

## POL/HR0021: Leave (UAE)

Policy Title:	Leave Policy (UAE)
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Current Version Approved by:	SVP – HR / CPO, CFO, COO (as per HR Policy Approval Matrix)

### 1. Purpose

- 1.1. The purpose of this policy is to set out a clear framework covering all types of leave entitlements.

### 2. Scope

- 2.1. The policy applies to all staff employed on a permanent contract with GEMS Education based in schools and the School Support Centre (SSC).
- 2.2. Volunteers, Consultants and temporary staff are excluded from this policy.
- 2.3. Front of House (FOH) staff includes Admissions Director, Registrar, Assistant Registrar, Admission Secretary, Parent Relations Executive (PRE), Cashiers, Accounts Officers, Receptionists and Government Relations Executive (GRE).
- 2.4. HR Policy cannot override the Board-approved Delegation of Authority (DOA) for GEMS. In the event of any conflict between the two, the DOA overrides HR Policy.

### 3. Policy Statement

- 0.1. GEMS works positively to promote a positive work-life balance and to ensure all employees are provided with leave entitlements in compliance with UAE Labour Law.

#### **Annual Leave**

##### **SSC Staff**

- 0.2. The leave year runs from 1st January to 31st December.

- 0.3. SSC employees will be credited with thirty (30) working days leave on the 1st January. Employees who join after this date will have leave credited on a pro-rata basis.
- 0.4. Leave taken on Friday will be considered one (1) full day's leave.
- 0.5. Leave must start on, or before, 31st December to allow it to be taken in the current leave year.
- 0.6. Heads of Department (HOD) are responsible for managing annual leave requests within their departments to ensure adequate coverage across the year, including during periods of school closure e.g. summer break.
- 0.7. HODs should promote a healthy work environment and should encourage their employees to take their annual leave for their own well-being and where possible, leave should be spread across the year.
- 0.8. Leave approval may be withheld by Line Managers for operational reasons, however Line Managers are responsible for ensuring that workloads are managed to allow employees to take their annual leave.
- 0.9. SSC employees can carry forward a maximum of five (5) days' annual leave into the next calendar year. Department Heads must inform SSC HR by 1 August annually if there are facing any challenges with employee's being able to take their leave to discuss solutions – failure to do so may result in employees losing leave which can't be carried over. New employees starting after 1st July (on probation) can carry all remaining leave into the next year, for their first year of service only. As an exception, support staff can carry forward their annual leave for a maximum period of one (1) year. They should take all pending annual leave or apply for their leave period before the end of the second year.
- 0.10. During employment, there will be no encashment of unused leave.
- 0.11. Paid annual leave can be taken during an employee's probation period subject to the approval of their Line Manager and HOD. However, if the employee resigns during probation, any annual leave taken will be recovered from their full and final settlement.
- 0.12. Applications for annual leave should be done online through Phoenix using the E-leave module.
- 0.13. Leave applications must be submitted and approved before proceeding on leave. Leave application with a duration of 2 or more weeks, requires a month's advance notice. Line Managers are responsible for monitoring all leave requests for their respective direct reports.
- 0.14. In the interest of business continuity, absences of two (2) or more consecutive weeks for Grade 7 and above is not permitted and will only be granted in exceptional circumstances with approval from the COO.
- 0.15. Employees going on approved annual leave should ensure that there is an appropriate point of contact in their absence with sufficient authority to manage and take decisions where necessary.

### **Schools**

- 0.16. Employees on teacher contracts are entitled to annual leave in accordance with the official school calendar which is confirmed annually by the applicable school regulator. If a teacher leaves the organisation with accrued but unused leave, the calculation for leave encashment (which will be paid within the full and final settlement) will be a pro-rata amount based on 74 days.
- 0.17. All mid-year teacher/ education admin hires are entitled to full summer leave pay subject to their employment contract being aligned to the academic year. This should be managed within the school budget and will be corrected in the final settlement if the staff member leaves prior to completing the contract, on a pro-rata basis.
- 0.18. Annual leave cannot be carried forward to the next academic year.

