



Province of the  
**EASTERN CAPE**

**DEPARTMENT OF RURAL DEVELOPMENT  
AND AGRARIAN REFORM**

## **LEAVE POLICY**

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## GLOSSARY OF TERMS

Annual cycle	Leave	An annual leaves cycle or "Calendar year" means from 01 January to 31 December of each year.
Child		Refers to an employee's biological child, legally adopted child or stepchild under the age of 18 years.
Disability		Means physical incapacity either congenital or caused by an injury or diseases, etc.
Immediate family		In terms of the Determination of Leave of Absence in the Public Service, 2015 means, and employee's parent, adoptive parent, step parents, parent's in-law, sister and brother in-law, grandparents, child, adopted child, grandchild, stepchild or sibling.
Life partner		Read in conjunction with "Spouse"
Registered Medical Practitioner		Means a person who is registered in terms of Health Professions Act, 1974 (Act 56 of 1974) to practice medicine within the Republic of South Africa and who, in terms thereof is authorized to examine and diagnose people as well as issue medical certificate.
Siblings		Means brother or sister of the employee whether related biological or adoption.
Sick leave cycle		A sick leave cycle lasts for a period of three years (36 months). The initial sick leave cycle (according to the PSCBC Resolution No. 7 of 2002) commenced on 01 January 2001.
Spouse		Means a person or persons registered with the employer as the lawful husband(s) or wife (wives) or life partner (including same sex life partner) by the employee at the time of use of the benefit, worker compensation or work facility, <b>Provided that an employee-</b> <ul style="list-style-type: none"> <li>• Registers all spouses entered into under customary or indigenous law with the employer</li> <li>• Registers only one life partner at the time with the employer</li> <li>• Who has (a) a spouse(s) registered with the employer in terms of the recognition of Customary Marriages Act, 1998 and Marriages Act, 1961, may not register a life partner with the employer.</li> </ul>
Study block		Means fixed period taken to attend as a requirement to complete studies.
Sabbatical		A prolonged absence from duty taken by an employee in order to fulfill certain departmental rights.
Special leave cycle		A period covering 01 January to 31 December every year.
Study leave		Leave granted for the purpose of studying or writing examinations towards the attainment of a particular qualification.
Temporary Incapacity		Means a degree of disability that has been certified by a registered medical practitioner and intended to last only for a limited time.
Time table		Proof of admittance that reflects correspondence from the institution comprises of the particulars of applicants, subjects and the dates of the examination.
Working days		Means Monday to Friday excluding weekends and public holidays.

## **1. PURPOSE**

The purpose of this leave policy of the Eastern Cape Department of Rural Development and Agrarian Reform (DRDAR) is to provide the necessary guidelines affecting leave, and to regulate the granting of leave within the framework of the provisions and measures set out in the current legislation and the collective agreements, taking into consideration all amendments current and future, which might affect this policy. To put in place administrative mechanisms to effectively manage leave within the department.

## **2. POLICY STATEMENT**

Leave management is the responsibility of each and every employee employed by the Department of Rural Development and Agrarian Reforms, irrespective of nature of appointment. In so doing Line Managers and supervisors are required to monitor and supervise the attendance registers on a daily basis as they are an important component of leave management. It is also incumbent to all supervisors and Managers to ensure that there is no leave awaiting for recommendation or approval sitting on the suspense file of E-leave system

## **3. STATUTORY FRAMEWORK**

Current legislation governing this policy is listed below:

- 3.1** Constitution of Republic of South Africa
- 3.2** Determination and Directive on Leave of Absence in the Public Service
- 3.3** Public Service Act, 1994
- 3.4** Public Service Regulations, 2016
- 3.5** Labour Relations Act, 1995
- 3.6** Public Finance Management Act
- 3.7** Basic Conditions of Employment Act, 1997
- 3.8** Public Service Co-ordinating Bargaining Council's (PSCBC) Res.7 of 2000.
- 3.9** PSCBC Resolution No. 3 of 1999
- 3.10** Policy and Procedure on Incapacity Leave and Ill-Health Retirement(PILIR)

#### **4. SCOPE OF APPLICABILITY**

This policy is applicable to all employees who are employed either on full-time, part-time, contract or on internship basis in terms of the Public Service Act and fall within the scope of the PSCBC within the Eastern Cape Department of Rural Development and Agrarian Reform.

