK

None

5. REGISTER OF DECLARATIONS OF INTEREST

The Chief Financial Officer shall keep a register of all declarations of interest in a format as approved by the Chief Executive Officer

6. DISCLOSURE OF EMPLOYEES’ INTEREST

7.1 Employees shall, not later than 30 April of each year, disclose to the Chief Executive Officer, on the approved form for this purpose, particulars of all his or her registrable interests. The CEO shall declare such interests to the Chairperson of the Board as and when such interests are acquired.

7.2 Any employee who assumes duty after 30 April in a year shall make such disclosure within 30 days after assumption of duty. Employees shall declare their interests as and when such interests are acquired.

7.2 The Chief Human Resource Officer shall send reminders to all employees to declare their financial interests by 30 January of each year.

7. INTERESTS TO BE DISCLOSED

The following kinds of financial interests are registrable interests:
(a) Shares and other financial interests in private or public companies and other corporate entities recognized by law;
(b) Directorships and partnerships;
(c) Remunerated work outside the public service;
(d) Consultancies and retainerships;
8. DETAILS OF REGISTRABLE INTEREST TO BE DISCLOSED

The following details of registrable interests shall be disclosed:
(a) Shares and other financial interests in private or public companies and other corporate entities recognized by law:
   (i) The number, nature and nominal value of shares of any type in any public or private company and its name; and
   (ii) the nature and value of any other financial interests held in a private or public company or any other corporate entity and its name.
(b) Directorships and partnerships:
   (i) The name, and type of business activity, of the corporate entity or partnership; and
   (ii) if applicable, the amount of any remuneration received for such directorship or partnership.
(c) Remunerated work outside the public service:
   (i) The type of work;
   (ii) the name, and type of business activity, of the employer; and
   (iii) the amount of the remuneration received for such work.
(d) Consultancies and retainerships:
   (i) The nature of the consultancy or retainership of any kind;
   (ii) the name, and type of business activity, of the client concerned; and
   (iii) the value of any benefits received for such consultancy or retainership.
(e) Sponsorships:
   (i) The source and description of direct financial sponsorship or assistance; and
   (ii) the value of the sponsorship or assistance.
(f) Gifts and hospitality from a source other than a family member:
   (i) A description and the value and source of a gift with a value in excess of R350;
   (ii) a description and the value of gifts from a single source which cumulatively exceed the value of R350 in the 12 month period contemplated in regulation C of this Chapter; and
   (iii) hospitality intended as a gift in kind.
(g) Ownership and other interests in land and property, whether inside or outside the Republic:
   (i) A description and extent of the land or property;
   (ii) the area in which it is situated; and
   (iii) the value of the interest.
9. CONFIDENTIALITY OF REGISTER AND SUBMITTED FORMS

10. 1 Subject to regulation 10.3 of this policy only the following persons have access to a submitted form or the register:

(a) The Chief Human Resource Officer to whom the form is submitted and the staff designated by him/her for purposes of record-keeping of the original form and submission of a copy of the register to the CFO and CEO;

(b) Such other persons designated by the CEO

10.2 No person who has access to a submitted form or the register may, except when a court so orders, disclose any information in that form or register to anyone other than:

(a) a designated employee in respect of her or his submitted form or an entry in the register in respect of that employee; or

(b) another person who is permitted access in terms of 10.1 this policy or to whom access is granted in accordance with regulation 10.3 of this policy.

10.3 Any person, other than a person contemplated in regulation 10.1 above may only be given access to a submitted form or the register in terms of section 11 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).

10.4 Any employee who contravenes section 10 above is guilty of misconduct.

10. CONFLICT OF INTERESTS

11.1 If the Chief Human Resource Officer of Chief Financial Officer is of the opinion that a registrable interest of an employee disclosed in terms of section 10 conflicts or is likely to conflict with the execution of any official duty of that employee, it shall verify the information regarding that interest and consult with the employee in question.

11.2 If, after such verification and consultation, they are of the opinion that there is such conflict or that such conflict is likely to occur, it shall refer the matter to the CEO.

11.3 Upon the referral, the CEO shall consult with the employee concerned and take the appropriate steps, including, but not limited to-

(a) the institution of disciplinary action; or

(b) the granting of a waiver to the employee in respect of a future conflict of interest.

11.4 The CEO shall, within 30 days after such referral, report to the Audit Committee by-
(a) stating whether any steps were taken; and
(b) if steps were taken, giving a description of those steps or, if no steps were taken, giving the reasons therefore.

11. FAILURE TO DISCLOSE INTERESTS
Any employee who-
(a) fails to disclose an interest in terms of this policy; or
(b) when disclosing an interest in terms of this policy, willfully provides incorrect or misleading details, is guilty of misconduct.

12. AMENDMENT OF THE POLICY
The policy shall be amended as and when required and shall follow the procedure of policy formulation.

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<th>DECLARATION OF INTEREST/DISCLOSURE FORM</th>
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### Directorships and Partnerships

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### Remunerated work outside the MTPA

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### Sponsorships

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I hereby certify that the above information is complete and correct to the best of my knowledge

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