### **School-based Administration Staff**

- 0.19. GEMS follow the MOE calendar for leave administration. All school-based administration staff can avail thirty-eight (38) working days' annual leave during each academic year (i.e. from 1st September to 31st August) inclusive of the winter break leave entitlement. Annual leave cannot be carried forward nor encashed.
- 0.20. School-based administration staff will have the flexibility to take their annual leave during the academic year, with the approval of their Line Manager/Principal/CEO. They should take all pending annual leave or apply for their leave period before the end of the year.
- 0.21. To be eligible for annual leave, an employee must have completed a minimum period of six (6) months of continuous service, however paid annual leave can be taken during an employee's probation period subject to the approval of the Principal/CEO. If the employee resigns during probation, any leave taken will be recovered from their full and final settlement.
- 0.22. As per Article 29 of the UAE labour law, GEMS may enforce the date of commencement of annual leave and if necessary, split such leave into not more than two (2) periods, one (1) month notice will be given to the employee.
- 0.23. School-based administration staff will have their thirty-eight (38) working days' leave credited to their account on 1st September every year.
- 0.24. Any admin staff required to work on a weekend day for a special school event, will be granted a day in lieu, subject to the approval of the Principal/CEO,
- 0.25. During School holidays (when the school is officially not in session) working hours for school administration staff (including FOH) will normally be reduced to eight (8) to two (2) pm daily, unless communicated otherwise by the Senior Vice President – Education and will only be extended in business critical circumstances. The reduction of working hours will be based on business requirements and on the basis that all FOH functions are still fully operational (such as registration, enrolment, school tours, fee collection and the school reception).
- 0.26. During school holidays, FOH cover is the responsibility of the Principal/CEO to ensure adequate cover on site at all times.

### **School-based Educational Administrators**

- 0.27. Employees on education administration contracts (Tiers 1, 2, and 3) are entitled to annual leave of forty (40) working days per year.
- 0.28. The forty (40) working days can be spread across school breaks/closures (e.g. half-term, spring break, the summer or winter break).
- 0.29. Principal/CEOs are responsible for planning their own leave, and that of their other educational administrators, to ensure appropriate coverage throughout the school year including during periods of school closure.
- 0.30. Principal/CEOs must return from their approved annual leave a minimum of two (2) weeks prior to the start of the academic year.
- 0.31. During school closures, if not on approved annual leave or confirmed UAE Public Holidays, Educational Administrators are expected to be in school.
- 0.32. Principal/CEOs must submit their requested leave dates to their Line Manager a minimum of 4 weeks in advance for approval. During the school summer holiday, due to business-critical requirements such as ongoing recruitment and onboarding of staff, Principal/CEOs and SVPs – Education must be available and contactable by phone and email within a reasonable timeframe.
- 0.33. Principal/CEOs are also responsible for recording and monitoring the leave calendar for other Educational Administrators in their schools and have this calendar available on request by their Line Manager or the SMC.

### **School-based Support Staff**

- 0.34. School-based Support staff are eligible for twenty-seven (27) working days of annual leave after one (1) year of continuous service, inclusive of the winter break leave entitlement. If their service is less than one (1) year, but they have completed six (6) months of service, they will be eligible for leave on a pro-rata basis.
- 0.35. It is the responsibility of the Line Manager/Principal/CEO to approve annual leave plans of the support staff.
- 0.36. Annual leave will be credited on 1st September, as per the employee's eligibility.
- 0.37. Support staff can carry forward their annual leave for a maximum period of one (1) year. They should take all pending annual leave or apply for their leave period before the end of the second year.

### **General provisions for all employees**

- 0.38. Employees are expected to return to work on the date agreed. If an employee does not return on the agreed date and has not contacted their HOD or Principal/CEO a disciplinary process will be followed.
- 0.39. Extensions to leave can be considered by the HOD or Principal/CEO if the employee has contacted them within a twenty-four (24) hour period prior to the end of the approved leave period.
- 0.40. If an employee has taken leave in advance of accruing it and they leave the company, this unearned leave will be reclaimed through the final settlement process.
- 0.41. Advance leave payments will not be made.
- 0.42. As per the labour law if an employee is leaving the organisation with accrued leave (not yet taken) this will be calculated on basic salary only as part of the full and final settlement, however for staff who are serving the required notice period, accrued leave will be paid at full monthly salary.

### **Sick Leave**

- 0.43. From date of joining, employees will be eligible for sick leave to facilitate their recovery and recuperation from illness or injury. Sick leave eligibility per service year is as follows:
  - 0.43.1. The first fifteen (15) calendar days with full pay
  - 0.43.2. The next thirty (30) calendar days with half pay
  - 0.43.3. Any subsequent period beyond forty-five (45) calendar days without pay
- 0.44. When an employee falls ill, he/she must notify their HOD (SSC) or Principal/CEO (Schools) or the HR department on the day of absence, as soon as possible.
- 0.45. Where an employee falls sick during the probation period a medical certificate is required from day one (1) of the absence to enable the employee to avail any paid sick leave entitlement.
- 0.46. When an employee falls sick outside the probation period, two (2) days of sick leave may be taken without a medical certificate. A medical certificate is required from day three (3) of absence.
- 0.47. All medical certificates must be from a UAE registered medical practitioner or hospital (or equivalent, to the satisfaction of the company).
- 0.48. SSC employees must enter their sick leave details on E-Leave on Phoenix. It is the responsibility of Line Managers to ensure this is being followed by all of their employees.
- 0.49. Sick leave days are counted from the first working day the employee is absent from work, until the day before he/she returns to work. Weekends and public holidays falling during the sick leave period will be counted as part of sick leave. Examples:
  - For employees on 5-day work week, if an employee takes sick leave on a Friday (1 working day) and returns to work the following Monday, then 1 calendar day of sick leave is utilised. If the employee returns to work on Tuesday, then 4 days' sick leave are utilised (Friday to Monday).

