

## CHAPTER 4

# The University of the North as an Employer

### 4.1 Introduction

The specific aim of this thesis is to investigate and motivate the necessity of establishing an EAP at the University of the North. This however needs a thorough understanding of this institution as an organization with its own unique history, structures of governance, vision, mission, and employment policies particularly as they relate to the specific problems of the University of the North employees.

### 4.2 Location of the University

The University of the North is located about 30 kilometres East of Pietersburg, the capital city of the Northern Province. The University nestles in the foothills of the Wolkberg mountain range midway between Pietersburg and the spectacular mountain splendour of Magoebaskloof of the ( University of the North Calendar 2000:13). The University College of the North was situated on a farm originally known to the local inhabitants as “Turfloop”. It is by this name that the University has become commonly known (White, 1997:75).

### 4.3. History

The University of the North was the second black university to be established after Fort Hare University. The extension of the University Education Act of 1959 made provision for the establishment of racially exclusive universities for black South Africans. Under the provisions of the Act, the University College of the

North was established on 1 August 1959. The College was placed under the trusteeship of the University of South Africa (Unisa).

This formative relationship with the University of South Africa was maintained until the South African Parliament promulgated the University of the North Act (Act No 47 of 1969) thus bringing to an end the College status as of 1 January 1970 (University of the North Calendar 2000:13).

In terms of the apartheid policy, this state controlled University, which was situated within the homeland of Lebowa, was intended to serve as an instrument for the entrenchment of the homeland system (White, 1997: 74; Evans, 1990: 23 -24).

Sovenga became the unofficial name given to the University College, a name originally given to the University's post office and coined from the languages of the three ethnic groups this institution was intended to serve: **Sotho, Venda and TsoNGA**.

Since 1959, there has been a substantial growth of the College that fathered the University of the North. At the end of 1999, the substantial student population consisted of:

- 8169 students at the Main Campus, Pietersburg;
- 1565 at the Qwa-Qwa branch, Phuthaditjhaba; and
- 612 at the Giyani Teaching Centre, Giyani.

The University has recently established a centre at Edupark, Pietersburg, for practical training in business management (University Calendar, 2000: 13) as well as other post-graduate programmes.

#### 4.4 University Policy

While this has not always been the case, the University of the North is now a non-racial, English medium university. This policy represents the initial phase of a programme for the repositioning of the university as one of the country's national universities: First, to humanise and democratise university practice and governance, a new enabling University of the North Act is under preparation. Second, an enabling mission statement in line with the intended repositioning of the University during the 1990s has been developed.

In the main, its aim is to contribute towards the solution of practical developmental problems, both regionally and nationally.

#### 4.5 Vision

The University of the North strives to be a quality institution of higher learning and critical reflection, which is innovative, responsive to change, is rooted in the issues of the society it serves, and is recognised world-wide as the center for relevant theory and practice of people-centred development.

#### 4.6 Mission

The mission of the University is to achieve distinction in scholarship, professionalism, and community renewal amongst its staff and students in order to improve the quality of life of the community it serves through:

- appropriate focus areas of specialisation;
- appropriate campuses, educational policies, infra structural and physical development;
- creation of a culture of work, teaching, research, learning and service through adaptability and innovativeness;

- good governance and effective management;
- financial sustainability and
- a development orientation that is rooted in the community in which we operate.

With a sense of accountability to the community we serve, we commit ourselves to interact with one another with absolute integrity (University of the North Calendar, 2000:14).

#### 4.7 Coat of Arms

The University's Coat of Arms, which was officially registered on 16 April 1963 (Muller, 1980: 144), is a visible expression of the idea underlying the creation of this University. The Coat of Arms symbolises the following:

- the shield: an indigenous Sotho or Pedi shield represents the peoples this University serves;
- the wavy line represents the hills of the surrounding area;
- the capital ( or alternatively a very small temple) with three pillars represents the Xitsonga, Venda and Sotho tribes;
- the silver wreath of two laurel branches replaced the initial idea of a broken- shafted battle - axe which symbolises the end of an era of violence and strife. The wreath symbolises peaceful progress and the development of scientific knowledge - the atomic symbol;
- the baobab tree, an indigenous tree, represents growth;
- the open book symbolises academic study, knowledge and the “winged words” of great literature; and
- the motto in Latin ,i.e *Fide Et Opera*, means by “faith and work”.

## 4.8 The Legal Status of the University

The University of the North is a legal person which has been established in terms of the University of the North Act No 47 of 1969, as amended for the period 1 June 1999 to 31 May 2003.

