



dcstm

Department:
Community Safety and Transport Management
North West Provincial Government
REPUBLIC OF SOUTH AFRICA



NORTH WEST DEPARTMENT OF COMMUNITY SAFETY AND TRANSPORT MANAGEMENT

LEAVE POLICY

Definitions of Terms	
Annual leave	22, 30 working days, annual leave with full pay granted during an annual leave cycle of 12 months, commencing on 1 January of each year.
Annual leave cycle	A period commencing on 1 January to 31 December of each year.
Audited leave	accumulated calendar annual leave prior to 1 July 2000 that has been converted to working days.
Calendar days	A period inclusive of all days in a month including public holidays and weekends.
Calendar month	A period extending from a day in one month to a day preceding the day corresponding numerically to that day in the following month, both days inclusive.
Casual Employee/ Worker	A person employed on day to day basis who is paid a daily wage and who does not work more than 24 hours a month.
Capped leave	Audited leave that has been converted to working days up until 30 June 2000.
Child (For purposes of family responsibility leave due to death)	The employee's son or daughter, and where applicable son- or daughter-in-law, of any age.
Child (for purposes other than family responsibility leave due to death)	A person who is under 18 years of age unless defined differently elsewhere in this Determination and Directive.
Commissioning Parents	Parents wishing to have a child, and therefore enters into a surrogate motherhood agreement with a surrogate mother.
Contract Employee	A person employed on a temporary basis or a fixed term contract, but excluding a casual worker or an employee to whom a retirement age applies.
Current leave cycle	A period from 01 January to 31 December of the current year.
Day	Any days other than Saturdays, Sundays or Public Holidays as defined in the Public Holidays Act, 1994 (Act 36 of 1994).
Department	The North West Department of Community Safety and Transport Management.
Employee	All employees of the Department employed in terms of the Public Service Act of 1994, the Basic Conditions of the Employment Act of 1998, and includes contract workers, interns, volunteers and prospective employees.
Health Risk Manager	An independent natural or juristic person appointed by the Department to advice on the granting of incapacity leave and ill-health retirement of employees.
Immediate family member	The employee's spouse/ life partner, parent, adoptive parent, step-parent, parents-in-law, sister- and brother-in-law, grandparent, child, adopted child, stepchild, grandchild or sibling.

Intern	A person who has completed a qualification and is employed by the Department to gain work experience in order to enhance future employment opportunities.
Incapacity	The loss of functional capacity, either mental or physical or both, as a result of impairment to such a degree that the employee is prevented from substantially meeting the specific requirements of his or her job thus rendering the employee unfit for work either temporarily or permanently.
Leave	Concession of absence from work provided for in PSCBC Resolution 7 of 2000.
Life partner	A person, registered with Human Resources Management on a prescribed form, in a long term relationship taking a position of a spouse with an employee without being legally married.
Medical Practitioner	All health practitioners as defined by the Health Professionals Council of South Africa.
Normal sick leave	36 working days sick leave with full pay which is granted to an employee in over three year cycle, commencing on 1 January.
Permanent incapacity leave	Where an employee's degree of disability has been certified as permanent by a Medical Practitioner.
Previous leave cycle	A period from 01 January to 31 December of the previous annual leave cycle.
Shift worker	An employment practice/ arrangement designed to make use of 24 hours, Monday to Sunday, and the working day is divided into number of shifts performed by a separate group of employees, rather than a standard working day.
Spouse	A person who is legally married according to a court of law, including persons married under customary law (e.g lobola).
Surrogacy	When another woman carries and gives birth to a baby for the intended parents. The woman who gives birth to the child will be treated as a mother, however parental responsibility can be transferred by either an adoption or parental order.
Surrogate motherhood agreement	A valid agreement in terms of section 292 of the Children's Act, between a surrogate mother and a commissioning parent in which it is agreed that the surrogate mother will be artificially fertilised for purpose of bearing a child for the commissioning parent and in which the surrogate mother undertakes to hand over such a child to the commissioning parent upon birth, or within a reasonable time thereafter, with the intention that the child concerned becomes the legitimate child of the commissioning parent.
Temporary incapacity leave	Additional sick leave with full pay in the event of serious illness, which is not permanent, if the 36 working days normal sick leave credits in three-year

	sick leave cycle have been exhausted.
Trimester	A period of three (3) months.
Unpaid leave	Leave granted either when all other leave is exhausted and can be authorised or unauthorised.
Working days	Monday to Friday, except in the case of shift workers whose annual leave may be taken on a Saturday and Sunday.
Work day	Equates to the employee's number of daily official working hours.

Acronyms	
COIDA	Compensation for Occupational Injuries and Diseases Act, 130 of 1993
HOD	Head of the Department
PERSAL	Personnel and Salaries system
PSCBC	Public Service Co-ordination Bargaining Council

PREAMBLE

The Department, in its attempt to empower its employees, deemed it necessary to formulate a policy on Leave of Absence to enable it to regulate granting of leave of absence properly within the Department.