- For employees on a 4-day work week, if an employee takes sick leave on Thursday and returns to work the following Monday, then 1 calendar day of leave is utilised. If the employee returns to work on Tuesday, then 5 days' sick leave are utilised (Thursday to Monday).
- 0.50. Where an employee opts for hospitalisation or elective treatment outside the UAE, with the necessary certification or recommendation by a medical practitioner or a hospital, the management may consider granting sick leave upon approval by the Principal/CEO (for school-based employees), HOD and Head of Insurance.
- 0.51. Where an employee falls sick after the commencement of their annual leave then this period will be considered as annual leave until their return-to-work date passes, further absence will be considered as sick leave.

### Maternity Leave

- 0.52. A female employee will be eligible for sixty (60) calendar days of maternity leave during which, she will receive her full pay for the first 45 days, and half pay for the remaining 15 days (basic salary and all monthly cash allowances), processed through monthly payroll.
- 0.53. A female employee will be eligible for the leave provided in 3.52 if the delivery took place after six (6) months or more of pregnancy, or with exceptional approval from the Principal/CEO (Schools) or HOD (SSC) if delivered earlier.
- 0.54. The maternity leave of sixty (60) calendar days is to be taken at one time, can start on any date as long as it includes the period preceding or succeeding the birth. Maternity leave will commence from the first working day the employee is absent from work, as agreed with her linemanager.
- 0.55. A female employee will be eligible for an additional thirty (30) calendar days with full pay starting after the end of the maternity leave period, if she gives birth to a sick or disabled child and whose health condition requires a constant companion according to a medical report issued by the medical authority. An extension can be granted for a further period of up to thirty (30) days without pay.
- 0.56. Following the sixty (60) days maternity leave, an employee may extend her absence to a further forty-five (45) calendar days' unpaid leave (either consecutive or staggered) providing that she has a medical certificate to confirm the need for extra time off.
  - The Medical Certificate must be for issues arising due to the birth
  - All other absence must be treated as sick leave
  - The Medical Certificate will decide whether the leave is linked to maternity or sick leave
  - If a medical certificate is not provided, the unpaid leave may still be approved at the discretion of the Principal/CEO.
- 0.57. Any period of maternity leave (60 paid calendar days plus 45 extended, unpaid days will **not** be deducted from any other leave (e.g. public holidays, Summer, Winter or Easter breaks) and will not affect accrued leave.
- 0.58. Any period of extended unpaid maternity leave (up to 45 days) will **not** be included when calculating End of Service Gratuity.
- 0.59. An employee wishing to take maternity leave must inform her Line Manager and HOD as early as possible to enable the Department to arrange cover for the maternity leave period. It is the responsibility of all employees to advise their Line Manager of their intended leave dates. SSC employees should submit their leave on Phoenix which must be approved by their Line Manager.
- 0.60. A female employee will be eligible for the above maternity leave provision in case of adoption, with supporting documentation required including an adoption certificate. Such cases should be discussed with HR and the Line Manager as per 3.59.



### **Parental Leave**

- 0.61. In addition to maternity leave, employees (male and female) are eligible for parental leave. The employee will be granted five (5) working days of paid parental leave with the following conditions:
- Must be the biological or legal mother or father of the child
  - The leave application will have the prior authorization by the HOD/Line Manager or Principal/CEO.
  - Leave must be taken within three (3) months of the date of the child's birth or legal adoption date.

### **Compassionate/Emergency Leave**

- 0.62. From date of joining GEMS, employees are entitled to take up to six (6) working days Compassionate/Emergency Leave within a service year for specific cases such as:
- Death of a close family member (e.g. spouse, parent, child, grandparent, sibling)
  - Serious illness of a close family member
- 0.63. Such leave should be requested in advance except in emergency situations where the request and approval can be made retroactively. Approval is at the sole discretion of the Principal/CEO or HOD.
- 0.64. Compassionate/Emergency Leave entitlement cannot be carried forward into the next service year.