## 4.9 Structures of Governance

### 4.9.1 The University Council

The University Council is the highest organ of policy making within the university. The council of the University of the North has been appointed in terms of section 8 of the University of the North Act 47 of 1969 ( Hereafter referred to as the Act). The following portfolios compose the University Council:

- chairperson and deputy chairperson appointed in terms of section 6 of the Act;
- principal, vice principal (teaching and research), vice principal (general administration), vice principal (students affairs), vice principal (Qwa-Qwa) and the University registrar appointed in terms of section 5(a) and (b) of the Act;
- two senate representatives appointed in terms of section 5 (c);
- one non senate academic representative in terms of section 5(d);
- two non academic representatives appointed in terms of section 5(e);
- one member of the student representative assembly in terms of section 5(f);
- two members of the student representative assembly from satellite campuses in terms of section 5 (g) of the Act;
- five state appointees in terms of section 5(h) of the Act;
- one representative of the Northern Province Premier;
- one representative of the Pietersburg /Polokwane Transitional Council;

- one representative of the Mankweng Transitional Local Council;
- one member of the university convocation appointed in terms of section 5(i) of the Act;
- two members from the donor community;
- one member from the trade union movements and
- one member from the following business organisations: South African Chamber of Business (Sacob), National African Chamber of Commerce (Nafcoc), Nafu, Business Management Forum (BMF); and
- one member from the Human Sciences Research Council.

Whereas the University Council is fairly representative of the community, the researcher is of the opinion that the predominance of state appointees may compromise university autonomy.

The University of the North prides itself on the existence of the following committees:

- the Executive Committee of Council;
- Audit Committee;
- Financial Aid Committee;
- Planning and Development Committee
- Remuneration Committee; and
- Tender Committee.

#### 4.10 Composition of staff of the University of the North-1999

The following table illustrates the composition of staff of the University of the North in 1999:

**Table 3: Composition of staff of the University of the North-1999**

Occupational Categories	Male				Female				Total
	Black	Coloured	Indian	White	Black	Coloured	Indian	White	
Top management (VC, DVC, Exec.dir, Deans, Unin Librarian)	8	1	0	5	1	0	0	1	16
Snr Management (directors, proctor, internal auditor, deputy registrar, snr professor and associate professor)	36	0	1	33	10	0	0	10	90
Professionally qualified and experienced specialists and mid management	156	2	5	49	72	2	2	35	323
Skilled technical and academically qualified workers, jnr management/supervisor/foremen (Asst.lab, principal admin officers/ executive secretaries, control officers, apprentices, messengers, control assistants)	368	1	2	24	219	3	1	32	650
Semi - skilled and discretionary decision makers ( drivers, machine operators)	121	0	0	0	69	0	0	0	190
Unskilled and defined decision making (cleaners, general workers)	210	0	0	0	140	0	0	0	350
Total Permanent	899	4	8	111	511	5	3	78	1619
Non Permanent employees	77	3	4	11	34	0	2	4	1
Total	976	7	12	122	545	5	5	82	1754

#### 4.11 Composition of the academic staff of the University of the North-1999

The following table indicates the composition of academic staff of the University of the North in 1999.

**Table 4.: Composition of the academic staff of the University of the North-1999**

Occupational categories	Male				Female				Total
	Black	Coloured	Indian	White	Black	Coloured	Indian	White	
Senior professor	1	0	0	4	0	0	0	0	5
Professors	13	0	1	14	2	0	0	2	32
Snr Associate Professor									
Associate professor	8	0	0	10	4	0	0	6	28
Snr. Lecturer	37	1	1	18	8	0	1	7	73
Lecturer	95	2	4	27	42	2	1	23	196
Jnr. Lecturer/tutor	34	0	0	5	31	1	1	6	78
Total permanent	188	3	6	78	87	3	3	44	412
Non Permanent employees	69	2	4	9	14	0	1		103
Total	257	5	10	87	101	3	4	48	515

#### 4.12 Composition of the non-academic staff of the University of the North:1999

The following table shows the composition of the non-academic staff of the University of the North in 1999:

**Table 5: Composition of the non-academic staff of the University of the North:1999**

Occupational categories	Male				Female				Total
	Black	Coloured	Indian	White	Black	Coloured	Indian	White	
Vice chancellor	0	0	0	0	0	0	0	0	0
Deputy vice chancellor	0	0	0	0	0	0	0	0	0
Executive directors	2	0	0	4	1	0	0	0	7
Directors/Proctor/ Internal Auditor/ Deputy Registrar	9	0	0	2	2	0	0	0	13
Assistant registrar	9	0	0	4	2	0	0	3	18
Principal admin officer	25	0	0	11	12	0	0	10	58
Admin officers/ Exec.secretaries/ snr control officers	32	1	2	10	28	2	0	9	84
Admin assistants/ Snr secretaries/ snr control officerr	48	0	0	2	42	0	0	4	100
Secretaries/ Artisans/ clerical assistants/ assistant control officers	165	0	0	2	96	0	0	4	265
Apprentices/ Messengers/Control Assistants	90	0	0	0	32	0	0	0	122
Drivers/ Machine operators	121	0	0	0	69	0	0	0	190
General workers	210	0	0	0	140	0	0	0	350
Total Permanent	711	1	2	33	424	2	0	34	1208
Non Permanent Employees	8	1	0	2	20	0	1	0	32
Total	719	2	2	35	444	2	1	34	1239

#### 4.13 Student Enrolment Statistics:1960-1999

The following table depicts student enrolment figures from 1960-1999:

**Table 6:Student Enrolment Statistics:1960-1999**

Year	Main Campus	Qwa-Qwa	Giyani	Total
1960	87	-	-	87
1961	129	-	-	129
1962	194	-	-	194
1963	248	-	-	248
1964	305	-	-	305
1965	389	-	-	389
1966	460	-	-	460
1967	538	-	-	538
1968	611	-	-	611
1969	671	-	-	671
1970	810	-	-	810
1971	901	-	-	901
1972	1043	-	-	1043
1973	1312	-	-	1312
1974	1535	-	-	1535
1975	1741	-	-	1741
1976	1935	-	-	1935
1977	1848	-	-	1848
1978	1518	-	-	1518
1979	2237	-	-	2237
1980	2852	-	-	2852
1981	3151	225	-	3151
1982	4080	426	-	4305
1983	4305	461	248	4731

1984	4562	565	463	5271
1985	4981	650	723	6009
1986	4742	726	1149	6115
1987	5374	1047	1431	7249
1988	6911	1180	1462	9389
1989	7352	1577	1583	9994
1990	8349	1610	1909	11509
1991	9654	1985	2376	13173
1992	11976	2020	3115	16337
1993	13522	2500	3658	18657
1994	13572	2547	3459	19730
1995	13639	2103	2848	19645
1996	12459	3345	2852	18656
1997	10877	3771	2036	16684
1998	9424	1759	1183	12366
1999	8169	1565	612	10346

#### 4.14 Faculties of the University of the North

At the time of the study (December 1999-May 2000), the University of the North had eight (8) faculties at the Main Campus. They are:

- Arts;
- Mathematics and Natural Sciences;
- Management Sciences;
- Education;
- Law;
- Agriculture and
- Health Sciences and
- Theology

(As a result of restructuring, as on the 01 July 2001, the university of the North consisted of three faculties, namely Humanities, Management Sciences and Law as well as Science, Health and Agriculture).

There were four (4) faculties at the Qwa-Qwa branch, namely:

- Arts;
- Mathematics and Natural Sciences;
- Management and Education; and
- Education.

The Giyani Teaching Centre provided tuition in subjects in the faculty of Arts (The Giyani Teaching Center has however been closed since 2001). Apart from offering tuition in the Humanities, the Management and the Natural sciences. The University of the North is also home to a number of professional schools such as Education, Law, Agriculture and Health Sciences for the training of future teachers, agriculturists, pharmacists, nutritionists, lawyers and opticians. The University has recently opened a center at Edupark, Pietersburg, for practical training in business management (University of the North Calendar, 2000:16) and other post-graduate programmes.

## **4.15 Personnel Policy and Procedure**

### **4.15.1 General Philosophy**

The University believes that its employees are of primary importance in achieving its overall mission objectives. The university is therefore prepared to devote adequate time and resources to ensure that employees are developed to their full potential, used effectively and adequately rewarded for their contributions towards meeting these objectives.

It is expected that employees will, from their side, carry out their responsibilities conscientiously and enthusiastically and thereby contribute towards the achievement of the objectives of the university and towards maintaining a favourable image of the university amongst employees, clients and the general public (Personnel Policy and Procedures, 1996:1).

The maintenance of employees' dignity and self-esteem, and the involvement of employees in matters directly affecting them are important for ensuring sound industrial relations and the maintenance of industrial peace and justice. To ensure this,

- employees should be fairly and equitably treated with due concern being shown for their need for job security. Where employees become redundant, their situation should be handled as humanely as possible (Personnel Policy and Procedures Draft Copy, 1996:1)

## 4.15.3 Appointment Conditions

Employees may be appointed, as circumstances warrant, in the following categories:

### 4.15.3.1 Permanent Employees

Permanent employees are appointed to an approved post for an indefinite period on a full time basis.

#### Conditions of Employment

- Conditions will be as prescribed by the University 's personnel policies and procedures as amended from time to time.
- A reciprocal notice period of a calendar month for non academic and three months for academics in respect of termination of service applies.
- Delegated powers of authority in respect of employees' appointments and terminations will apply;
- Membership of a University approved Medical Aid and Retirement Fund is compulsory.

### 4.15.3.2 Relief Employees

They are appointed to alleviate temporary vacancies.

The appointment of relief staff must only be made in approved posts; while

- remuneration packages of relief staff will be based on the approved scale appropriate to posts performing similar tasks;
- a reciprocal notice period during the first thirty (30) days will be one day, where after it will be fourteen (14) days if paid monthly;
- re-appointment of a specific person as relief staff shall not be permitted before seven (7) consecutive days after termination of the preceding contract;
- delegated powers of authority in respect of employee appointments and terminations will apply.
- no further benefits shall apply.

#### **4.15.3.3. Part-time Employees**

They are defined as “employees appointed in an approved post for an indefinite period and who are required to work for only a predetermined part of every working day or week”.

#### **Conditions of Employment**

- remuneration shall be calculated within the full time remuneration range of the job grade, in accordance with the percentage of hours they actually work to the full time period;
- a reciprocal period of thirty (30) days’ termination notice will apply;
- delegated powers of authority in respect of employee appointments and terminations will apply;
- unless otherwise stipulated in the letter of appointment, the personnel policies and procedures as amended shall further apply.

#### **4.15.3.4 Temporary staff**

Temporary staff refers to employees appointed to alleviate temporary workloads for a period not exceeding three (3) consecutive months.

The following conditions shall apply in respect of temporary staff;

- appointment of temporary staff need not be done in approved posts;
- remuneration of temporary staff will be based on a wage rate per hour, day, week or month or on a piece work basis, provided that such rate shall not exceed the actual average plus 20% salaries appropriate to posts performing similar tasks;
- reciprocal notice period during the first thirty (30) days will be one (1) day, where after it will be fourteen (14) days;
- re-appointment of a specific person as a temporary staff member in the same position or type of position, shall not be permitted before seven (7) consecutive days after termination of the preceding period;
- delegated powers of authority in respect of employee appointments and terminations will apply;
- under no circumstances shall people be employed in this category as an alternative to permanent employment.

#### 4.15.3.5 Consultancy appointment

There are instances where the university enters into a “contract” outside the personnel policies when a person is appointed to perform specific tasks, investigations, research or when similar such circumstances so dictate. In these instances, the University and the appointee should enter into an explicit contract of appointment in which remuneration and obligations on both sides are stipulated. Usually this contract terminates *ipso facto* at the finalisation of the project.

#### Conditions of appointment

The following conditions apply to the appointment of consultants:

- such persons receive a fee which is negotiated and which must be approved by the vice- chancellor;
- an explicit time period is applicable in order to complete the specific project;
- the appointment of such persons does not require the existence of an approved post.

#### 4.15.3.6 Contract Employment

There are instances where the University employs non South African residents. Such employees will be employed on a contract basis for a period no longer than the validity of the work permit issued by the Department of Home Affairs. The contract shall only be renewed if the work permit is renewed. The renewal of such a work permit shall be the responsibility of the employee and not the university.

#### Conditions of Employment

The following conditions apply to the appointment of contract workers:

- all conditions as set out for permanent employees shall apply unless specifically negotiated to the contrary, except;
- the employment contract shall expire at the time the work permit expires;
- should the employee obtain South African permanent residence status, the contract shall convert to permanent employment.

#### 4.16 Termination of Employment

The purpose of this section is to define the policy of the University with regard to termination of service.

#### Policy

- The university is committed to ensuring the security of employment of its employees, as far as this is consistent with the maintenance of order and with the efficient and economical operation of the university;
- it is the policy of the University that no termination of employment shall take place unless there is a valid reason for such termination connected with the capacity or conduct of the employee or the organisational requirements of the University;

- termination of service, at the instance of either the University or employee shall be in accordance with the specific terms of the employment contract existing between the university and employee regarding termination of service. Such periods shall be in writing and will in general be as follows:
- in the case of permanent academic/non academic employees, not less than three (3) months/(thirty)30 days while; the resignation must be submitted to the Departmental Head on or before the 1st or 15th day of the month and shall run from such 1st or 15th day as the case may be;
- a shorter period of notice can be served if both parties agree, in which case notice money can be calculated on a pro-rata basis;
- in the case of temporary staff, one day during the first 30 days and thereafter 14 days;
- in the case of part-time staff, one day during the first 30 days and thereafter 14 days;
- in no instance shall notice of termination of service with the exception of retirement, be given during an employee's annual leave, sick leave, or while the employee is undergoing a period of compulsory military training;
- termination of service may be effected by either the University or the employee without notice of termination, on grounds recognised by the common law as sufficient, commonly referred to as material breach of contract;
- all University employees are bound, in terms of their employment contract to the provisions of the University's Disciplinary Code;
- University employees whose services are terminated in accordance with the Disciplinary Code and/or upon grounds of material breach of contract, are entitled to lodge an appeal against such termination in accordance with the provisions of the Disciplinary Appeals Procedure;
- University employees whose services are terminated in accordance with the Retrenchment Procedure are entitled to appeal against their retrenchment in accordance with the Disciplinary Appeals Procedure;

- Save in exceptional circumstances the University will terminate the services of an employee only upon due notice or payment in lieu thereof notwithstanding the right the University may have at law to summarily terminate an employee's contract of employment;
- termination of the service of an employee will be executed only by a manager having the delegated authority thereto who will ensure that a full record is kept of all enquiries, hearings and other procedures required by the Disciplinary Procedure;
- the University will provide only a Certificate of Service upon the termination of employment of an employee;
- exit interviews will be conducted by the Human Resources division with the employees who have resigned and reports will be forwarded to line management for their information and necessary action. Exit interviews can only be conducted if an employee volunteers to cooperate when offered the opportunity to do so;
- all sections of the University having an interest in resignations must be informed immediately (e.g salaries, wages and pensions ).

#### **4.17 Leave**

All application for leave must be made either in person or by means of entry in the request for leave book which must be sent by the messenger to the Human Resources division.

##### **4.17.1 Conditions of leave**

Employees are divided into the following categories:

Category A: academic staff and other employees who are not required to work during all the academic recesses; and

Category B: employees who do regularly work during academic recesses.

#### 4.17.2 Allocation of Vacation Leave

- public holidays and University holidays are excluded from the calculation of vacation leave;
- vacation leave must not run concurrently with a period of notice of termination of employment, unless approved by the vice-chancellor; and
- depending on work circumstances an employee may take vacation leave, provided an application for leave is approved, in advance, by management.

##### 4.17.2.1 Compulsory Leave

- the compulsory leave shall not be taken at the Annual Close Down of the University;
- such leave shall be a period that is in line with the legal requirements as set out in the Basic Employment Act;
- such leave shall not form part of an employee's annual entitlement;
- if an employee is not able to take such leave at the Annual Close Down, due to work demands, such a period must be taken within six months of the reopening;
- compulsory vacation leave not taken within six months after the reopening each year, will lapse.

##### 4.17.2.2 Available vacation leave

Employees will be credited with their leave entitlement on a monthly basis. No employee will be permitted to utilise more paid vacation leave than the vacation leave to his/her credit at the time he/she applies for such leave. If an employee has insufficient leave credit unpaid leave may be taken.

##### 4.17.2.3 Annual vacation leave entitlement

- the vacation leave cycle commences on the employee's date of appointment; and

- paid vacation leave is classified and is granted on the following basis:  
Category A: (Academic staff and other staff who are not required to work during academic recesses) All grades shall receive fifteen (15) continuous days per annum. All fifteen (15) days are accumuable and capitalisable.  
Category B: (Non-academic staff who work during academic recesses). All grades shall receive thirty (30) days continuous days per annum. Of this, fifteen (15) days are accumuable and capitalisable. The remaining fifteen (15) days must be taken within three (3) years of it being awarded or it shall be automatically converted to study leave and shall not be available for vacation leave purposes;
- an employee who takes four or less working days vacation leave shall not have to take a weekend as well, that is he/she shall be debited with four (4) days and not six (6). However, if five (5) working days or more are taken the employee shall be debited with the weekends taken during or after the period of leave.

#### 4.17.2.4 Unpaid leave

If no vacation leave is available, unpaid leave may be granted, provided that:

- no leave credit in terms of this policy will be earned for the period of unpaid leave;
- if such unpaid leave is for a continuous period of five (5) days or more, an employee will be liable for payment for the full period taken of the University's contributions to the Pension Fund, Medical Scheme and the Group Life Insurance Scheme.

#### 4.17.2.5 Sick leave

The sick leave cycle for all employees runs over a three -year period which commenced on 1 January 1996 and starts again every third year thereafter.

- Unused sick leave for a specific cycle lapses at the end of the cycle.
- Paid sick leave, per cycle, will be granted on the following basis:

- paid vacation leave is granted on the following basis:  
Category A: (Academic staff and other staff who are not required to work during academic recesses) All grades shall receive fifteen (15) continuous days per annum. All fifteen (15) days are accumuable and capitalisable.  
Category B: (Non-academic staff who work during academic recesses). All grades shall receive thirty (30) days continuous days per annum. Of this, fifteen (15) days are accumuable and capitalisable. The remaining fifteen (15) days must be taken within three (3) years of it being awarded or it shall be automatically converted to study leave and shall not be available for vacation leave purposes;
- an employee who takes four or less working days vacation leave shall not have to take a weekend as well, that is he/she shall be debited with four (4) days and not six (6). However, if five (5) working days or more are taken the employee shall be debited with the weekends taken during or after the period of leave.

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#### 4.17.2.5 Sick leave

The sick leave cycle for all employees runs over a three -year period which commenced on 1 January 1996 and starts again every third year thereafter.

- Unused sick leave for a specific cycle lapses at the end of the cycle.
- Paid sick leave, per cycle, will be granted on the following basis:

120 calendar days per cycle of three 3 years on full pay and further 120 days on half pay (salary and benefits).

#### 4.17.2.5.2

#### **Part-time employees**

All grades: 60 calendar days per cycle of 3 years.

#### 4.17.2.5.3

#### **Temporary and Relief Employees**

- two (2) working days per completed month of service ( that is working days per annum). Accumulated sick leave will be carried forward on renewal of term of employment;
- should the employee fall ill while on vacation, vacation leave may be credited, on application by the number of days that the employee was ill, provided a valid medical certificate is submitted;
- any application for sick leave, for a period of absence, in excess of two (2) consecutive days must be accompanied by a medical certificate. Exemption may be granted by the vice chancellor in respect of the submission of a medical certificate, provided that an employee's absence was in fact as a result of illness and there are sound reasons why a medical certificate cannot be submitted.
- the submission of a medical certificate for a period of two consecutive days or less may be demanded by the University;
- a valid medical certificate shall be a certificate issued by a practitioner registered with the Medical and Dental Council.

#### 4.18 Special leave

Employees may be granted special leave on full pay for the following:

#### 4.18.1 Military leave

Leave to employees called up for compulsory national military service provided that:

- days which in the opinion of the vice-chancellor are reasonably required to travel to and from military camps may be included in the period of paid military leave as defined;
- in terms of compulsory military service the University will recover 75% of the military wage received from the employee's University salary for the period that military service was rendered; and
- any expense incurred by the employee while performing military service will be for the employee's account; and
- and in all circumstances it is expected of employees to substantiate military wages received by documentary proof; and
- the granting of military leave shall not affect payment by the University of any allowances and subsidies or membership of any pension fund or medical aid; and
- no salary increases will be awarded to employees while on two years military leave; and
- for military leave periods in excess of ninety (90) days, no vacation or sick leave will accrue during military leave.

#### 4.18.2 Court leave

Special leave on full pay is granted to an employee who has been subpoenaed as a witness in a civil or criminal case for as many days as an employee's presence is required by the court of law, provided that such period is substantiated by documentary proof.

#### 4.18.3 Bereavement leave

Four working days' special leave for funeral purposes shall be granted in the case of the death of spouse, parents, children, brothers, sisters and spouses' parents.

#### 4.18.4 Maternity leave

- In accordance with section 17 of the Basic Conditions of Employment Act, the University does not permit a female employee to work during the period of four weeks prior to her confinement date and eight weeks after the actual confinement date;
- female employees shall receive full salary and benefits during such a period subject the following conditions;
- the employee must have completed twelve (12) months uninterrupted service with the University; and
- maternity leave with pay shall be for a maximum period of twelve (12) weeks per confinement.

#### 4.18.5 Paternity leave

All male employees shall be entitled to paternity leave. Such leave shall be restricted to five working days per confinement.

#### 4.18.6 Sports Leave

An employee may be granted fifteen (15) working days special leave per financial year to participate as a member or referee of a sporting event of at least a Provincial status. Additional leave for sporting purposes may be granted by the vice-chancellor.

#### 4.19 Study leave

Employees who are to attend compulsory study schools or write examinations for courses approved under this policy qualify for the following leave;

- examinations - two (2) working days per examination

All such leave shall be debited against annual leave and shall only be credited on submission of proof of passing.

All employees shall accumulate 21 continuous days study leave per annum.

- the planned course of study shall be approved by the vice-chancellor and shall be in the interests of the University as well as that of the employee.
- such leave may not be converted to any other form of leave and is forfeited upon termination;
- employees shall be expected to serve at least a period equivalent to the absence on the employee's return;
- employees wishing to take any period of study leave in excess of six weeks are required to apply at least four months in advance.

#### 4.19.2 Substantial Leave

After completing a cycle of five years' uninterrupted period of service with the University, academic staff shall be entitled to take one year's substantial leave to further their studies.

#### 4.20 Public and University Holidays

The following stipulations apply in respect of Public and University Holidays; approved public holidays will in all cases, be excluded from the above leave entitlements;

- the approved public holidays for all employees are as per the Act as amended from time to time;
- University Holidays;
- where a Public Holiday falls on a Thursday, then the Friday proceeding it shall automatically be classified as a University holiday; and
- the vice-chancellor may declare any other day as a University holiday.

#### 4.21 Hours of work

It is the policy of the University that:

- all employees shall be required to work a 40 hour week. If for any reason employees are required to work more than this, overtime policy shall be enforced;

- the employees to serve the needs of the community may have to work outside what is considered to be normal office hours. If this is the case the following will apply;
- if the employee works more than 50% of his required monthly hours outside the time band 07h00 and 17h00 Monday to Friday, the employee shall be eligible for a “Shift” allowance, which shall be set from time to time.
- any hour worked on a Sunday shall count as two and half hours for the weekly total.
- academic staff are required to be available to students between the hours 08h00 and 13h00.

The researcher’s view is that the latter guideline seems to have ignored the fact that the academic programme kicks off every day at 07h30 and runs until 16h40.

#### **4.22 Medical Aid Schemes**

The University shall obtain membership of various Medical Aid Schemes in the interests of its employees;

- membership is compulsory for all permanent employees except married employees whose spouses are members of a registered medical aid fund.
- once an employee has obtained membership, withdrawal from the scheme is not permitted unless the employee’s services are terminated with the University or an employee gets married and joins his/her spouse’s scheme;
- the University shall fund the contributions to a minimum extent of 60%.

#### **4.23 Disciplinary Procedures**

The disciplinary code and procedure of the University subscribe to the following principles:

- the principles of natural justice;
- the principles of progressive disciplinary actions;
- the principle of management prerogative to discipline and
- the disciplinary procedures will be initiated against any employee who does not comply with University policies, rules and regulations or who commits social, criminal or other offences.

- The primary objective of the disciplinary procedures is to effect corrective action where work performance is unsatisfactory, or the behaviour of an employee is unacceptable;
- the disciplinary procedures are introduced to manage conflict in the work place and to protect the interests of both the employer and employee;
- the disciplinary procedure applies equally to all employees;
- no employee will be dismissed without a disciplinary enquiry having been held and the reasons provided to him by the University, and no dismissal shall be effected, where applicable, unless the appeal procedure has been exhausted.

#### 4.25 Minor offences and the taking of informal disciplinary action

Offences which fall into this category are those of a less serious nature, where informal disciplinary action is normally applied before formal disciplinary action, for example a written warning, demotion or dismissal is taken. Offences of this nature usually fall into one of two categories.

The problem may be one of poor performance for example producing work of an unacceptable standard or it may be one of poor work habits, for example, where the employee is coming late to work, or is not working according to set standards;

Informal disciplinary action or counselling sessions shall take the form of one or more interviews with the employee, at which the manager or supervisor points out the undesirable behaviour, explains why it is a problem and discusses with the employee ways and means whereby a recurrence can be avoided.

Formal disciplinary action is only necessary where the type of interview mentioned above is unsuccessful in solving the problem. If handled skilfully by the supervisor or manager, minor problems of this nature can normally be solved before the stage is reached where formal discipline has to be applied.

The researcher is of the opinion that the university policy already provides for counseling to employees who experience work related problems, however there is no system of formalised referral and supervisors and managers have not been trained to confront workers who under perform. The latter are fertile grounds for the formalization of employee counselling through implementation of the Employee Assistance Programme.

#### **4.26 Schedule of offences for which a disciplinary hearing may be held**

The following list of offences is not exhaustive and under no circumstances should it be seen as such:

##### **4.26.1 Less serious offences**

- habitual tardiness;
- late for work or leave work early without a good reason;
- absence from work for up to two days without good reason;
- leaving a job area without authorisation or good reason;
- loafing on the job;
- poor quality work output below standard;
- sleeping on the job;
- poor maintenance of a vehicle, equipment or any property;
- unauthorised gambling on University property;
- unauthorised selling or canvassing on University property;
- failure to observe safety/security rules;
- concealing a defective work;
- failure to report accidents;
- failure to report any behaviour which could bring losses or jeopardise the position / image of the University;
- use of foul or derogatory language;
- unauthorised possession of alcohol on duty or at workplace;
- private use of University property without permission;
- disclosing confidential information on the University without permission.

#### 4.26.2 Serious offences

- Damage to equipment, motor vehicle or any University property through negligence;
- injury to other through negligence;
- gross negligence of duty;
- being in an “out of bounds” area without authorisation;
- sexual harassment;
- insolence and /or insubordination;
- dishonesty such as theft, fraud, secret commission and or bribes
- under the influence of alcohol or drugs on duty;
- fighting on University property;
- wilful damage to University property;
- refusal to carry out instructions;
- driving University’s vehicle without a valid driver’s licence;
- driving the University’s vehicle without authority;
- driving the University’s vehicle while under the influence of alcohol;
- gross immoral, indecent or disgraceful conduct;
- deliberate falsification of University records;
- gross incompetence;
- infidelity and disloyalty, for example, secret profit, revealing trade secrets, unfair competition, misuse of position of trust;
- general breach of vital terms of contract of employment, for example, assault, theft, crime, fraud, blackmail, possession of harmful drugs, possession of dangerous weapons, rape and bribery.

Universities as places of employment need to comply with the health and safety standards as prescribed by the Occupational Health and Safety Act No 85 of 1993.

#### 4.27 Occupational Health and Safety Act No 85 of 1993

Educational institutions are places of employment and as a result they have to conform to the requirements of the Occupational Health and Safety Act. "Workplace" means any premises or place where a person performs work in the course of his employment ( section 1, Act No 85 of 1993).

## 4.27.1 Purposes of the Act

The following purposes of the Act are outlined in the preamble to the Act:

- To provide for the health and safety of persons at work and for the health and safety of persons in connection with the use of plant and machinery;
- the protection of persons other than persons at work against hazards to health and safety arising out of or in connection with the activities of persons at work;
- to establish an advisory council for occupational health and safety; and to provide for matters connected therewith.

Occupational health and safety also fall within the realm of Employee Assistance Programmes. Establishment of the latter service would also ensure that the university complies with the requirements of the Occupational Health and Safety Act.

## 4.28 Employment Equity Act, 1998 (Act No 55 of 1998)

The University of the North, like all other places of employment has to comply with the dictates of the Employment Equity Act

### 4.28.1 Why the Employment Equity Act

South Africa has a legacy of discrimination in relation to race, gender and disability that has denied access to opportunities for education, employment, promotion and wealth creation to the majority of South Africans.

The Employment Equity Act was passed to address this legacy and has two main objectives:

- to ensure that the workplace is free of discrimination; and
- to ensure that employers take active steps to promote employment equity.

The purpose of employment equity is a legal requirement while good human resource management is increasingly being regarded as the differentiating factor between businesses. It follows therefore that to invest and develop people will contribute to business sustainability and future returns (Compare Balgopal and Stollak, 1992:112; Bingaman, 1998:16-17; Du Plessis, 1991:203; Thoreson, 1984:124).

## 4.28.2 The scope of the Act

All designated employers and their employees, particularly those employees from designated groups are affected by the statute.

## 4.28.3 Who constitute the designated group

Designated employers include:

- employers who employ 50 or more employees;
- employers who employ fewer than 50 employees but whose total annual turnover equals or exceeds the applicable turnover of a small business in terms of Schedule 4 of the Act;
- an employer appointed by a collective agreement;
- municipalities;
- organs of state except for
- the National Defence Force;
- the National Intelligence Agency and
- the South African Secret Service.

## 4.28.4 Designated groups

The designated groups are:

- Black people which means Africans, Coloureds and Indians;
- women and
- people with disabilities.

## 4.28.5 The duties of employers

Chapter 3 of the Act requires that employers take certain affirmative action measures to achieve employment equity. These measures are the following:

- Employers must consult with unions and employees to ensure the equity plan is acceptable to everybody;
- employers must analyse all employment policies, practices and procedures, and prepare a profile of their workforce in order to identify any problems relating to employment equity;

- employers must prepare and implement an employment equity plan setting out affirmative action measures they intend taking to achieve employment equity goals;
- employers must report to the Department of Labour on the implementation of their plan in order for the Department to monitor their compliance and
- employers must also display a summary of the provisions of the Act in all languages relevant to their workforce. These summaries will be made available by the government printers in due course.

#### **4.28.6 Application of the Act**

#### **4.28.7 Prohibition of Unfair discrimination**

Section 2 of the Act provides for the following:

- 2.1. No person may unfairly discriminate, directly or indirectly, against an employee in any employment policy or practice, on one or more grounds including race, gender, pregnancy, marital status, family responsibility, ethnic or social origin, colour, sexual orientation, age, disability, religion, HIV status, conscience, belief, political opinion, culture, language and birth.
- 2.2. It is not unfair discrimination to promote affirmative action consistent with the Act or to prefer or exclude any person on the basis of an inherent job requirement.

According to the researcher, section 2.1 is consistent with the provisions of the South African constitution. As far as section 2.2 is concerned, lack of consensus abounds. Some segments of the population view affirmative action as reverse discrimination. Proponents of affirmative action, however, see the former as the necessary evil to redress past imbalances.

#### **4.28.8 Medical Testing**

Section 7 of the Act provides the following about medical testing:

- 7.1. Medical testing of an employee is permissible only when legislation requires testing or when this is justifiable for various reasons;

- 7.2. HIV testing is prohibited unless such testing is determined to be justifiable by the Labour Court.

The foregoing discussion on testing requires organisations to have a clear policy on Aids. This policy should be a joint product between management and the unions. Actually everybody at the workplace should be involved in drawing this policy. Needless to say EAP professionals can be quite useful in facilitating the policy formulation processes around HIV/Aids related issues.

#### **4.28.9 Disputes concerning this Act**

According to section 10 of the Act:

- an employee or applicant for employment, may refer a dispute concerning alleged unfair discrimination (or medical or psychological testing) to the Commission on Conciliation, Mediation and Arbitration for conciliation. This must be done within six months of the alleged discrimination (or testing);
- if a dispute is not resolved at conciliation, a party may refer it to the Labour Court for adjudication. The parties to a dispute may also agree to refer the dispute to arbitration.
- unfair dismissal disputes in which unfair discrimination is alleged must be dealt with in terms of the Labour Relations Act. The dismissal must be referred to the CCMA within 30 days.

#### **4.28.10 Affirmative Action - Duties of a Designated Employer**

- a. A designated employer must implement affirmative action measures for designated groups to achieve employment equity;
- b. In order to implement affirmative action measures, a designated employer must :
  - consult with employees;
  - conduct an analysis;
  - prepare an employment equity plan and
  - report to the Director-General of the department of Labour on progress made in the implementation of the plan.

Section 15 of the Act defines affirmative action measures as:

- measures intended to ensure that suitably qualified employees from designated groups have equal employment opportunity and are equitably represented in all occupational categories and levels of the workforce.
- such measures include:
- identification and elimination of barriers with an adverse effect on designated groups;
- measures which promote diversity;
- making reasonable accommodation for people from designated groups;
- retention, development and training of designated groups (including skills development); and
- preferential treatment and numerical goals to ensure equitable representation. This excludes quotas.

#### 4.28.12 **Employment Equity Plan**

A designated employer must conduct an analysis of employment policies, practices, procedures, and working environment so as to identify employment barriers that adversely affect members of designated groups. The analysis must also include the development of a workforce profile to determine to what extent designated groups are under- represented in the workplace.

A designated employer must prepare and implement a plan to achieve employment equity, which must:

- have objectives for each year of the plan;
- include affirmative action measures;
- have numerical goals for achieving equitable representation;
- have a timetable for each year;
- have internal monitoring and evaluation procedures, including internal dispute resolution mechanisms and

- identify persons, including senior managers, to monitor and implement the plan.

Institutions of higher learning should develop an affirmative action strategy and vision through broad consultation and have everyone share the vision regarding recruitments, development, opportunities and promotion. A specific pitfall to be avoided is affirmative recruitment in those areas designed as window-dressing mechanisms. The ultimate objective of affirmative action should be to empower individuals to function successfully within the institutional environment (Manamela, 1997: 59).

The view advocated by Manamela (1997: 59) on affirmative action may be slightly off the mark concerning the spirit and letter of the objective of affirmative action as envisaged in the Employment Equity Act which is to ensure that suitably qualified employees from designated groups have equal employment opportunity and are equitably represented in all occupational categories and levels of the workforce. Strydom (1994:14) adds that it is vital to broaden affirmative action from a narrow race-based perception to include the full range of human dimensions.

#### 4.29 Summary of the findings from literature

The following findings have been obtained from literature:

- The University of the North was established in 1959;
- the university had eight faculties;
- it had two other satellite campuses;
- it is a multi-racial university with English as the medium of communication and instruction;
- the policy making body of the university is the council with a number of sub-committees;
- the university policy guides on recruitment, retention and dismissal of employees;

#### **4.30 Conclusion**

This chapter provided a detailed character of the university of the North as an employer. From the discussion, one is able to discern the values and ethos that is cherished by this institution. Actually, one can safely conclude that the policy of the university is so humane and socialistic that it favours the establishment of the Employee Assistance Programme.

The next chapter will elucidate the role that EAPs play at universities.