#### **5. TYPES OF LEAVES**

- 5.1 Annual leave**
- 5.2 Normal sick leave**
- 5.3 Leave for parts of a day**
- 5.4 Temporary Incapacity leave**
- 5.5 Special leave**
- 5.6 Family Responsibility Leave**
- 5.7 Maternity Leave**
- 5.8 Adoption and Surrogacy Leave**
- 5.9 Pre-Natal Leave**
- 5.10 Paternity Leave**
- 5.11 Unpaid Leave**

#### **6. LEAVE APPLICATION GENERAL PROCEDURES**

- 6.1** Employees applying for leave (e.g. vacation, sick, special and family responsibility leave) must login on E- leave management system, otherwise known as DRDAR Information Management System (DRDARIMS).
- 6.2** Officials must clearly indicate the type of leave applied for, the period of leave and the number of days.
- 6.3** The employee must firstly discuss the request for annual leave with the immediate supervisor. After the negotiations, the employee must login to e-leave management system and submit it to the immediate supervisor. It is the responsibility of the supervisor to ensure that all information contained therein is correct. After the supervisor is satisfied that the form is correct she/he must recommend in the space provided for as "Recommended" and submit it to the relevant line manager for approval in the space provided for as "Approval".

Where leave is refused, remarks must be made on the designated space provided on the system.

- 6.4** Each Directorate/Section is required to have a mandated leave champion or designated employee whose responsibility will be for leave management and will serve as a link between HRAS and the Directorate. A leave champion should be an official who works closely with the Chief Director/Director. The leave champion is an official who shall assist the Chief Director/Director in managing leave in the unit. The responsibility of leave management shall still remain the responsibility of the Director of the unit.

## **7. MANAGEMENT INFORMATION**

- 7.1** Leave reconciliation shall be performed on a quarterly basis by the HR: Service Conditions unit in consultation with various directorates and sections.
- 7.2** The HR: Service Conditions section shall, from time to time, analyses leave reports to assist in the effective leave management, both about individual employees and to determine overall trends. HR: Service Conditions officials shall discuss the leave management matters with the relevant Heads of Directorates on a quarterly basis.

## **8. UNAUTHORISED ABSENCE**

- 8.1** Absences without approval from duty shall be regarded as leave without pay unless the head of component (at least at Director Level and above) is satisfied that the specific circumstances justify leave with full pay.
- 8.2** In the event of unauthorized absence, the employee shall be offered the opportunity to submit written reasons to the head of component for consideration. Apart from leave without pay, disciplinary action should also be instituted, Employment Relations must be consulted and advise.

## **9. VACATION LEAVE IN EMERGENCIES**

- 9.1** Employees applying on short notice or submit application after taking the vacation leave, due to unforeseen and personal emergency, and who could not come to the office to make appropriate arrangements, shall obtain

verbal/telephonic approval before nine (9) O'clock from his/her immediate supervisor (*or if the supervisor is not available, any other superior in the same or related working environment*), prior to commencing with such leave. This shall be on condition that a leave application is completed and submitted to your immediate supervisor on the first day of returning to work. If due to work pressures and the employee cannot submit on the first day of returning to work the leave form must be submitted within five (5) days on return.

- 9.2** An employee, who upon negotiation with the relevant supervisor has to come to work later than the normal prescribed time of eight (8) O'clock, may have to lodge an application for annual leave of absence. Where resumption of duty will be after twelve (12) O'clock, the employee must report telephonically again that he/she may not make time.