No	Contents	Pages
1	Purpose	6
2	Objective	6
3	Legislative framework	6
4	Scope of applicability	6
5	Roles and responsibilities	7-8
6	Types of leave	8
	6.1. Annual leave	8
	6.1.1. Annual leave entitlements	8
	6.1.2. Utilisation of annual leave	8-10
	6.1.3. Unused annual leave credits	10-11
	6.1.4. Annual leave with full pay granted in excess	11
	6.1.5. Annual leave during closure of Department	11
	6.1.6. Nomination of beneficiaries and leave pay-outs	12
	6.2. Normal Sick Leave	12
	6.2.1. Sick leave entitlements	12
	6.2.2. Utilisation of sick leave	12-14
	6.2.3. Eight week rule	14-15
	6.2.4. Training, fitment, adjustment or maintenance of equipment of Disabled employees	15
	6.2.5. Acceptance of Medical Certificates	15-16
	6.3. Incapacity leave	16
	6.3.1. Temporary Incapacity	16-17
	6.3.2. Permanent Incapacity	17-18
	6.4. Application for unpaid leave	18
	6.5. Leave for Occupational Injury & Diseases	18-19
	6.6. Parental leave	19

	6.6.1. Pre-natal leave	19
	6.6.2. Maternity Leave	19-21
	6.6.3. Paternity leave	21-22
	6.7. Adoption Leave	22
	6.8. Surrogacy leave	22-24
	6.9. Family Responsibility leave	24-25
	6.10. Leave for Office Bearers or shop stewards of recognised employee	25
	6.11. Special leave	26
	6.12. Pay out of leave credits	26
	6.12.1. Pay out of leave credits at expiry of eighteen (18) months period	26
	6.12.2. Pay out of leave credits on termination of service	27
	6.12.3. Pay out of leave credits accrued before 01 July 2000 (Capped days)	27
	6.13. Leave provisions for Contract employees and Interns	27
	6.13.1. Annual leave	27
	6.13.2. Sick leave	28
	6.13.3. Pre-natal leave	28
	6.13.4. Maternity leave	28
	6.13.5. Family responsibility leave	28
	6.13.6. Attendance of interviews	28
	6.14. Procedure for leave application	28-29
	6.15. Regulatory conditions	29-30
	6.16. Annual leave: General provisions	30
	6.17. Sick leave: General provisions	30-31
7	Monitoring and Evaluation	31
8	Policy review	31
9	Policy approval	31
	Annexures	
	A: Special leave directive	
	B: Leave form Z1(a)	

1. PURPOSE

The purpose of this policy is to provide guidelines with regard to leave categories in the Department and circumstances under which the Department may consider authorising such leave of absence and an employee's leave entitlement and conditions that the employee must adhere to access the said entitlement.

2. OBJECTIVE

The Department is committed in creating a working environment that is conducive to efficient and effective service delivery, and that is sensitive to the circumstances of its employees and to the administration of leave in a manner that promotes both these objectives.

3. LEGISLATIVE FRAMEWORK

- 3.1. Constitution of the Republic of South Africa, 1996
- 3.2. Public Service Act, 103 of 1994, as amended;
- 3.3. Basic Conditions of Employment Act, 75 of 1997, as amended
- 3.4. Labour Relations Act, 66 of 1995 as amended;
- 3.5. Compensation for Occupational Injuries and Diseases Act, 130 of 1993;
- 3.6. Public Finance Management Act, 1 of 1999, as amended;
- 3.7. Employment Equity Act, 55 of 1998;
- 3.8. Public Service Regulations, 2016; as amended
- 3.9. Determination on Leave of Absence in the Public Service, 2018 as amended;
- 3.10. Policy on Incapacity and Ill-Health Retirement (PILIR);
- 3.11. All relevant PSCBC Resolutions
- 3.12. All relevant DPSA directives, determinations, guidelines and circulars;

4. SCOPE OF APPLICABILITY

This policy is applicable to all employees of the Department.

5. ROLES AND RESPONSIBILITIES

5.1. HEAD OF DEPARTMENT

The Head of Department will be responsible to approve and oversee the implementation of the policy.

5.2. DIRECTORATE: HUMAN RESOURCES MANAGEMENT

The Human Resources Management directorate will be responsible for the following:

- 5.2.1. The provision of guidance, support and advice on the implementation of the policy;
- 5.2.2. Arrange and facilitate workshops on leave management and administration;
- 5.2.3. Record all leave taken by employees accurately and in full;
- 5.2.4. Analysis of leave patterns and provide reports;
- 5.2.5. Conduct leave reconciliation and update leave records on the PERSAL system;
- 5.2.6. Provide leave credits to line managers.
- 5.2.7. Liaise with district leave offers regarding registers and submission of leave applications.

5.3. LINE AND PROGRAMME MANAGERS

The line and programme managers will be responsible for the management of leave by:

- 5.3.1. Ensuring that leave applications are substantiated by documentary proof, where required, recommended and approved before submission to the Component: HRM;
- 5.3.2. Ensuring employees do not abuse leave;
- 5.3.3. Receiving, discussing leave requests/ plans;
- 5.3.4. Ensuring that leave in their sections is planned;
- 5.3.5. Monitoring attendance registers;
- 5.3.6. Recording of leave taken as part of the day.
- 5.3.7. Keeping and monitoring leave registers.
- 5.3.8. Ensuring that employees have sufficient leave credits before leave is undertaken.

- 5.3.9. Designating an employee within the directorate/ sub-directorate/ unit to serve as Leave Officer for keeping of leave registers, submission of leave application to Human Resources Management, and request leave credits from the Human Resources Management.

6. TYPES OF LEAVE

6.1. ANNUAL LEAVE

6.1.1. Annual leave entitlements

- (a) Employees are entitled to the following annual leave per leave cycle on a pro rata basis, and becomes available for utilisation from 01 January of each year:
- (i) Employees with less than 10 years -22 working days per annum.
 - (ii) Employees with more than 10 years- 30 working days per annum.
 - (iii) Employees appointed on a fixed term contract- 22 working days, pro rate basis based on the duration of the contract.
- (b) For each fifteen (15) consecutive days (including weekends) annual leave taken without pay, the employee's annual leave entitlement shall be reduced by 1/24th.

6.1.2. Utilisation of annual leave

- (a) Employees who are appointed after the commencement of an annual leave cycle shall be entitled to annual leave on a pro rata basis determined as a fraction of the entitlement as per (6.1.1) above.
- (b) A period of at least 10 consecutive working days annual leave cycle shall be compulsory. The ten (10) days shall be reduced proportionally if an employee is in service for less than twelve (12) months.
- (c) The remaining leave days, if any, must be taken no later than 6 months after the expiry of the relevant leave cycle, where after unused leave credits shall be forfeited. The purpose of the six (6) months grace period is to re-schedule

leave that could not be used due to service delivery requirements in the preceding cycle.

- (d) Employees are urged to plan and utilise their annual leave in advance, carefully and with circumspect and ensure that they have sufficient leave credits to cover compulsory closure of the Department during the festive season between December and January months. If there is insufficient leave credits, the period of compulsory closure of the Department will be covered by unpaid leave.
- (e) An employee must submit his/her application for annual leave in advance, unless unforeseen circumstances prevent him/her from doing so.
- (f) If confronted with unforeseen circumstances which necessitate the utilization of annual leave, the employee must personally notify his/her supervisor/manager immediately. A verbal message to the supervisor/manager by a relative, fellow employee or friend is only acceptable if the nature and/or extent of the unforeseen circumstances prevents the employee from informing the supervisor/manager personally.
- (g) An employee must submit an application for annual leave personally or through a relative, fellow employee within 5 working days after the first day of absence.
- (h) If the employee fails to submit the application on time or compelling reasons why an application cannot be submitted, the supervisor/manager must immediately- Notify the employee that if such application is not received within 2 working days, the leave period will be regarded as unpaid leave; and inform the Human Resource division, should the employee default on the notification referred to in par 6.1.2 (g) above, the relevant authority shall approve such absence as unpaid leave.
- (i) Failure by the employee to submit his/her application form within the stated periods, or failure by the supervisor/manager to properly manage it, must be viewed in a serious light and disciplinary steps against the employee and/or supervisor/manager should be taken.

- (j) An employee's application for annual leave should not be unreasonably refused. An application for annual leave should take the service delivery requirements of a department into account.
- (k) Any refusal of annual leave must be confirmed in writing, stating the reasons and arrangements for rescheduling of the annual leave.
- (l) Written incidents of refusal of annual leave, stating the reasons and arrangements for rescheduling must be submitted to Human Resources Management for record keeping.
- (m) If, due to the employer's service delivery requirements, an employee's application for leave is denied and not rescheduled, such leave, must upon request, be paid to the employee at the end of the 6 months' period referred to in 6.1.2 (c) above.
- (n) Annual leave applications must be planned during the beginning of the leave cycle. Such plans should be kept by the relevant supervisor/ manager.
- (o) An employee shall retain his/ her annual leave credits in respect of a particular annual leave cycle, when an employee is-
 - (i) transferred within a department or between departments; or
 - (ii) re-appointed in terms of the Public Service Act, 1994 without a break of more than twelve (12) months in service.

6.1.3. Unused annual leave credits

- (a) Unused annual leave credits shall lapse at the end of the eighteen (18) months period. This is also applicable to employees who have not utilised annual leave credits due to scholarships locally or abroad.
- (b) Unused annual leave credits shall be paid out in exceptional cases and will be subjected to the approval of the Head of Department.
- (c) Employees, suspended as a precautionary measure while investigations into allegations of misconduct are being completed or employees who have been suspended as a sanction as a result of misconduct within the 6 months after the expiry of the relevant leave cycle and who could not utilise their unused annual leave credits, must upon request, be paid out such annual leave

credits at the end of the 6 months' period. Employee's request for payment of unused leave credits must be in writing and accompanied by proof of suspension.

6.1.4. Annual Leave with full pay granted in excess

- (a) An employee may not be granted annual leave with full pay in excess of that which an employee is entitled to as set out in 6.1 plus capped annual leave in respect of employees who were in service prior to 1 July 2000.
- (b) If due to a bona fide error, such over-grant occurred, it must be deducted from the subsequent leave cycle. In order for such a correction to be effected on PERSAL, the Head of Department must have certified that the error was bona fide in nature. A copy of this letter or submission must be presented to the Departmental PERSAL Controller to register the system change control for the correction of the error.
- (c) If the employee exits the Public Service, the over-grant must be regarded as an overpayment, which must be recovered from her or him from any monies due to the employee. Should such monies not be sufficient, it will be recovered from the employee's pension or through legal action.
- (d) The days from the annual leave of the subsequent cycle may only be deducted or utilised in the case of employees who have been appointed during October-December and do not have sufficient annual leave credits to cover the period of compulsory closure of the Department.

6.1.5. Annual leave during festive season closure of the Department

The absence during the compulsory closure of the Department during the festive season between December and January months will be covered with annual leave from employees. The period of closure of the Department will be covered by unpaid leave for employees with insufficient leave credit.