### **Employment Accident Leave**

- 0.65. When an employee sustains an employment accident or injury which prevents them from carrying out their normal work, he/she may be granted leave during the period of treatment as follows:
- For the first six (6) months with full pay; and
  - For the next six (6) months with half pay, until the employee has fully recovered or their disability is confirmed or they die, whichever occurs first.
- 0.66. The decision to grant such leave will be taken after medical advice into the circumstances of the employment accident providing a recommendation which will form the basis of approving such leave by the Principal/CEO or HOD (for SSC); along with SSC HR, and SSC Legal.
- 0.67. In the event the employee does not recover their normal state of health after twelve (12) months of such leave, the SSC HR team will review the case by obtaining a medical report from the Hospital and make an appropriate recommendation for the future of the employee, having regard to all the family circumstances. A final decision will be taken by CPO or other senior member of SSC HR in consultation with the HOD or Principal/CEO (for Schools), considering the best interests of both the employee and the organization.

### **Public Holidays and other holidays**

- 0.68. All permanent employees are entitled to all gazetted public holidays as confirmed by SSC. If a public holiday falls on a working day, when an employee is on approved annual leave, the employee's annual leave entitlement for that day will be re-instated.
- 0.69. SSC employees are eligible for all official public holidays declared by the Government for the private sector.
- 0.70. For public holidays, Schools follow the regulations of the public sector (for education staff) as set out under Article 56 of the private education rules of the regulating authority (KHDA/ADEK/MOE/SPEA). Where a public holiday falls over a weekend (Saturday/Sunday) then no additional leave shall be granted, unless specifically stipulated by the relevant Ministry. In the event that there is a difference in public holidays communicated for the private sector and by the regulator arrangements for admin and support staff will be confirmed in writing by SSC HR.

- 0.71. Holidays such as Easter, Diwali, and Christmas, are not recognised by the MOE unless they have been included in the school's leave calendar and approved by the relevant education authority. In such cases, if an administrative staff member chooses to take the day off it will be deducted from their annual leave entitlement.
- 0.72. December 25<sup>th</sup> is a GEMS holiday for SSC and Schools. However, if it falls on a weekend, an additional day may be communicated (example the working day before or after the 25<sup>th</sup>) subject to formal approval by the SMC.

### **Unpaid Leave**

- 0.73. In special circumstances, where an employee does not have any earned annual leave to their credit balance, but is required to proceed on leave for special reasons, they may be considered for unpaid leave. The authorization of such leave is entirely discretionary and based on a consideration of the circumstances. For Schools, such leave is at the discretion of the Principal/CEO. For SSC employees, unpaid leave is at the discretion of the HOD in consultation with SSC HR.
- 0.74. Unpaid leave during academic term time, for employees on teacher contracts is discretionary and based on a consideration of the circumstances by the Principal/CEO.
- 0.75. No payment, except for fixed allowance (including House Rent Allowance and Transport Allowance, if an employee is receiving this) will be made during any period of unpaid leave, however the employee will be treated as being in continuous employment with the company.
- 0.76. During any period of unpaid leave (except for extended, unpaid maternity leave), an employee will not be entitled to any announced public holidays during the period of unpaid leave.
- 0.77. Unpaid leave days, including extended, unpaid maternity leave, will not be included when calculating End of Service Gratuity.

### **Pilgrimage Leave**

- 0.78. Each Muslim employee is eligible for special leave without pay up to a maximum period of thirty (30) calendar days, once in the course of his / her period of service, for the purpose of fulfilling the obligation to make the pilgrimage to Mecca. This leave will not be deducted from any other leave period due to the employee. Approval is required from the Line Manager (SSC) or Principal/CEO (Schools).

### **Study Leave**

- 0.79. Employees are eligible to apply for up to 10 working days of paid study leave per year as per the provisions of Article 32 of the UAE Labour Law. Any period of study leave must be applied for in advance (a minimum of 4 weeks) and must be approved by the HOD/Principal/CEO and aligned to the below:
  - The employee may be granted study leave to perform tests, provided that he/she has obtained an academic acceptance from one of the accredited university, institutes or colleges in the UAE, indicating the type of study, specialization, and duration of the study. GEMS may request proof of the dates of performing the tests.

## **4. Responsibilities**

- 4.1. The Company may update this policy at any time. It is the responsibility of every employee to be aware of and follow the policy currently in place.
- 4.2. It is the responsibility of all employees to access this policy which is available for viewing on GEMSNet.
- 4.3. It is the responsibility of SSC HR department to develop, monitor, maintain and implement this policy.

- 4.4. It is the responsibility of Finance to ensure appropriate leave payments are made through normal monthly payroll.
- 4.5. It is the responsibility of all SSC HODs to ensure employees are able to take their leave allocation each year, and to identify any challenges with this as early as possible, and to SSC HR by 1 August annually. In Schools this is the responsibility of the Principal/CEO.