#### **10. ABSENCE FROM DUTY WHICH IS NOT RECORDED AS LEAVE**

**An employee is not regarded as being absent from duty when she/he:**

- 10.1** As a state witness in court, before a commission/committee of enquiry appointed by the State or at an inquest; or,
- 10.2** Appear as a defendant/co-defendant in a civil court case arising from her/his official duties and in which the State has a direct interest; or,
- 10.3** Attends a course, lecture, etc. and in respect of which the line manager has granted permission to attend such course during official hours; or
- 10.4** Is appointed by the Independent Electoral Commission to assist with parliamentary or local elections with the provision of an appointment letter.
- 10.5** Assists or represents an employee or employer (government) during a disciplinary or misconduct inquiry or during an investigation into a grievance or,
- 10.6** Is the aggrieved party during an investigation into her/his grievance or charged with misconduct and has to attend the hearing; or
- 10.7** Assists or represents an employee in a conciliation board, insofar as being a preventative/nominee.



## **11. ANNUAL VACATION LEAVE**

- 11.1 All employees appointed on permanent or fixed contract are entitled to the following annual leave with full pay in an annual leave cycle with effect from 1 January of each year:
- 11.2 Employees less than 10 years of service shall accrue on 22 working days per annum.
- 11.3 Employees with ten (10) or more years of service shall accrue on 30 working days per annum. In instances where such a day falls after the commencement of an annual leave cycle, the new leave entitlement will be calculated on a pro-rata basis determined as a fraction of the entitlement.
- 11.4 Employees who are appointed after the commencement of an annual leave cycle shall be entitled to annual leave on a pro rata basis.
- 11.5 Employees who are on contract basis including interns shall be entitled to a pro-rata leave equivalent to their contract period.
- 11.6 Casual employees are entitled to 1 day's leave for every 17 days (i.e.136 hours) worked.
- 11.7 All leaves for employees that are on learnership programme shall be manually managed.

## **12. PROVISIONS AND PROCEDURES**

- 12.1 Employees should take at least 10 working days' annual leave during a leave cycle and should, as far as possible, be taken as consecutive working days. The aforementioned 10 working days will be reduced proportionally if the employee is in service for less than 12 months.
- 12.2 Employees shall use their total leave entitlements during the 12 months leave cycle as far as possible. The remaining leave days, if any, must be taken no later than 6 months after the expiry of the relevant leave cycle (i.e. 30 June), where-after, unused leave credits shall be forfeited.
- 12.3 An employee must submit his/her application for annual leave in advance, unless unforeseen circumstances prevent him/her from doing so.
- 12.4 If an employee is denied application for leave due to employer's service delivery requirements, such leave must upon request be paid out to the

employee at the end of the 6 months' period referred to 10.2 of this policy or 5.6 of the Determination and Directive on Leave of Absence in the Public Service.

- 12.5 The department shall close its business for compulsory leave (except emergency services) between Christmas and New Year. Human Resource Administration (Service Conditions) shall automatically deduct the days on Persal and E-leave system.

### **13. UNPAID LEAVE OR LEAVE WITHOUT PAY**

- 13.1 If an employee has used all her/his vacation leave credit, she/he may be granted vacation leave without pay. An employee's absence from duty due to the following incidents shall result in unpaid leave:
- 13.2 An arrest, imprisonment or appearance in court on a criminal charge that leads to a conviction.
- 13.3 Unpaid leave should be regarded as calendar days
- 13.4 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.
- 13.5 Employee who has not reported to his or her supervisor up until 9H00 and subsequently absent or came after 12H00.

### **14. PROVISIONS AND PROCEDURES**

- 14.1 The use of unpaid leave due to insufficient leave credits as mentioned above is subject to approval by the line manager.
- 14.2 Only in exceptional circumstances shall the Head of Department or delegate grant the employee more than 184 calendar days' unpaid leave over a period of 18 months.
- 14.3 Leave credits that have been over-utilized by the employee will be recovered from leave pay-outs if the employee exits the public service.
- 14.4 Leave without pay (LWP) is calculated as calendar days, meaning its inclusive of weekends.