6.1.6. Nomination of beneficiaries and leave pay-outs

- (a) Employees may, if they so desire, designate one or more beneficiaries to whom their leave pay-out may be paid in the event of their death while in service. The Department should actively promote the nomination of beneficiaries in order to avoid any hardships of such beneficiaries.
- (b) If an employee dies and has not nominated a beneficiary, the leave payout may be paid:
 - (i) In full to the spouse/life partner of that employee; or
 - (ii) If there is no spouse/life partner, in equal shares for the benefit of minor and other children (including legally adopted children) of the deceased who, at the time of his/her death, were fully dependent on the employee; or
 - (iii) If there are no children, to the employee's estate.

6.2. NORMAL SICK LEAVE

6.2.1. Sick leave entitlement

- (a) An employee is entitled to 36 working days sick leave with full pay over a three year cycle. Unused sick leave credits shall lapse at the end of the three-year cycle.
- (b) For every 15 consecutive calendar days leave taken without pay, an employee's sick leave entitlement must be reduced by 1/72nd per sick leave cycle.

6.2.2. Utilisation of sick leave

- (a) It is incumbent on the employee to utilize and manage his/her normal sick leave responsibly and with circumspect.

- (b) An employee must submit his/her application for sick leave in respect of clinical procedures in advance; unless the treating practitioner certifies that such procedure have to be conducted as an emergency.
- (c) If an employee falls ill while on annual leave with full pay, such leave may be converted to sick leave provided that a certificate from a registered medical practitioner is submitted.
- (d) If overcome by a sudden illness/injury, the employee must personally notify his/her supervisor/manager immediately. A verbal message to the supervisor/manager by a relative, fellow employee or friend is only acceptable if the nature and/or extent of the illness/injury prevents the employee to inform the supervisor/manager personally.
- (e) An employee must submit an application for sick leave personally or through a relative, fellow employee or friend within 5 working days after the first day of absence.
- (f) If the employee fails to submit an application within the period indicated in paragraph 6.2.2 (e) above, the following arrangements apply:
 - (i) The employee's manager/supervisor must immediately notify the employee that if such application is not received within 2 working days, the sick leave will be deemed to be leave without pay. If the employee fails to submit the application on time the supervisor/manager must immediately inform the relevant Human Resource section/office that the relevant absence must be covered as leave without pay.
 - (ii) Failure by the employee to submit his/her application form within the stated periods, or failure by the supervisor /manager to properly manage sick leave, must be viewed in a serious light and disciplinary steps against the employee and/or supervisor/manager should be taken.
- (g) An employee must submit a medical certificate in respect of his/her sick absence for every occasion of 3 or more days, issued and signed by a registered medical practitioner.
- (h) If the employer establishes a pattern/trend in the employee's utilization of normal sick leave, the employer must require the employee to submit a medical certificate from a registered medical practitioner, for periods of sick

absences of less than 3 days, and the outlined eight week rule below will apply.

- (i) The absence without medical certificate referred to in 6.2.2 (h) above should be covered as annual leave/unpaid leave if there are insufficient annual leave credits.
- (j) If an employee becomes ill while on duty and he/she has to leave the place of work within four hours after starting time, it will be regarded as sick leave utilised. Any absences from work due to ill health (after four hours from starting time) will be regarded as on duty for the full day.
- (k) Time off for absence from duty as set out in paragraph 6.2.2 (j) above, shall be monitored by supervisors and an application from for normal sick leave must be submitted to the Component: Human Resource Management for every eight (8) hours away from the office, supported by documentary proof of such events as prescribed.
- (l) An employee shall retain his/ her sick leave credits in respect of a particular sick leave cycle, when an employee is-
 - (i) transferred within a department or between departments; or
 - (ii) re-appointed in terms of the Public Service Act, 1994 without a break of more than twelve (12) months in service.
- (m) Where an employee has exhausted his/ her normal sick leave, temporary incapacity leave may be considered.

6.2.3. Eight week rule

An employee in his/her first 36 days normal sick leave period, who has been absent from work on more than two occasions during an eight week period, must regardless of the duration of the sickness or injury, submit a medical certificate stating that the employee was unable to work for the duration of the employee's absence on account of sickness or injury. The 8-week period shall be a calendar period and commences on the first day of an employee's absence due to sickness or injury. Any subsequent day of absence due to sickness or injury after the abovementioned period must then be regarded as the first day of the next eight-week period. This in effect means that when

sick leave, without a medical certificate, had been granted, sick leave for the next eight (8) weeks, without a medical certificate, will not be granted.

6.2.4. Training, fitment, adjustment or maintenance of equipment of disabled employees:

If the employee requires training related to a disability, e.g. a blind employee who has to get training with his/her guide dog, or go for maintenance work for equipment used as a result of his/her disability, the Head of Department may grant such employees time off in terms of the sick leave provisions.

6.2.5. Acceptance of Medical Certificates

(a) For purposes of normal sick leave, medical certificates issued and signed by the registered medical practitioners and persons who are certified to diagnose and treat patients and who are registered with the following professional councils established by an Act of Parliament shall be accepted:

- (i) The Health Professions Council of South Africa.
- (ii) The Allied Health Professions Council of South Africa.
- (iii) The South African Nursing Council.

(b) A medical certificate must contain the following information:

- (i) The name, registration number, address and qualifications of the practitioner or person.
- (ii) The name of the patient.
- (iii) The date and time of examination.
- (iv) Whether the practitioner is issuing the certificate as a result of personal observations during an examination or as the result of information received from the patient and which is based upon acceptable medical grounds.
- (v) The exact period of recommended sick leave.

- (vi) If the practitioner or person uses pre-printed medical certificates, wording not applicable to the patient must be deleted.
- (c) Medical certificates that do not describe the nature and extent of an employee's illness for sick leave taken during the normal sick leave cycle, will only be acceptable if the employee does not show patterns of sick leave abuse. These types of medical certificates will influence future decisions on incapacity leave applications of the employee.

6.3. INCAPACITY LEAVE

6.3.1. Temporary Incapacity Leave

- (a) Incapacity leave is not an unlimited additional sick leave days at an employee's disposal. Incapacity leave is additional sick leave granted conditionally at the employer's discretion, in accordance with the Policy on Incapacity Leave for Ill-Health Retirement determined by the Minister for Public Service and Administration.
- (b) An employee who has exhausted his/her normal sick leave during the prescribed sick leave cycle and who according to the treating registered medical practitioner requires to be absent from work due to a temporary incapacity, may apply for temporary incapacity leave with full pay on the applicable form prescribed in terms of PILIR in respect of each occasion.
- (c) The application form must, regardless the period of absence, be accompanied by a medical certificate issued and signed by a medical practitioner that certifies his/her condition as temporary incapacity and if the employee has consented, the nature and extent of the illness or injury.
- (d) The Head of Department or delegate, must within 5 working days from the receipt of the employee's application for temporary incapacity leave;
 - (i) Conditionally grant a maximum of 30 consecutive working days temporary incapacity leave with full pay subject to the outcome of his/her investigation into the nature and extent of the employees illness/injury and

- (ii) Refer the application with all supporting evidence immediately to the Health Risk Manager in accordance with PILIR for an assessment and advice;
- On whether the employee's illness/injury justifies the granting of incapacity leave, and
 - Which steps, if any, in accordance with the procedures contained in item 10(1) of Schedule 8 to the Labour Relations Act, 1995, read with clause 7.5.1 of PSCBC Resolution 7 of 2000, as amended by PSCBC Resolution 5 of 2001 and 15 of 2001, are necessary.
- (e) The Head of Department or delegate may require the employee to obtain a second opinion before granting approval for additional temporary incapacity leave. Expenditure in this regard will be met from the Department's budget.
- (f) If the employee is of the opinion that he/ she has been unfairly treated with regard to the granting of temporary incapacity leave, he/ she has the right to follow the prescribed grievance procedure and the relevant dispute resolution procedures in order to resolve the matter.

6.3.2. Permanent Incapacity Leave

- (a) An employee shall not directly access or apply for permanent incapacity leave. The Head of Department may grant an employee up to a maximum of 30 working days permanent incapacity leave once s/he has, following the assessment and investigations in terms of temporary incapacity determined that the employee's condition is of a permanent nature.
- (b) The Head of Department must during the period referred to in paragraph 6.3.2 (a) above and in accordance with advice from the Health Risk Manager ascertain the feasibility of and implement its plan of action of securing alternative employment for the employee, or adapting his/her duties or work circumstances to accommodate his/her incapacity. If both the Head of Department and the employee are convinced that the employee will never be able to render an effective service at her or his level or rank, the employee may proceed with the process of termination of service on account of

continued ill-health in terms of section 17(2) of the Public Service Act as amended.

- (c) In instances where the employee's alternative employment entail retraining and/or re-skilling (special devices), the Department shall take requisite resources (time and finances) and potential returns into consideration before approving alternative employment. Alternative employment should ensure the optimal utilisation of the employee's competencies and should not compromise service delivery.

6.4. APPLICATION FOR UNPAID LEAVE

6.4.1. If an employee has utilized all her/his annual leave with full pay and all capped leave, Head of Department may grant him/her unpaid leave.

6.4.2. Only in exceptional circumstances shall the Head of Department grant the employee more than 184 calendar days of unpaid leave in a period of 18 months. Unpaid leave should be regarded as calendar days.

6.5. LEAVE FOR OCCUPATIONAL INJURIES AND DISEASES

6.5.1. Employees who, as a result of their work, suffer occupational injuries or contract occupational diseases shall be granted occupational injury and disease leave for the duration of the period they cannot work.

6.5.2. Approval of such leave is granted provided that the employee should report the injury in writing to HRM. The employer obtained proof of registration of the injury on duty with the Compensation Commissioner, as well as the acceptance of the claim by the Compensation Commissioner.

6.5.3. If an employee suffers a work related injury as a result of an accident involving a third party, the Department may grant her or him occupational injury and diseases leave provided that the employee-

- (a) submits a claim for compensation against the third party, and
- (b) undertake to use compensation (in terms of the Compensation for Occupational Injuries and Diseases Act, 1993) received to recompense as

far as possible the costs arising from the accident.

6.5.4. The Head of Department or delegate shall be obliged to take reasonable steps to assist an employee to claim compensation in terms of COIDA.

6.6. PARENTAL LEAVE

6.6.1. Pre-natal leave

- (a) A pregnant employee is entitled to 8 working days pre-natal leave, per pregnancy, allowing the employee to attend medical examinations by a medical practitioner or midwife, and tests related to the pregnancy.
- (b) An employee can utilise a full day or part of a day for pre-natal leave. The Head of Department shall maintain a system to record episodes where the employee utilised part of a day. One day's pre-natal leave shall be deducted once the duration of absences equates the employee's prescribed daily working hours.
- (c) An application for pre-natal leave should be supported by reasonable proof that the employee attended a doctor's appointment and/or went for tests related to the pregnancy.
- (d) An employee who has used all her pre-natal leave may, subject to the approval of the Head of Department, apply to use available annual leave and/or unpaid leave.
- (e) Absences related to medical complications during the pregnancy will be covered by sick leave.

