

# CAPE TOWN PHILHARMONIC ORCHESTRA NPC

## POLICIES AND PROCEDURES

### INTRODUCTION

This document is intended as a guideline for use by management and employees of the Cape Town Philharmonic Orchestra NPC alike. The contents hereof may be amended from time to time, as the circumstances in which the Cape Town Philharmonic Orchestra trades change and as experience may dictate. Any change will be preceded by due consultation and will be clearly communicated.

### Employer's declaration of intent

The Employer recognises and acknowledges that sound and fair industrial relations and practices are essential for the promotion of goodwill and the economic well-being of the company and its employees.

The Employer declares its commitment to –

- the objective of peace and fairness in the workplace, stability and progress;
- promote employment equity
- the viability and growth of the company;
- health and safety in the workplace;
- upholding the principle of fairness for all without discrimination.

This commitment does not preclude the implementation of measures designed to achieve the protection and advancement of persons or groups or categories of persons previously disadvantaged by unfair discrimination, nor shall it preclude fair discrimination on any ground.

The Employer accepts that circumstances, practices and attitudes in the sector in which it operates may change from time to time and that new norms may emerge and will necessitate amendment of relevant policies. The Employer declares its commitment to the application of the policies contained in this document in the spirit of mutual understanding and respect between itself (as represented by the Board and management) and its employees.

## PART A

### ACTIVITIES OF THE ORCHESTRA AND ANCILLARY MATTERS

1. The Orchestra's home base is at the Artscape Theatre Centre, D F Malan Street, Cape Town.
2. The Orchestra is multi-functional and committed to performing all forms of orchestral music, including but not limited to operas, operettas, musicals, ballets and the concert repertoire, including symphonic pop arrangements and accompanying light music, jazz, ethnic music or pop artists in orchestral arrangements.
3. The Orchestra's activities include performances, rehearsals, recordings and live broadcasts as well as education and development of musicians and audiences.
4. The Orchestra will participate in a wide variety of educational and development projects with full-time musicians acting as mentors to identified and talented individuals, who will in turn be given opportunities to rehearse and perform with the Orchestra.
5. A further factor essential to the viability of the Orchestra is brand image through publicity and public relations.
6. It is essential that all employees, whether in management or administrative positions or members of the Orchestra shall at all times devote their attention and energy towards promoting the various activities of the Orchestra, to the benefit of the Orchestra and therefore their own job security.

## PART B

### REMUNERATION POLICY

1. It is the aim of the Employer to remunerate all its employees equitably and competitively, subject only to the business and financial position of the Orchestra. The following principles shall apply inter alia:
  - 1.1 all positions within the structure shall be assessed and monitored regularly by reference to their value to the organisation and their complexity, thus providing a guideline for the equitable and consistent determination of remunerations at various levels in the organisation;
  - 1.2 administrative staff will be subject to annual performance appraisals, completed in consultation between each employee and his/her manager. At such a performance appraisal the employee's performance will be measured against specified key performance areas and standards. The result of the annual performance appraisal will be used as a guideline in determining any increase in remuneration. Employees are encouraged to participate pro-actively in the performance appraisal system in order to ensure open communication and effective achievement of required performance levels and beyond;
  - 1.3 Musicians' performance will be monitored and appraised on a continuous basis throughout the year by their section principals and the concertmasters. In addition, Musicians will be subjected to annual performance evaluation in the form of an interview and/or audition for an evaluation panel. At this time, their performance throughout the year will also be considered.
  - 1.4 where an employee is promoted to a more senior position in the organisation, he/she will be remunerated at a level appropriate to such promotion position, as determined in accordance with the provisions of paragraph 1.1.

## 2. **Annual Incentive Bonus**

The payment of an annual bonus does not form part of the Employer's pay policy. However, incentive bonuses may be paid (in the exclusive discretion of management) provided that the Orchestra's budget has been met and that such payment is financially justifiable.

## 3. **Salary increases**

The salaries of all employees will be reviewed annually and any increase that may be granted (in the sole discretion of the Board) will become effective on 1 March of any given year.

## 4. **Travel**

4.1 Employees are obliged to provide their own transport at their own cost between their place of residence and the Orchestra's home base and to and from venues falling within a 30-kilometre radius from the home base.

4.2 The Employer will provide transport to employees from the Orchestra's home base to a venue which falls outside the aforesaid 30-kilometre radius.

4.3 Where management deems it justifiable, ad hoc transport arrangements may also be provided by the Employer between the Orchestra's home base and venues falling within the 30-kilometre radius.

## 5. **Subsistence and travel allowances**

5.1 The following subsistence and travel allowance framework shall apply:

5.1.1 management and administrative employees will receive reasonable subsistence and travelling allowances to cover necessary expenses where these are incurred in pre-authorised service of the Orchestra;

- 5.1.2 an employee will only receive this allowance if away from home overnight or for a longer period.
- 5.1.3 where an employee undertakes a trip which includes a period of time spent on personal affairs, no claim for subsistence or travelling allowance will be considered for that period of personal time;
- 5.1.4 any employee required to undertake a tour which entails being away from the Orchestra's home base for more than 24 hours, will receive reasonable notice thereof and travel arrangements will be made by management. A subsistence allowance will be payable to each employee in respect of every 24-hour period away from Cape Town.
- 5.1.5 an employee qualifies for the receipt of a tax-free subsistence allowance if at least one night is spent away from home on business.
- 5.1.6 an employee may claim a daily subsistence allowance for local travel (South Africa) which will cover meals and incidental costs. This allowance will be calculated on an individual project basis taking into account the duration of the project.

## PART C

### OFFICE HOURS

1. Ordinary office hours are from Monday to Friday from 09:00 to 17:00 with a lunch break of 45 minutes.
2. Where managerial or administrative employees work half days, the hours shall be deemed a working period of four hours.
3. In consultation with the Chief Executive, flexible working hours for Managerial and Administrative staff may be permitted on an individual basis, subject to the requirements of the employee's position in the organisation and/or job description.
4. Managerial and Administrative staff are required to inform the office no later than 10h00 on any morning that they will be out of the office due either to work related matters (such as meetings or business related travel) or medical issues (such as illness or a medical appointment).
5. Managerial employees will be required from time to time to work overtime without additional remuneration.
6. "Overtime" means all hours worked in excess of the employee's normal daily or weekly work hours.
7. Administrative employees whose gross pay falls below the threshold set by the Minister of Labour (currently R205 435 per annum) shall be remunerated for overtime work at the statutory rate or given time off in lieu of such payment, provided that overtime worked is pre-authorized by management and agreed to by the employee.
8. Any overtime worked by administrative employees whose gross pay falls above the threshold must be negotiated.
9. Any overtime worked by musicians is covered by individual contracts and is by agreement of both parties
10. Any official communication between the Employer and employees must take place during ordinary office hours, unless exceptional circumstances dictate otherwise.

## PART D

### ORDINARY WORKING HOURS, OVERTIME AND ANCILLARY MATTERS AS APPLICABLE TO ORCHESTRA MEMBERS

1. Orchestra members are contracted to work 40 sessions of 3 hours each or 120 hours in every 28-day cycle.
2. Orchestra members are further obliged to work such overtime as may be required from time to time. The failure or refusal to work overtime as required shall constitute a disciplinary offence.
3. The management will provide a schedule of sessions to members of the Orchestra, at least 30 days before commencement of the schedule. Times and venues for each session shall be specified on the schedule.
4. Where a cancellation or change is necessary, this will be notified to musicians at least 7 days in advance. In circumstances of extreme urgency, management shall consult with musicians before giving less than 7 days' notice of a change in the schedule and musicians will be required to make every reasonable effort to attend such a changed session.
5. Where a session is cancelled, such a session will not be deemed to have taken place, provided only that 24 hours' notice of cancellation has been given.
6. All schedules and amendments thereto will be emailed to all musicians and be published on the Orchestra notice board outside the Orchestra rehearsal room. The placing of a schedule/amendment on the notice board or by email shall constitute sufficient communication and a valid instruction to all musicians.
7. Musicians are required to be present at all sessions, unless excused by prior arrangement with the management or prevented by illness, accident or other legitimate reason beyond the musician's control.
8. Where a musician is unable to attend a session as a result of illness or accident, management must be notified as soon as possible and in any event at least 3 hours before commencement of a morning session. Such notification should be repeated on each and every day that the Musician is absent from work. Absence