## **15. LEAVE PAY-OUT ON TERMINATION OF SERVICE**

- 15.1** On termination of service, permanently employed and contract employees which includes interns are entitled to the cash value of any unused annual leave credits in respect of the previous and/or current annual leave cycle. This only applies to annual leave that has not expired.
- 15.2** A casual employee is only entitled to the payment of unused annual leave in an annual leave cycle in the event of the termination of services, only if he/she was in service for at least four (4) consecutive months of employment.

## **16. CAPPED LEAVE (ANNUAL LEAVE ACCRUED PRIOR TO 1 JULY 2000)**

- 16.1** Employees who were appointed before 1 July 2000 and accumulated leave credits will retain their capped leave, subject to auditing. Officials are advised to nominate their beneficiaries for gratuity/leave discounting payout, forms are available at HR: Service Condition. The monetary value of unused capped leave will only be paid out to employees in the event of:
- (a) Death;
  - (b) Retirement; or
  - (c) Medical boarding.
- 16.2** This compulsory closure shall be treated as compulsory leave and shall be deducted from annual leave credits of all employees at the beginning of the year.

## **17. NORMAL SICK LEAVE**

- 17.1** An employee basis, is entitled to 36 working days' sick leave with full pay in a three (3) year cycle. Any unused sick leave days' credits shall lapse at the expiry of the three (3) year cycle.
- 17.2** It is incumbent on the employee to utilized and managed his/her normal sick leave responsibly and with circumspect.
- 17.3** An employee must submit his/her application for sick leave in respect of clinical procedures in advance, unless the treating practitioner certified that such procedures have to conduct as an emergency.

- 17.4** If overcome by sudden illness or injury the employee must personal notify his/her supervisor/manager immediately. A verbal message to the supervisor/manager by the relative, fellow employee or friend is only acceptable if the nature and/or extent of the illness/injury prevent the employee to inform the supervisor/manager personally.
- 17.5** An employee must submit an application for the sick leave personally or through a relative fellow employee within 5 days after the first day of absence. The employee's Supervisor/Manager/Head of Department and/or his/her delegate/must within two working days from receipt of the leave application from recommended/ not recommend and/not recommend and approve/disapprove the application and submit to the relevant Human Resource division in the department.
- 17.6** Casual employees are entitled to one (1) day's sick leave with full pay for every completed month of employment.

## **18. PROVISIONS AND PROCEDURES**

- 18.1** Normal sick leave entitlements for employees appointed on a permanent and fixed-term contract basis, apply from the day of appointment. Unused normal sick leave credits shall lapse at the end of a three (3)-year cycle.
- 18.2** If three (3) or more consecutive days are taken as sick leave, a medical certificate from a registered and recognized medical practitioner must accompany the relevant application for sick leave.
- 18.3** The date on which the employee consulted the medical practitioner must be within the first three (3) days of illness. If not, the employee should provide written reasons why he/she only consulted a medical practitioner after three (3) working days.
- 18.4** In the event of an employee refusing/failing to submit a medical certificate describing the nature and extent of the illness, where an abuse of sick has been established, the period of absence will be covered by annual vacation leave (with the employee's consent) or unpaid leave.

- 18.5** If an employee is unable to report for duty due to sudden illness, she/he must on the same day, telephonically or via another person, notify the immediate supervisor of her/his inability to report for duty before 9:00 am.
- 18.6** Employees must report again to the immediate supervisor during the course of the day whether he/she has been booked off by the doctor and the duration of the sick leave.
- 18.7** An application for leave of absence must be submitted with supporting documents (where applicable) upon resumption of duty but within 5 days upon return.
- 18.8** Sick leave may only be used for purposes of illness/indisposition. Should it become known and can be confirmed/proved that an employee used sick leave for purposes other than what it is intended for, sick leave without pay may be granted.
- 18.9** Absences from duty mentioned above shall be regarded as leave without pay unless the head of component (at least at Director level) is satisfied that the specific circumstances justify leave with full pay. In any event of abuse of sick leave the employee shall be offered the opportunity to submit written reasons to such head of component for her/his consideration. Apart from sick leave without pay, should disciplinary action also be considered, the Director for Employment Relations or her/his delegate must be consulted.
- 18.10** If an employee to whom vacation and/or special leave has been granted, becomes ill after she/he went on leave, that portion of the vacation/special leave in respect of which she/he submits a medical certificate, shall be converted to sick leave on submission of a new leave application. HR shall cancel the vacation or special leave on PERSAL and recapture the leave as sick leave.
- 18.11** Vacation leave without pay may not be converted to sick leave.
- 18.12** An employee may only use sick leave during her/his notice period of termination of service. Medical certificate, however, should be provided even if the employee has been sick for 1 day.

## **19. LEAVE FOR PARTS OF THE DAY**

- 19.1** An employee may apply for leave for part of the day for annual leave, sick leave, pre-natal leave or family responsibility leave.

## **20. CONDITIONS, PROVISIONS AND PROCEDURES**

- 20.1** If the employee has to be out of the office, for personal reasons, for an hour and above during normal working hours the unit must record the hours of absence. This provision must be applied as follows since leave for a part of a day cannot be captured on PERSAL system;
- (a) The employee requests the supervisor for absence for a part of the day.
  - (b) The supervisor records all the absences on the manual system such as an attendance register, a book or a spreadsheet.
  - (c) Once all applications for a specific leave type add up to the employee's prescribed work day (8 hours), the employee completes a leave application form for a full day and the leave form must be recommended and authorized by the relevant supervisors.
  - (d) A completed leave form must be forwarded to Human Resources for capturing on PERSAL and filing on the employee's leave file.

## **21. WEEK WORK RULE**

- 21.1** 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, failing which such leave will be covered by normal vacation leave (with the employee's consent) or alternatively unpaid leave.
- 21.2** 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 above-mentioned period must then be regarded as the first day of the next 8-week period.

**21.3** PERSAL has been programmed to detect employees who are affected by the 8-week rule. In the event of detection by PERSAL the HRAS Directorate shall write a letter to the employee concerned to submit a medical certificate. If the employee is not a position to submit the medical certificate she or he will be given an option to utilize his annual leave credits or unpaid leave if the vacation leave credits have been exhausted.

## **22. BREAK - IN SERVICE**

**22.1** In terms of Section 84 of Basic Conditions of Employment Act, 1997, amended for the purposes of determining the length of an employee's employment with an employer, previous employment with the same employer must be taken into account if the break between the periods of employment is less than a year. If an employee resigns from the Public Service and again appointed to the service before the expiry of the period of 12 months, the leave provision must take into account the previous employment service.

## **23. TEMPORARY INCAPACITY LEAVE**

**23.1** Incapacity leave is not an unlimited number of additional sick leave days at an employee's disposal. Incapacity leave is an additional sick leave granted conditionally at the discretion of the Head of Department or delegated official, and granted in accordance with the *Policy and Procedure on Incapacity Leave for Ill-Health Retirement* determined by the Minister for Public Service and Administration in terms of sec. 3(3)(c) of the Public Service Act, 1994, (*hereafter referred to as PILIR*).

## **24. SPECIAL LEAVE TYPE**

### **24.1 Study Leave for Examination purposes**

**24.1.1** Total of two (2) working days' special leave with full-pay may be granted to an employee for each day on which he / she sits for an examination and **one (1) working day** to study for such examination(s) and other one for the actual day of the examination i.e. **2 working days per subject**.

- 24.1.2 Examination referred to above may include ordinary school subjects up to Matric including post Matric examinations in respect of which proof of writing examination as well as a report thereof is given. i.e. timetable
- 24.1.3 A provision may be applied only once in respect of re-examination for supplementary purposes. Should the employee fail the exam, the employee may be granted **two (2) working days with full pay**.
- 24.1.4 Working days shall be utilized in granting study leave e.g. if an examination is written on Monday then Friday of the previous week will be granted as special leave. This principle will also apply on public holiday.
- 24.1.5 Examination leave shall be granted for bona fide final examinations and not for class tests, etcetera. For the purpose of this policy, final examinations include all examinations that will lead to the conclusion of a subject (including semester and trimester courses).
- 24.1.6 Examination time – table must always be attached to the special leave application as proof of registration and results must be submitted.

## **24.2 Study leave for block sessions**

- 24.2.1 Ten (10) working days per leave cycle study leave may be granted for an approved study leave such also attend lectures, research work and / or writing of essay or a thesis or professional exams for a postgraduate qualification or professional qualification and for attendance of preparatory course with a view to sit for a qualifying examination in order to obtain admission to a particular field of study.
- 24.2.2 The field of study should be within the interest of the government's strategic objectives. Such study leave may be granted irrespective of whether he/she studies with the help of bursary or at his/her own cost.
- 24.2.3 Study is applied when public servants study at approved institutions and their studies are in the interest of Public Service.
- 24.2.4 Employees, who attend classes, do presentations and write tests as a package that **substitute** examination may be granted a maximum of ten (10) days study leave per annum with full pay in connection with his/her attendance for such examination.



24.2.5 An employee may not utilize 11.2.1 and 6.2.4 simultaneously in a leave cycle.

24.2.6 When an employee is on study leave she/he is not entitled to any travelling and subsistence expenses related thereto unless the bursary policy specifies otherwise.

### **24.3 Sabbatical Leave**

24.3.1 The main purpose of a sabbatical is to provide employees with an opportunity to pursue further professional development, interests, such as further study, research, or benchmarking against national and international standards. It is not intended as an opportunity to engage in paid work through other employment during this time.

24.3.2 Leave must be requested at least four (4) months in advance and must be approved by the Head of Department.

24.3.3 After ten (10) years of continuous public service, an official may apply for a second sabbatical according to the criteria as set out above.

24.3.4 Sufficient evidence should exist that the applicant is in a position to contribute significantly to the overall objectives of the department after the completion of sabbatical.

24.3.5 In case, an employee who was offered a sabbatical resigns during the period of sabbatical or within six (6) months after the leave, he/she should repay an amount equal to the month given for sabbatical.

24.3.6 The Head of Department may grant an employee sabbatical leave such as exemption from duty for up to three (3) months with full pay. The Head of Department may approve leave without pay up to 184 days of leave without pay for part/full time classes or scholarship courses on commencing the studies for the full normal period of such course or such other period as may be necessary while taking into account the interest of service delivery.

24.3.7 To qualify for sabbatical leave; an applicant must have at least five (5) years continuous service within the Public service, three (3) years of which should be in the Eastern Cape Rural Development and Agrarian Reform.

#### **24.4 Special leave for participation in sport.**

24.4.1 An employee who is selected to participate in sporting/recreational activity in the capacity as a member of a sporting team, he/she will be granted a commitment leave up to a maximum of 10 working days per annum to participate in such sport.

24.4.2 The Head of Department may give due consideration for any number of days in excess of 10 days commitment leave, taking into account the service delivery requirements and may be granted special leave for the following conditions;

- (a) Is selected by a nationally/provincially recognized sports association to take part as a member of an organized sports group in a sporting tour as a competitor, coach, manager or official to represent South Africa on an international level.
- (b) Accompanies a foreign national team visiting the Republic, as a representative of the South African Sports Association organizing the tour.
- (c) Serves as a referee, an official or a judge at an organized amateur sports meeting at an international level, inside or outside the boundaries of the Republic.
- (d) The utilization of special leave for sport purposes for (a), (b) and (c) may not exceed 10 working days per leave cycle.

#### **24.5 Resettlement due to transfer**

24.5.1 Special leave for resettlement due to a transfer may be granted to the maximum of two (2) days with full pay to an employee in order for him or her to:

- (a) Arrange accommodation.
- (b) Supervise the packing / loading and unpacking / unloading of personal effects.
- (c) Arrange school for children.
- (d) Connect / disconnect water / lights.
- (e) If an employee requests to be transferred e.g. to another station, this special leave is not applicable to his or her situation.

## **24.6 Quarantine**

**24.6.1** Special leave will be granted in respect of periods where an employee who is absent from duty as a result of segregation or isolation on medical instructions where he / she was in contact with a person who has contracted or is suspected of having contracted an infectious or contagious disease.

**24.6.2** The granting of special leave shall be subject to the submission of a certificate by a registered medical practitioner indicating the period and reason for segregation or isolation, for a minimum of two consecutive days which also certifies that the employee did not contract the relevant disease.

## **24.7 Other special leave**

**24.7.1** Special leave with full pay may be granted to an employee depending on specifics of the relevant event provided documentary proof is furnished for consideration of the Head of the Department in advance prior to the granting of such special leave for the following conditions;

**24.7.2** Blind employee, he / she must attend a recognized orientation course for the blind, or a recognized training course in handling a guide dog.

**24.7.3** If the area in which he/she is working is struck by a natural disaster and the department is satisfied that it was impossible for the employee concerned at that time to continue with his / her official duties.

**24.7.4** A departmental official who has to appear in court or court appearances as summoned or subpoenaed as a witness, or plaintiff.

**24.7.5** An employee that is under-going rehabilitation that requires confinement in a health institution in line with the Employee Wellness Policy.

**24.7.6** An official of the department who attends interviews within the Public Sector/service, the department may grant such official one-day special leave.

**24.7.7** An application for interviews of such special leave day must be supported or accompanied by a reasonable proof such as letter of invitation signed by the Director of HR in that institution.

## **24.8 Family Responsibility Leave**

24.7.8 With effect from 1 June 2015 an employee shall be entitled five (5) days 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.

24.7.9 Five (5) days leave per annual leave cycle for utilization if:

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

24.7.10 The amount of family responsibility leave taken according 24.8.1(a) and (b) above shall not exceed 10 days in a leave cycle.

24.7.11 With effect from 20 May 2015 an employee who has children with severe special needs shall be granted five (5) working day's family responsibility leave per calendar year.

24.7.12 For the purpose of section 11.8.4 a child with severe special needs is a child who has mental, emotional or physical disability, certified by a medical practitioner, which requires health and related services of a type or amount beyond required by children generally. For the purpose of this provision "child" means employee's son or daughter of any age.

24.7.13 An application of family responsibility leave should be supported by a reasonable proof to demonstrate the severe special needs of employee's child.

## **24.9 Leave for office bearers or shop stewards of recognized employee organizations**

24.7.14 Office bearers or shop stewards of recognized employee organization shall receive up to 15 days paid leave per leave cycle for activities related to her or his union position with effect from 1 January 2012.

24.7.15 Formal invitation must be brought forward and a leave form must be filled and approved by the relevant directorate before the employee embarks on such activity.

- 24.7.16 The 15 working days shall be pooled per recognized trade union. Office bearers or shop stewards belonging to the same recognized trade union may apply for leave days from the pool.
- 24.7.17 A shop steward may apply from the pool in respect of the recognized employee organization she/he belongs to only. The shop steward accessing the same pool of leave may not exceed the total number of leave days available in a pool.

## **24.8 Rehabilitation**

- 24.8.1 Rehabilitation leave shall be granted as indicated in the Employee Assistance Policy of the Department.

## **24.9 Injury on Duty Leave**

- 24.9.1 An employee who in the process of doing official duty meets with an accident/ disease resulting in physical injury/disease shall be entitled to a special sick leave with full pay for the duration or period he/she is receiving medical treatment until he /she recovers subject to rules governing sick leave and incapacity leave in the public service.
- 24.9.2 The employee concerned shall during the time / period off duty on special sick leave, provide the department with progress medical report indicating that he/she is receiving medical treatment.
- 24.9.3 Where appropriate temporary or permanent disability sick leave may be utilized as prescribed by the Department of Public Service and Administration in terms of Policy and Procedure on Incapacity leave and Ill Health Retirement.
- 24.9.4 When the employee recovers fully, he / she shall provide a final medical report from the doctor who has been giving medical treatment to him / her. A resumption report must be completed by the supervisor when he / she have resumed duty on the date reflected on the final medical report.

24.9.5 Temporary total disablement continuing for more than 24 months may be treated by the Head of Department as permanent disablement as provided for in Section 47 (6) of the Compensation for Occupational Injuries and Disease Act No. 130 of 1993.

#### **24.10 Maternity Leave**

24.10.1 Employees are entitled to four (4) consecutive calendar months maternity leave to commence:

- (a) at any time from four weeks before their expected date of birth, unless otherwise agreed; or
- (b) on a date which a medical practitioner or a midwife certifies that it is necessary for the employee's health or that of her unborn child.

24.10.2 At least six weeks after the birth, no employee may work for six weeks after the birth of her child, unless a medical practitioner or midwife certifies that she is fit to do so.

24.10.3 An employee who has a miscarriage during the third trimester of pregnancy or bears a stillborn child is entitled to maternity leave for six weeks after the miscarriage or stillbirth, whether or not the employee had commenced maternity leave at the time of the miscarriage or still birth. Any miscarriage which occurs during the first two trimesters shall be treated as normal sick leave.

24.10.4 An employee, who has lost a child after the first month of birth, is entitled to maternity leave for six (6) weeks after death.

24.10.5 An employee must notify the employer in writing of the date on which the employee intends to:

- (a) Commence maternity leave; and
- (b) Return to work after maternity leave.

24.10.6 Notification must however be given.

- (a) At least four weeks before the employee intends to commence maternity leave; or

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- (b) If it is not reasonably feasible to do so, as soon as is practically possible to do so.
- 24.10.7 All employees irrespective of marital status qualify for the purpose of granting maternity leave after 12 months of uninterrupted service in the public service.
- 24.10.8 New employees will have their probationary period extended by the number of leave taken should they utilize this type of leave i.e. maternity leave.
- 24.10.9 Utilization of this maternity leave benefit is not coupled to any contractual binding.
- 24.10.10 An employee shall receive four months paid maternity leave.
- 24.10.11 If an employee has utilized all her maternity leave, and wishes to extend the leave as a result of complication, she shall:
- (a) Utilize available vacation leave, and /or
  - (b) Receive up to a maximum of six (6) months of unpaid leave within a period of 18 months and / or
  - (c) Utilize any sick leave due to her.
- 24.10.12 Employee who are on fixed term contract who joined public service after July 2007 shall be granted maternity leave on a pro-rata basis.

### **24.11 Pre-natal leave**

- 24.11.1 With effect from 1 January 2013 an eligible employee will be entitled to eight (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.
- 24.11.2 An employee can utilize a full day or part of a day for pre-natal leave.
- 24.11.3 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.

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24.11.4 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.

24.11.5 Absence related to medical complications during pregnancy will be covered by sick leave.

### **24.12 Adoption Leave**

24.13.1 An employee who adopts a child who is younger than two (2) years shall qualify for adoption leave to a maximum of 45 working days.

24.13.2 If both spouses of life partner are employed in the public service; both partners will qualify for adoption leave provided that the combined leave taken does not exceed the 45 day stated in (a) above.

### **24.13 Paternity leave**

24.13.1 With effect from 20 May 2015 an employee shall be granted three (3) working days' paternity leave per calendar year for the utilization if an employee's spouse or life partner gives birth to a child or adopts a child not older than two (2) years old.

24.13.2 An application for paternity leave must be supported by a reasonable proof.

### **24. