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Department:
Community Safety & Transport Management
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REPUBLIC OF SOUTH AFRICA



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HUMAN RESOURCE MANAGEMENT

**TO : SMS MEMBERS
DEPUTY DIRECTORS
DISTRICT MANAGERS
LINE MANAGERS / SUPERVISORS
ALL STAFF MEMBERS**

FROM : DIRECTORATE: HUMAN RESOURCE MANAGEMENT

DATE : 05 NOVEMBER 2014

**SUBJECT : MANAGEMENT POLICY AND PROCEDURE ON INCAPACITY LEAVE AND
ILL-HEALTH RETIREMENT**

1. The above matter has reference.
2. This communiqué serve to inform all employees that the Department has contracted new Accredited Panel of Health Risk Managers to assess and advice the Employer on the employee's application for incapacity leave and ill-health retirement in terms of Policy and Procedure on Incapacity Leave and Ill-Health Retirement until 31 March 2016 and 31 December 2018 respectively.
3. Employee's application for temporary incapacity leave to be considered should have all the necessary requirements in terms of Section 7.1.5 – 7.1.7 of the above mentioned policy. Policy extracts is attached hereto for reference.
4. An employee must submit an application form for temporary incapacity leave personally or through a relative, fellow employee or friend after the first day of absence to his/her immediate supervisor for approval and must be forwarded to the Sub-Directorate: Integrated Employee Health and Wellness within 5 working days.
5. The delayed submission of incapacity leave and ill-health retirement forms may have a potential of leading to unnecessary grievances; should the assessment outcome not be favourable to the employee concerned and it also create a negative perceptions of the objective of Policy and Procedure on Incapacity Leave and Ill-Health Retirements in the Public Service.
6. Failure by the employee to submit application form within the above stated periods, or failure by the supervisor/manager to properly manage it, must be viewed in a serious light and a disciplinary steps should be taken.
7. For further information and advice you are encourage to contact the Sub-Directorate: IEHW at Head Office Messer SL Lovuno, DR Digoamaje and OR Phetlhu @ 018-381 9131.

Kind regards


Mr BDT Mahlakoleng
Head of Department

7/11/2014
Date

"Together we move Bokone Bophirima forward"





- 5.3. adopt a scientific approach to health risk management based on sound medical, actuarial and legal principles;
- 5.4. involve the various stakeholders in the health risk management processes and structures;
- 5.5. implement health risk management that is consistent, fair and objective; and
- 5.6. support health risk management that is cost effective and financially sound.

6. ROLE PLAYERS

In the management of incapacity leave and ill-health retirement, the role players will be the following:

- 6.1. **The dpsa:** The dpsa will develop and maintain *PILIR*. The dpsa shall be centrally responsible for the appointment of a panel of accredited Health Risk Managers. The dpsa will also provide advice on the interpretation and application of *PILIR*.
- 6.2. **The Government Employees Pension Fund (GEPF):** The GEPF shall deal with the processing of Employer-approved applications for ill-health retirements.
- 6.3. **The Health Risk Manager:** The Health Risk Manager is an entity of independent multi-disciplinary medical experts, specializing in occupational medicine, appointed by the dpsa to a panel of accredited Health Risk Managers and individually contracted by the Employer, to assess and provide advice to the Employer in respect of an employee's application for incapacity leave and ill-health retirement within specified timeframes. The systems and administrative capacity for handling the volume of forms, as well as the medical knowledge and experience to do incapacity leave and ill-health retirement assessments are the responsibility of the Health Risk Manager. The Health Risk Manager shall provide regular reports to the dpsa and the Employer.
- 6.4. **The Employer:** The Employer is for purposes of *PILIR* the departments and organisational components listed in Schedules 1 to 3 of the PSA. The Employer shall in terms of *PILIR* be responsible to process applications and complete reports within the specified time frames. Where applicable the Employer will engage with the Health Risk Manager, the dpsa and GEPF. The Employer shall, within the scope of his/her authority and with due consideration of the Health Risk Manager's advice, take a final decision on an employee's application for incapacity leave and/or ill-health retirement.
- 6.5. **The Employee:** The employee shall submit application forms for either incapacity leave or ill-health retirement. The employee shall submit medical certificates and reports as determined in terms of *PILIR* and in accordance with the *Leave Determination*.

7. THE MANAGEMENT OF TEMPORARY AND PERMANENT INCAPACITY LEAVE

7.1 TEMPORARY INCAPACITY LEAVE

- 7.1.1. Incapacity leave is not an unlimited amount of additional sick leave days at an employee's disposal. Incapacity leave is additional sick leave granted conditionally at the Employer's discretion, as provided for in the *Leave Determination* and *PILIR*.