- without sufficient reason or the failure to notify management timeously of absence shall constitute misconduct.
9. Musicians are expected to be present punctually for the start of each session, after any intermission and where applicable, for transport laid on by the Employer. Punctuality at a session or after an intermission shall be understood to mean being seated, warmed up, tuned and ready to play at least 5 minutes before the designated starting or re-starting time. The "A" will be sounded 2 minutes before the scheduled starting or re-starting time.
  10. Notwithstanding the provisions of paragraph 9, whenever a musician is required by the Orchestra to attend a performance or any rehearsal which is open to the public, he/she shall be required to report at the relevant venue 15 minutes before the time of commencement of such a session.
  11. The advance time when the Musician is required to be in attendance as provided in paragraphs 9 and 10, is not included in session time and does not constitute work (ordinary or overtime hours).
  12. Every musician shall remain in attendance at a session until the session is completed or until the conductor permits him/her to leave or the musician is prevented from continuing because of serious illness.
  13. Musicians are required to sign an attendance register at each session. Failure to sign the register will be regarded as unauthorised absence from duty and misconduct.
  14. Musicians may not leave the Orchestra pit or stage during any performance without prior permission of management and shall remain seated after any performance in the Orchestra pit until the final curtain and house lights are turned on or, where a performance takes place on stage, until the concert master leaves the stage.
  15. Morning sessions will normally commence at 10:00 on any day following an evening session, except in exceptional circumstances. However, where musicians return after midnight from an engagement at a location more than 30 kilometres from the Orchestra's home base, such musicians shall not be required to attend a session for at least 11 hours after they have returned to the

- Orchestra's home base, unless management has duly notified them that it deems the circumstances to be exceptional and warranting a shorter rest period.
16. Any failure by a member of the Orchestra to attend a sectional rehearsal called by the relevant principal player shall be considered unauthorised absence from duty and constitutes a disciplinary offence, despite the fact that such attendance does not attract payment.
  17. Should a musician report for duty under the influence of alcohol or drugs, he/she will not be permitted to participate in any session scheduled for that day, shall be sent home and the day in question shall constitute unpaid leave. In addition, reporting for work under the influence of alcohol or drugs shall constitute a serious disciplinary offence.
  18. **Touring**

Musicians may be required to tour to any place within the Republic of South Africa or beyond its borders for the purpose of performing sessions. Prior to departure, musicians will be consulted concerning differing circumstances which will occur in touring abroad. All terms and conditions of employment, as well as all applicable policies and procedures will apply when touring abroad, unless there are special provisions which have been agreed to by prior negotiation. Management will give musicians written notice, at least 4 weeks prior to departure, of any such special provisions. Should further special conditions be dictated by unforeseen experiences or circumstances in the country of performance, the Board's duly authorised agent on tour will be entitled to require musicians to be bound by and perform in accordance with such special provisions, which shall not be unreasonably imposed.
  19. **Work Permits**

The Musician is responsible for ensuring the timeous submission of any Work Permit application or renewal thereof, at his/her own cost.
  20. **Permanent Residency**

In the event that the Musician makes an application for South African Permanent Residency the Musician will be responsible for the applicable fees.

21. **Repatriation**

In the event of an employee being repatriated, any costs related to such repatriation for which the Orchestra is liable in law may be deducted by it from any monies owing to the employee.

## PART E

### GENERAL POLICY RELATING TO LEAVE

#### 1. Annual leave

Annual vacation leave is regulated by the provisions of the contract of employment.

Occasional leave shall be granted only in exceptional circumstances.

#### 2. Family responsibility leave

Family responsibility leave comprises 3 days per annum. Family responsibility leave may be taken in the event of:

- 2.1 the birth of a child;
- 2.2 the sickness of a child;
- 2.3 the death of a spouse or life partner;
- 2.4 the death of an employee's parent, adoptive parent, grandparent, child, adopted child, grandchild or sibling.
- 2.5 Family responsibility leave may be taken in respect of the whole or a part of the day. Before an employee is granted paid family responsibility leave, he/she will be required to submit acceptable proof of the event in respect of which such leave is to be granted.
- 2.6 Family responsibility leave may not be carried over from year to year.

#### 3. Sick leave

- 3.1 Sick leave will be granted in accordance with the Basic Conditions of Employment Act, 1997, i.e. management and administrative employees shall be granted 30 working days' paid sick leave per 3-year cycle, while musicians shall be entitled to 36 days' paid sick leave per 3-year cycle. Sick leave may not be carried over from one 3-year cycle to the next.