6.6.2. Maternity Leave

(a) Maternity Leave entitlement

- (i) An employee is entitled to four (4) consecutive calendar months paid maternity leave.

- (ii) Maternity leave is calculated in calendar days (e.g. if maternity leave commences on the 15th May, the four (4) months expires on the 14th September).
- (iii) For at least six weeks after the birth, no employee may commence with normal official duty unless the attending practitioner certifies that the employee is fit to do so.

(b) Commencement of Maternity Leave

- (i) At any time from four weeks before the expected birth or
- (ii) On a date from which the attending medical practitioner certifies that it is necessary for the employee's health or that of the unborn child.
- (iii) It is preferable that an employee commences her maternity leave at least two weeks prior to the expected date of birth. However, the service delivery requirements of a particular Sector may require different arrangements with regard to the period and stage at which maternity leave, with due consideration of the employee and her unborn child's health and safety, should commence.

(c) Extension of Maternity Leave

Maternity leave may be extended upon application by:

- (i) the granting of sick leave as a result of a medical complication;
- (ii) the granting of annual leave; or
- (iii) the granting of up to 184 calendar days unpaid leave.

(d) Termination of pregnancy on medical grounds

- (i) Employees, who, during the third trimester of their pregnancy, experience miscarriage, still birth or termination of pregnancy on medical grounds, shall be eligible for six consecutive week's maternity leave, where after, paragraph 6.6.2 (c) shall apply in the event of a medical complication.

- (ii) Provisions in 6.6.2 (d) above shall also apply to an employee who experiences a miscarriage, still birth or termination of pregnancy on medical grounds, after the commencement of maternity leave. The period prior to the miscarriage, still birth or termination of pregnancy shall be regarded as special leave with full pay.
- (iii) An employee whose child is born and passes away a few days thereafter, is not allowed to return to work within six weeks after the birth of the child. Such employees may be granted six (6) weeks maternity leave.

(e) Interruption of Maternity Leave

Maternity leave may only be interrupted if:

- (i) the baby is born prematurely and is hospitalised during maternity leave;
or
- (ii) the baby becomes ill and is hospitalised for a period longer than a month during the maternity leave.
- (iii) The provisions contained in paragraph 6.6.2 (e), (i) and (ii) are only applicable to an employee, who chooses to interrupt her maternity leave in these circumstances.
- (iv) If an employee referred to in paragraph 6.6.2 (e) (i) and (ii) above, choose to interrupt her maternity leave and failed to return to work after the six weeks mentioned in paragraph 6.6.2 (a) (iii) above, such a period must be covered with annual leave or unpaid leave if she does not have enough annual leave available.

6.6.3. Paternity leave

- (a) An employee shall be granted three (3) working days paternity leave per calendar year for utilisation if the employee's spouse or life partner gives birth to a child or adopts a child not older than two (2) years. An application for paternity leave shall be supported by reasonable proof. Therefore, employees are advised to provide the birth certificate/ record of birth for the

child together with supporting documents (i.e affidavit and unabridged birth certificate) when applying for such leave as standard practice.

(b) An employee who has used all his/her paternity leave may, subject to the approval of the Head of Department, apply to:

(i) use his/her part or all of 5 working days family responsibility leave provided for in paragraph 6.9 (a), below; or

(ii) use available annual leave; or

(iii) use up to 184 calendar days of unpaid leave.

6.7. ADOPTION LEAVE

6.7.1. An employee, who adopts a child that is younger than two years, shall qualify for adoption leave to a maximum of 45 working days, where after, unpaid up to 184 calendar days or annual leave shall apply.

6.7.2. If both spouses or life partners are employed in the Public Service, both partners will qualify for adoption leave provided that the combined leave taken does not exceed the 45 working days.

6.7.3. An employee requesting adoption leave must declare his or her spouse's/ life partner's employment status, and provide proof of adoption and a birth certificate.

6.8. SURROGACY LEAVE

6.8.1. An employee who is a commissioning parent in terms of a surrogate motherhood agreement contemplated in the Children's Act, 2005, is entitled to 4 consecutive calendar months' paid leave from the date of birth of the child.

6.8.2. If both commissioning parents, are employed in the public service, only one such parent will qualify for the surrogacy leave.

6.8.3. An employee who is a surrogate mother in terms of the Children's Act, 2005, is entitled to 6 consecutive calendar weeks' leave after the birth of the child.

6.8.4. An eligible employee should provide the Department with a certified copy of the surrogate motherhood agreement confirmed the High Court to access the surrogate leave benefits.

- 6.8.5. The surrogate mother is obliged to hand the child over to the commissioning parent or parents as soon as is reasonably possible after the birth.
- 6.8.6. The surrogate mother or her husband, partner or life partner or relatives has no rights of parenthood or care of the child. The surrogate mother or her husband, partner or relatives have no right of contact with the child unless provided for in the agreement between the parties.
- 6.8.7. The surrogate motherhood agreement may not be terminated after the artificial fertilisation of the surrogate mother has taken place, and the child will have no claim for maintenance or of succession against the surrogate mother, her husband or partner or any of their relatives.
- 6.8.8. In terms of section 293 (1) of the Children's Act, 2005 no surrogate motherhood agreement is valid unless:
- (a) The agreement is in writing and is signed by all the parties thereto;
 - (b) The agreement is entered into in the Republic;
 - (c) At least one of the commissioning parents, or where the commissioning parent is a single parent, that person, is at the time of entering into the agreement domiciled in the Republic;
 - (d) The surrogate mother and her husband or partner, if any, are at the time of entering into the agreement domiciled in the Republic, and
 - (e) The agreement is confirmed by the High Court within whose area of jurisdiction the commissioning parent or parents are domiciled or habitually resident.
 - (f) Any surrogate motherhood agreement that does not comply the provisions of this Act is invalid and any child born as a result of any action taken in the execution of such arrangement is for all purposes deemed to be the child of the woman who gave birth to the child.
 - (g) An employee who is a surrogate mother may commence with normal official duty within the six (6) weeks period only if the attending practitioner certifies that the employee is fit to do so.
 - (h) It is incumbent on the employee who is a commissioning parent or a surrogate mother in terms of a surrogate motherhood agreement contemplated in the Children's Act, 2005 ad confirmed by the High Court, to