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- 7.1.2. An employee who has exhausted his/her normal sick leave, referred to in the *Leave Determination*, during the prescribed leave cycle and who according to the treating 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 application forms prescribed in terms of *PILIR* in respect of each occasion.
- 7.1.3. For purposes of managing temporary incapacity leave and the application of *PILIR*, temporary incapacity leave is regarded to be-
- 7.1.3.1. a short period of incapacity leave, if the employee is absent for not longer than 29 working days per occasion, after the normal sick leave credit have been exhausted, in a sick leave cycle; and
 - 7.1.3.2. a long period of incapacity leave, if the employee is absent for 30 working days or more per occasion, after the normal sick leave credit have been exhausted, in a sick leave cycle.
- 7.1.4. Applications for temporary incapacity leave must be submitted on the following prescribed application forms:
- 7.1.4.1. Annexure A for short periods of incapacity leave; or
 - 7.1.4.2. Annexure B for long periods of incapacity leave.
- 7.1.5. For an employee's application for temporary incapacity leave to be considered the -
- 7.1.5.1. employee must submit sufficient proof that s/he is too ill/injured to perform his/her work satisfactorily;
 - 7.1.5.2. 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 incapacity. Please also refer to the *Leave Determination* for further details on the acceptance of medical certificates;
 - 7.1.5.3. employee is in accordance with item 10(1) of Schedule 8 to the LRA afforded the opportunity to submit together with his/her application form-
 - (a) any medical evidence related to the medical condition of the employee, such as medical reports from a specialist, blood tests results, x-ray results or scan results, obtained at the employee's expense; and
 - (b) any additional written motivation supporting his/her application;
 - 7.1.5.4. employee is requested to give his/her consent that medical information/records be disclosed to the Employer and/or its Health



Risk Manager and to undergo further medical examinations in terms of the assessment process described in *PILIR*.

- 7.1.6. An employee must submit his/her application for temporary incapacity leave in respect of clinical procedures in advance, unless the treating medical practitioner certifies that such procedures have to be conducted as an emergency.
- 7.1.7. If overcome by a sudden incapacity, 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 incapacity prevents the employee to inform the supervisor/manager personally.
- 7.1.8. An employee must submit an application form for temporary incapacity leave personally or through a relative, fellow employee or friend within 5 working days after the first day of absence.
- 7.1.9. If the employee fails to submit an application within the period indicated in paragraphs 7.1.8, above, the following arrangements apply:
 - 7.1.9.1. The employee's manager/supervisor must immediately notify the employee that if such application is not received within 2 working days, the sick leave period will be deemed to be leave without pay. If the employee fails to submit the application on time or submit compelling reasons or compelling reasons exist why the application cannot be submitted, the supervisor/manager must immediately inform the relevant personnel section/office that relevant absence must be covered by annual leave (with the employee's consent) and/or unpaid leave if insufficient annual leave credits are available and if the employee failed to notify the Employer of his/her choice.
 - 7.1.9.2. Failure by the employee to submit an 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 should be taken.

7.2. SHORT PERIOD OF TEMPORARY INCAPACITY LEAVE (1-29 working days requested per occasion)

- 7.2.1. The Employer must immediately on receipt of the employee's application in the designated office register the date of receipt on the application form and a central register/database.
- 7.2.2. The Employer must *within 5 working days* from receipt of the employee's application for temporary incapacity leave-
 - 7.2.2.1. verify that the employee has-
 - (a) completed and signed Parts A and B of the application form. An incomplete and unsigned application form must immediately be returned to the employee. The returned application form must be resubmitted within five (5) working days. An incomplete and



unsigned application form shall not be considered. The date on which the employee re-submits his/her complete and signed application to the Employer will be deemed the date of receipt for purposes of *PILIR* and the *Leave Determination*; and

(b) attached to his/her application the under-mentioned documents/information. Please use the checklist at Part D, provided on the application form. The Employer must not remove any documents provided additionally by the employee, since it may jeopardise the outcome of the application:

i) **Compulsory information**

A medical certificate as determined in the *Leave Determination*.

ii) **Optional information**

A. Current medical reports not older than 6 months and not older than 2 months in the case of psychiatric cases;

B. Current blood tests, x-ray results, scan results, etc; and

C. Additional written motivation provided by the employee;

7.2.2.2. **conditionally** grant a maximum of 29 consecutive working days temporary incapacity leave with full pay subject to the outcome of his/her investigation into the nature and extent of the employee's incapacity. Please use Part C of the application form for this purpose. The employee must accordingly be notified in writing. Please use the example of the *pro forma* letter at Annexure C; and

7.2.2.3. **immediately** complete the department's report to the Health Risk Manager provided for in Part D of the application form and refer the application form to the Health Risk Manager together with -

(a) the employee's sick leave records² for at least the current sick leave cycle and if available for the previous sick leave cycle;

(b) the employee's annual and other leave records for the corresponding periods.

(A summary of this information could be retrieved from PERSAL, i.e. the dedicated PERSAL function is # 4.5.11-Enquiry: Leave/Leave Credits).

² Sick leave records include all previous applications for normal sick and or incapacity leave plus supporting documents such as the medical certificates and, if available, medical reports.