- 3.2 Where a period of sick leave exceeds 2 consecutive days, the employee will be required to present a medical certificate by a registered medical practitioner before such sick leave will be paid. Management shall also have the right to require a medical certificate in respect of every instance of sick leave (irrespective of the duration thereof) in the event that an employee has taken sick leave on more than two occasions within any 8-week period.

**Note:** A musician will also be required to provide a medical certificate in every instance where illness has precluded him/her from attending a recording session or performance.

- 3.3 The Employer reserves the right to request any employee to submit to an examination by a medical practitioner designated by the Employer and at the Employer's cost, where management has reason to believe that a medical condition is affecting the employee's long-term ability to perform his/her duties and functions.
- 3.4 All employees are required, wherever possible, to notify management in advance should they be unable to attend work as a result of illness. It shall not be sufficient for an employee to request a fellow-employee to convey a message to a member of management; the employee is required to communicate with the relevant manager directly.

#### 4. **Parental leave**

- 4.1 In terms of the provisions of the Basic Conditions of Employment Act, female employees are entitled to 4 consecutive months' maternity leave.
- 4.2 Such maternity leave may commence at any time from 4 weeks before the expected date of birth or from a date which a medical practitioner or a midwife certifies that it is necessary for the health of the employee or her unborn child.
- 4.3 No employee may work for 6 weeks after the birth of her child, unless a medical practitioner or midwife certifies that she is fit to do so.

- 4.4 Should an employee suffer a miscarriage during the third trimester of pregnancy or bear a stillborn child, she is entitled to maternity leave for 6 weeks after such miscarriage or stillbirth, irrespective of whether she has at that time already commenced maternity leave.
- 4.5 A pregnant employee is required to notify management as soon as possible of this fact.
- 4.6 A pregnant employee must in any event notify management in writing, at least 4 weeks in advance, of the date on which she intends to commence maternity leave and the date on which she intends to return to work.
- 4.7 In terms of the provisions of the Basic Conditions of Employment Act, male employees are entitled to 10 days' leave (unpaid) after the child is born. The benefit can be claimed from UIF, subject to the number of credit days accumulated and will be paid at 66% of the rate applicable.

## 5. **Professional leave**

- 5.1 The purpose of professional leave is to enable musicians to undertake solo work, ensemble work, research, study or masters classes, and/or to attend regional, national or international festivals, competitions and conferences, with a view to their returning to their positions in the Orchestra with increased professional competence in the capacity in which they were employed.
- 5.2 Written application for professional leave must be made as soon as the employee is aware of the need for such leave and in any case at least 30 days before such leave is intended to commence.
- 5.3 Management will consider such applications and decide in its sole discretion whether to grant the application for leave, which shall be paid leave, having regard to all the relevant factors, such as the duration of the leave, whether the event is likely to serve the purpose described above and the Orchestra schedule.
- 5.4 The rules and regulations regarding professional leave shall further be as follows:

- 5.4.1 A musician may apply for a maximum of 14 days' professional leave in any one year, subject to the following provisos:
- 5.4.1.1 only employees who have completed a minimum of 12 months' continuous employment with the Orchestra are entitled to apply for professional leave;
  - 5.4.1.2 the musician in question must find and pay for an approved deputy to fill his/her position during his/her absence, if required;
  - 5.4.1.3 the said deputy must be of a professional standard acceptable to the Artistic Executive and the conductor and the onus is on the musician (in consultation with the management) to satisfy the Artistic Executive and the conductor of such competence and to ensure the attendance of the said deputy at all required sessions;
  - 5.4.1.4 should the deputy default on any obligation resting on him/her in terms hereof, the Musician will be held responsible for any damages that the Orchestra may suffer as a result thereof including, where applicable, costs of obtaining the services of a substitute musician in the place of the deputy in question;
- 5.4.2 The application for professional leave must include the name of the proposed deputy.
- 5.4.3 The absent musician's fringe benefits relating to pension and medical aid shall be unaffected by periods of paid leave of not more than 2 calendar weeks.
- 5.4.4 Where the period of absence exceeds 14 consecutive days however, an employee will only be entitled to unpaid leave. In such case, the employee's position will be retained but fringe benefits including pension and medical aid will not be paid by the Orchestra during each full calendar month of absence. The employee is however, at liberty to pay both the Orchestra's

ordinary contribution and his/her own contribution in this regard. Should the employee elect not to pay both contributions, the service benefits will be frozen for the period of absence and resumed only once the employee returns to work.

- 5.4.5 It is specifically recorded that professional leave is granted at the sole discretion of the Chief Executive Officer acting in consultation with the General Manager and the Artistic Executive. Professional leave is a privilege and not a right.

## PART F

### DISCIPLINARY PROCEDURE AND CODE

#### 1. **General principles and objectives**

- 1.1 It is management's responsibility and prerogative to establish acceptable standards of behaviour and discipline.
- 1.2 Employees have the right to expect fair, just and consistent treatment.
- 1.3 It is the objective of this procedure to provide such a fair and equitable process where the work performance or behaviour of an employee is unacceptable.
- 1.4 The intention of disciplinary action is corrective rather than punitive. However, each case must be dealt with on its merits and any sanction that may be imposed shall at all times be dictated by the severity of the offence and the surrounding circumstances. In particular, dismissal for a first occurrence of a serious offence is possible.
- 1.5 A further objective of this disciplinary procedure is to ensure that discipline is maintained fairly, promptly and consistently.
- 1.6 This procedure constitutes a set of guidelines which is intended to assist management in exercising its discretion in taking disciplinary action and to assist employees in establishing how certain behaviour is viewed.

#### 2. **Categories of disciplinary sanctions**

The following disciplinary sanctions may be imposed on an employee who is guilty of misconduct, in order of severity:

- 2.1 verbal warning;
- 2.2 written warning (valid for 6 months);

- 2.3 final written warning (valid for 12 months);
- 2.4 suspension without pay;
- 2.5 demotion;
- 2.6 dismissal (summary or on notice).

### 3. Procedure

- 3.1 Verbal warning: Where the alleged misconduct constitutes a minor deviation from the standards set by the Employer but an informal reprimand has either not had the desired effect or is considered to be insufficient as a sanction, the employee's superior will reprimand the employee formally and advise him of the standard which is required. The procedure followed will take the form of a formal discussion between the superior, the transgressing employee and a representative of his/her choice (where required). Formal verbal warnings are not recorded on the employee's personal file, but a separate record is kept for future reference, if necessary.
- 3.2 Written warning, final written warning, dismissal: Where a previous warning has not had the desired effect or where the alleged misconduct is of such a nature that a written warning, a final written warning or dismissal appears to be the appropriate sanction, a disciplinary hearing will be convened.

### 4. DISCIPLINARY HEARING

- 4.1 A disciplinary hearing may be preceded by a formal investigation. Where an employee who is accused of wrongdoing is questioned in the course of such an investigation, he/she may request the assistance of a fellow-employee of his/her choice.
- 4.2 The employee will be advised in writing of the charge against him as well as the date, time and venue of the proposed hearing, at

least 48 hours before the hearing is due to start, in order that the employee shall have a reasonable opportunity to prepare.

- 4.3 The employee will be informed that he/she is entitled to be represented by a fellow-employee.
- 4.4 The disciplinary hearing will be chaired by a member of management, or by an external labour practitioner.
- 4.5 Apart from the chairman, the complainant (representing the Employer), the accused employee and his/her representative, a member of the administrative staff will also be present to minute the hearing. In addition, should the chairman so require, a member of the personnel department may attend to ensure that the procedure followed is fair and equitable.
- 4.6 The complainant will first be granted an opportunity to state the complaint. The accused employee will thereafter have an opportunity to respond and to indicate whether he/she pleads guilty or not guilty to each complaint.
- 4.7 Thereafter, the complainant may call witnesses to give evidence in support of the complaint. Both the complainant and his/her witnesses will, after they have given evidence, be subject to cross-questioning by the accused employee and/or his/her representative. Finally, the chairman will be entitled to ask such questions of each witness as may appear necessary in order to clarify any issues raised.
- 4.8 At the close of the complainant's case on behalf of the Employer, the employee will be entitled to give evidence and to call witnesses in support of his/her case. The accused employee and his/her witnesses will be subject to cross-questioning by the complainant and to further questioning by the chairman where he deems this necessary.

- 4.9 No witness (other than the complainant, the accused employee and his/her representative) will remain in the hearing before or after giving evidence.
- 4.10 Where all the available evidence relating to the facts has been laid before the chairman, he will be required to state whether he finds the employee guilty or not guilty of the charges against him/her. It will be in the chairman's discretion whether he adjourns the hearing at this stage for the purpose of considering his verdict.
- 4.11 Once the chairman has indicated his verdict, and where such verdict is that the employee is guilty of the transgression complained of (or such lesser transgression as may have been proved), both the complainant and the employee will be entitled to adduce further evidence or make further submissions relating to aggravation and/or mitigation and relevant to the sanction which is required to be imposed.
- 4.12 The chairman will decide whether he requires to adjourn the hearing in order to consider a suitable sanction.
- 4.13 The hearing will conclude with the imposition of a sanction by the chairman.
- 4.14 The chairman will provide to the accused employee and/or his/her representative, within two working days of conclusion of the hearing, a written summary of his verdict and the sanction and the reasons for both.

## DISCIPLINARY CODE

**NB:**

1. This is not a complete list of all transgressions that may possibly occur at the workplace, but rather a guide to employees.
2. The sanctions shown will also not follow inevitably. A lesser or more severe penalty may be imposed, depending on the circumstances of the particular offence.

SCHEDULE OF TRANSGRESSIONS						
NATURE OF OFFENCE			SANCTION			
1.	ATTENDANCE		VERBAL	WRITTEN	FINAL	DISMISSAL
	1)	Reporting late for work without permission	*	*	*	*
	2)	Unauthorised absence from workstation		*	*	*
	3)	Stopping work or preparing to leave place of work before end of working period	*	*	*	*
	4)	Wasting time	*	*	*	*
	5)	Failing to work overtime as per agreement/contract without acceptable reason		*	*	*
	6)	Desertion (absent without notice and without authorised leave for a period exceeding 5 working days)				*

2.	PERSONAL BEHAVIOUR	VERBAL	WRITTEN	FINAL	DISMISSAL
	1) Unauthorised bringing in or possession of and/or use of strong drink or alcoholic beverages or habit-forming drugs at any time at the workplace			*	*
	2) Reporting for work duty under the influence of alcohol and/or drugs			*	*
	3) Aggressive conduct, playing practical jokes		*	*	*
	4) Assault or any violent conduct				*
	5) Forging personal documents and company records				*
	6) Malicious damage to company property and/or employee possessions				*
	7) Abuse or defacement of or tampering with company property or instruments or fittings in any way			*	*
	8) Abusive language and/or swearing at any co-workers		*	*	*
	9) Threaten with violence, by force or intimidation			*	*
	10) Indecent behaviour and/or impropriety (including sexual harassment)				*
	11) Discriminatory behaviour of any kind		*	*	*
	12) Sleeping during working hours			*	*
	13) Operating equipment without necessary permission e.g. vehicles			*	*
	14) Driving a company motor vehicle without a valid public driver's licence			*	*
	15) Theft, fraud and embezzlement				*
	16) Reporting for duty smelling of alcohol		*	*	*

3. SAFETY AND HYGIENE		VERBAL	WRITTEN	FINAL	DISMISSAL
1)	Disregarding safety laws and/or safety practices, written and/or verbal			*	*
2)	Failing to use safety clothing and/or equipment where required		*	*	*
3)	Littering		*	*	*
4)	Smoking in a prohibited area		*	*	*
5)	Abusing fire and safety equipment			*	*
4. GENERAL		VERBAL	WRITTEN	FINAL	DISMISSAL
1)	Using the security card of another employee or allowing another employee to use his/her security card				*
2)	Carrying a dangerous weapon on the premises without authorisation				*
3)	Distributing or displaying handwritten or printed matter without authorisation			*	*
4)	Making a statement and/or giving information to any media without permission of management, or otherwise bringing the Orchestra's name in disrepute			*	*
5)	Refusing to be searched personally, or his/her locker and/or any container or article in his/her possession or his/her vehicle while on the premises, when so requested by an appointed security officer of the company			*	*
6)	Being in possession of property of the Employer, a resident or a co-worker without permission				*
7)	Recovering or collecting money for any cause on the premises without authorisation by management			*	*
8)	Gambling or wagering at any time on the premises without authorisation by management			*	*

	9)	Refusing to obey a reasonable and lawful order of an authorised supervisor			*	*
	10)	Trading on the premises without authorisation		*	*	*
	11)	Unauthorised use of company property or equipment			*	*
	12)	Doing unauthorised outside work during working hours				*
	13)	The furthering of a political issue or organisation on the premises			*	*

## PART G

# GRIEVANCE PROCEDURE

### 1. INTRODUCTION AND PRINCIPLES

- 1.1 A grievance may be described as a perception of injustice, discrimination, sexual harassment, or dissatisfaction experienced by an employee or a group of employees and arising out of the work situation.
- 1.2 The purpose of this procedure is to provide for a process whereby grievances may be resolved fairly, as near to the point of origin as possible and as speedily as possible.
- 1.3 This procedure is not intended for use and may not be used in the event of dissatisfaction arising from the application of the disciplinary procedure.
- 1.4 The lodging of a grievance shall not prejudice an employee's position in any way.
- 1.5 This procedure is intended for use only in the event of serious complaints. Minor complaints should be resolved informally.
- 1.6 Where a grievance is raised by a more senior employee, this procedure will be shortened accordingly.

### 2. PROCEDURES FOR MUSICIANS

#### 2.1 Stage 1: Section Principal

- 2.1.1 The employee, accompanied if he so wishes by a fellow employee, first raises the grievance verbally with his/her immediate Section Principal.
- 2.1.2 The Section principal must endeavour to resolve the grievance as speedily as possible but in any event within 3 working days.
- 2.1.3 If the grievance remains unresolved, the employee may record the relevant details of his/her grievance on the grievance form and hand this to the Section Principal, who must record his/her own

findings on the grievance form and hand the form back to the aggrieved employee.

## 2.2 **Stage 2: Management level (or designate)**

2.2.1 Where the grievance of the employee concerns his/her Section Principal, this will be the first step in resolving such grievance.

2.2.2 The grievance form, filled in by the employee and his/her supervisor (or only by the employee, if his/her grievance concerns the Section Principal), must be forwarded by the aggrieved employee to the General Manager, who shall set a date for an enquiry into the matter, to be held within 5 working days of receipt of the grievance form.

2.2.3 The grievance enquiry may be attended by the General Manager, a member of the personnel department, the Section Principal, the aggrieved employee and his/her representative (if any). If the presiding manager considers this to be advisable, witnesses may also be called to attend. Minutes will be kept.

2.2.4 The General Manager must propose a resolution of the grievance within 48 hours of the grievance enquiry. The General Manager must record his/her proposed solution on the grievance form and hand a signed copy thereof to the aggrieved employee.

## 2.3 **Records**

Completed grievance forms are records of the Employer and will be retained by the personnel department.

## 2.4 **Group grievances**

Where a grievance is experienced by a group of employees, they are required to appoint up to three delegates to present their case in the procedure outlined above.

### **3. PROCEDURES FOR ADMINISTRATIVE STAFF**

- 3.1 The employee, accompanied if he so wishes by a fellow employee, first raises the grievance verbally with his/her immediate manager.
- 3.2 The manager must endeavour to resolve the grievance as speedily as possible but in any event within 3 working days.
- 3.3 If the grievance remains unresolved, the employee may record the relevant details of his/her grievance on the grievance form and hand this to the manager, who must record his/her own findings on the grievance form and hand the form back to the aggrieved employee.
- 3.4 The grievance form, filled in by the employee and his/her manager (or only by the employee, if his/her grievance concerns his/her manager), must be forwarded by the aggrieved employee to the General Manager, who shall set a date for an enquiry into the matter, to be held within 5 working days of receipt of the grievance form.
- 3.5 The grievance enquiry may be attended by the General Manager, a member of the personnel department, the employee's manager, the aggrieved employee and his/her representative (if any). If the presiding manager considers this to be advisable, witnesses may also be called to attend. Minutes will be kept.
- 3.6 The General Manager must propose a resolution of the grievance within 48 hours of the grievance enquiry. The General Manager must record his/her proposed solution on the grievance form and hand a signed copy thereof to the aggrieved employee.

#### **3.7 Records**

Completed grievance forms are records of the Employer and will be retained by the personnel department.

#### **3.8 Group grievances**

Where a grievance is experienced by a group of employees, they are required to appoint up to three delegates to present their case in the procedure outlined above.

## **PART H**

### **POOR PERFORMANCE PROCEDURE**

#### **1. INTRODUCTION**

- 1.1 "Poor performance" means that an employee is unable to perform the tasks and duties normally associated with his/her position to the standards set by the Employer. It does not mean the negligent performance of such tasks and duties; negligence is a disciplinary offence to be dealt with in terms of the disciplinary procedure.
- 1.2 The purpose of this procedure is to ensure that an employee is given a fair and reasonable opportunity to attempt to meet the standards set.
- 1.3 It is impossible to determine in advance the number of counselling sessions or the period over which this procedure should be applied. What constitutes a fair procedure will always depend on the circumstances of a particular case.

#### **2. PROCEDURE**

- 2.1 When it appears that an employee, for a reason possibly as yet unknown, cannot perform his/her tasks to the required standard, his/her manager will advise him accordingly in writing and invite him to attend a first counselling session on a specified date and time.
- 2.2 The employee will be entitled to be assisted by a fellow employee at any counselling session in terms of this procedure.
- 2.3 At the first counselling session, the manager will explain to the employee in what respects he falls short of the required standard and what needs to be done to attain such standard.
- 2.4 The employee will be entitled to explain why he is not performing to the required standard and to state whether he requires assistance and if so, what assistance he requires in order to attain the standard.

- 2.5 The manager, in consultation with the employee and at the first counselling session, will draw up an action plan designed to assist the employee to attain the required standard as quickly as possible.
- 2.6 The plan referred to in paragraph 2.5 may contain some or all of the following elements:
  - 2.6.1 what training, whether formal or informal, will be given to the employee and when;
  - 2.6.2 the identity of a mentor/assistant, if any;
  - 2.6.3 the time period(s) after which the employee's performance will be reviewed.
- 2.7 The manager will confirm the contents of the first counselling session and any further counselling session as may be held, in writing and within 24 hours after the conclusion of such a session.
- 2.8 No employee will be dismissed for poor performance in terms of this procedure until at least one counselling session and one review has been held.
- 2.9 Should it appear to the manager that the employee is incapable of meeting the required standard despite having been given an opportunity and necessary assistance to do so, he will convene a performance hearing, to be chaired by another manager with the necessary insight into the problems experienced. The procedure for a disciplinary hearing will apply mutatis mutandis to the performance hearing.
- 2.10 In the case of a Musician, the performance hearing stipulated in 2.9 may take the form of an audition. Management may require musicians to submit themselves to an audition on a minimum notice of 24 hours provided that musicians will only be required to play the music currently being performed. Ordinarily, no such audition shall be called without the conductor, Management and Audition panel being consulted. All the said parties shall attend the audition.
- 2.11 At the performance hearing, the chairman will be entitled to explore all reasonable possibilities of keeping the employee in the Employer's

employment, including demotion (with the employee's consent). Should no such possibility present itself, the employee may be dismissed on notice, provided that the Employer will be entitled to pay the employee in lieu of such notice.

## PART I

### SAFETY AND SECURITY IN THE WORKPLACE

1. It is the policy of the Employer to take all reasonable steps to ensure the safety and security of its employees. It is the responsibility of individual employees, however, to ensure that they are fully informed by safety and security measures at any venue and that they comply fully with these measures at all times.
2. Management has the prerogative to control the access of persons to the Employer's property and appropriate measures may have to be implemented in this regard from time to time, particularly regarding the control of access by people to venues. Employees are required to comply with all reasonable instructions issued by Management in this regard.
3. The safety of an individual employee's personal possessions is the responsibility of each individual employee. Employees should therefore ensure that amongst other things their valuables are locked away when not under their direct control and keys for such lock-up facilities should be either kept by the employee in question or left with a responsible colleague or senior.
4. Management may from time to time issue guidelines and instructions such as may be necessary regarding the danger of fire on the Employer's premises or at venues from time to time. Employees are expected to be alert to the danger of fire at all times and to comply fully with instructions issued by Management in this regard.
5. Employees are obliged to comply with the rules and regulations of any theatre, concert hall or other venue at which the Orchestra may be rehearsing or performing.
6. Injury suffered by employees at work are to be dealt with in terms of the applicable health and safety legislation (including but not limited to the Compensation for Occupational Injuries and Diseases Act). Details of the procedures to be followed in this regard as well as the responsibilities on both employees and Management will be posed in an appropriate document on the Orchestra notice board outside the Orchestra rehearsal room.

7. In the event of any unprecedented all-encompassing health event, whether local, national or global, the Employer will adhere to strict safety and hygiene protocols as laid down by health expert guidelines and government regulations.

#### **LIST OF ADDITIONAL CPO POLICIES**

- Child Protection Policy
- Dress Code Policy
- Employment Equity & Discrimination Policy
- Social Media Engagement Policy