notify the employer in writing at least one (1) month before the expected birth date of the child, of the date on which the employee intends to commence with the surrogacy leave.

- (i) An employee's application for surrogacy leave shall be supported by a surrogate motherhood agreement confirmed by the High Court.

6.9. FAMILY RESPONSIBILITY LEAVE

6.9.1. Employees shall be entitled to 5 days paid family responsibility leave per annual leave cycle for utilization if;

- (a) The employee's spouse or life partner gives birth to a child; or
- (b) The employee's child, spouse or life partner is sick.

6.9.2. Employees may be granted 5 days paid leave per annual leave cycle for utilization if;

- (a) The employee's child, spouse or life partner dies; or
- (b) The employee's immediate family member dies.

6.9.3. Proof substantiating the reason for family responsibility leave taken in the form of a birth certificate, death certificate, medical certificate and/or affidavits stating the reason for absence must be submitted upon return.

6.9.4. Where the death of immediate family member was reported in the Department through Wellness sub-directorate, such communicate' may be used to support the death certificate submitted in case the affidavit could not be attached to explain/ declare the relationship to the deceased.

6.9.5. Employees who have utilized all their family responsibility leave may:

- (a) use available annual leave, and/or
- (b) use up to 184 calendar days of unpaid leave.

6.9.6. The granting of family responsibility leave related to 6.9.2 (a) and (b) above, must be taken with due consideration of the employee's cultural responsibilities.

6.9.7. An employee who has a child/ren with severe special needs shall be granted five (5) working days family responsibility leave per calendar. For this purpose, child with severe special needs is a child who has a mental, emotional or physical disability, certified by a medical practitioner, which requires health and related

services of a type or amount beyond that required by children generally. For the purposes of this provision "child" means the employee's son or daughter of any age. An application for family responsibility leave should be supported by reasonable proof to demonstrate the severe special needs of the employee's child.

6.10. LEAVE FOR OFFICE BEARERS OR SHOP STEWARDS OF RECOGNIZED EMPLOYEE ORGANISATIONS

- 6.10.1. Leave for shop stewards of recognised trade unions is 15 working days in a leave cycle.
- 6.10.2. The 15 working days shall be pooled per recognised trade union.
- 6.10.3. The Head of Department shall appoint an administrator of the pool. The Head of Department shall develop standard operating procedures to ensure that the utilisation of the pool is properly managed, recorded and monitored to ensure that the leave days available in the pool is not exceeded and/or abused.
- 6.10.4. A shop steward may apply for leave from the pool in respect of the recognised employee organisation she/he belongs to only. An individual shop steward may not exceed the total number of leave days available in the pool.
- 6.10.5. Shop steward leave may only be utilised for activities related to the employee's union position. All applications for this type of leave must be submitted in writing on the prescribed leave application form, together with supporting documentation.
- 6.10.6. Leave taken by a shop steward while initially on annual leave, and has performed union activities during such leave, shall be converted to shop steward leave, upon the receipt of a formal request with supporting documentation from the affected shop steward.
- 6.10.7. The shop steward leave provisions shall be granted provided that the relevant recognised employee organisation has submitted a list of its nominated shop stewards to Human Resources Management (Labour Relations).

6.11. Special Leave

Employees are entitled to different categories of special leave as stipulated under Determination and Directive on Special Leave. **Attached as Annexure A.**

6.12. PAY OUT OF LEAVE CREDITS

6.12.1. Pay out of leave credits at expiry of eighteen (18) months period

- 6.12.1.1. Any unused leave annual leave credits from the previous leave cycle shall fall away at the end of the 18 months period (30th June of each year).
- 6.12.1.2. Re-scheduled leave days should be utilised before the end of 18 months period.
- 6.12.1.3. If, due to the Department's service delivery requirements an employee's leave is denied and not rescheduled, such leave must, upon request and, on recommendation of the relevant Senior Manager, and approval of the Head of Department, be paid out at the end of the 18 months period (30 June of each year). The pay out is restricted to a maximum equivalent of the annual leave entitlements, calculated on the salary notch of the employee as on 31 December of each year. The employee's request for pay out of unused leave credits must be:
 - (a) In writing;
 - (b) Accompanied by written proof of refusal of leave;
 - (c) Written proof that leave could not be rescheduled; and
 - (d) Accompanied by leave plan
- 6.12.1.4. Such requests and motivation for leave payments shall be lodged by no later than 31 July in respect of each year. If an employee failed to apply for the payment of such unused leave credits at the aforementioned due date, such unused leave credits shall be forfeited.

6.12.2. Pay out of annual leave credits on termination of service

Employees shall be paid a cash value in respect of unused annual leave credits upon termination of service. The payment will be limited to a maximum number of days equivalent to the annual leave entitlements to the maximum of 30 days, calculated on the salary notch plus 37% in lieu of benefits of the employee as on the date of service termination.

6.12.3. Pay out of leave credits accrued before 01 July 2000 (Capped days)

6.12.3.1. Capped leave is audited leave due to an employee, as at 30th June 2000, converted to working days.

6.12.3.2. Employees who have earned leave accruals in terms of the dispensation applicable prior to 1st July 2000 and which were audited, shall retain the same. The employer shall pay such accrued capped leave on:

- (a) Death;
- (b) Retirement and
- (c) Medical boarding (retirement due to medical reasons).

6.13. Leave Provisions for Contract Employees and Interns

The provisions applicable to permanent employees apply mutatis mutandis to contract and Interns appointed by the Department, suffice to indicate the following:

6.13.1. Annual Leave

A contract employee shall at the beginning of his or her contract period be granted annual leave that is proportional to his or her term of employment.

6.13.2. Sick Leave

Contract employees are entitled to one day sick leave for every completed month of employment.

6.13.3. Pre-Natal Leave

A contract employee who is pregnant shall qualify for pre-natal leave at a rate of one working day paid leave for each calendar month of her term of contract to a maximum of 8 working days.

6.13.4. Maternity Leave

Contract employees are entitled to maternity leave that is proportional to the duration of the contract at a rate of 10 days calendar days for each month of term of contract to a maximum of 4 months, thereafter maternity leave without pay shall be granted not exceeding 4 consecutive months.

6.13.5. Family Responsibility Leave

Contract employees may be granted family responsibility leave for utilization on the same basis as permanent employees.

6.13.6. Attending interviews

Contract employees may be granted special leave for utilization on the same basis as permanent employees.

6.14. PROCEDURE FOR LEAVE APPLICATION

6.14.1. Each employee must confirm his/her leave credits with the Component: HRM before applying for leave.

- 6.14.2. Employees applying for leave must do so in writing on the prescribed application for leave form (Z1(a).
- 6.14.3. Employees must clearly indicate all personal information (Name, PERSAL number, Component, Address and telephone/ cell phone number during the leave period) as well as the type of leave applied for, the period of leave and the number of days. The application form must be signed by the employee and referred to his/her immediate supervisor for recommendation.
- 6.14.4. Supervisors must verify all information contained in the leave application for correctness and that the condition with regard to the payment if salary (full-pay/ without pay) during the period of leave is completed.
- 6.14.5. After the Supervisor is satisfied that the form is correct, he/ she must recommend and sign the leave form. The next level of authority must approve/ sign the leave form.
- 6.14.6. On completion thereof, the form, together with any supporting attachments, if applicable, (e.g. medical certificate, timetable, etc) must be submitted to the Component: HRM.
- 6.14.7. Employees are advised to complete separate leave application forms for different leave periods taken.

6.15. REGULATORY CONDITIONS

- 6.15.1. It is the responsibility of the employee requesting leave and his/ her supervisor/ head of section who recommends/ approves leave, to familiarise himself/ herself with the requirements stipulated in the Departmental leave policy and to submit his/ her leave with the required documents attached to his/ her application.
- 6.15.2. It is the responsibility of each Senior Manager to plan his/ her Component/ Component's leave at the start of the annual leave cycle.
- 6.15.3. Updated leave reports will be submitted on request to components to update/ verify their internal leave records.
- 6.15.4. Leave credits are reflected on a monthly basis on the salary advices.

6.15.5. The Head of Department (or his/her delegate) may at any time withdraw leave that has been granted, taking the operational requirements of the Department into consideration.

6.16. ANNUAL LEAVE: GENERAL PROVISIONS

6.16.1. An employee shall not leave or stay away from work until he/she has applied, in writing, for leave and has been advised that the leave application has been approved. Employees may not, therefore, proceed on annual leave and then telephonically or otherwise inform his/her supervisor of such leave being taken. Hence, annual leave becomes valid once it has been approved by the relevant supervisor.

6.16.2. In the event of telephonic requests (before 10h00 of the relevant day) for annual leave for short periods (1 or 2 days) due to unforeseen circumstances (e.g broken down motor vehicle, domestic problems, etc.) the application for leave form must, clearly state that prior telephonic approval was granted and should be submitted to the Component: HRM within three (3) working days after reporting for duty.

6.17. SICK LEAVE: GENERAL PROVISIONS

6.17.1. It remains the responsibility of the employee to inform the supervisor of his/her absence from duty due to sickness before 10h00 of the same day of the illness. If this information is not received in time, the supervisor may, on *good grounds*, refuse to grant sick leave with pay in respect of any absence from duty to which the certificate relates. However, where an employee is not in a position to report the absence due to a serious medical condition and the supervisor is satisfied that reason(s) are bona fide; such absence from duty may be covered by sick leave with full pay.

(a) It is the responsibility of each employee to inform his/her supervisor of the period booked off by a medical practitioner.

- (b) An application form for sick leave must be submitted to the Component: HRM within three (3) working days after reporting for duty.

7. MONITORING AND EVALUATION

The Director: Human Resources Management shall monitor and evaluate the implementation of this policy.

8. POLICY REVIEW

This policy shall be implemented by the Department with effect from the date of approval and signature by the Head of Department, and be reviewed every three years and/ or as the need arise and ensure that it is aligned to the prevailing legislations.

9. POLICY APPROVAL



DR HANS KEKANA

HEAD OF DEPARTMENT

SIGNED THIS DAY 25 **OF** August **2026**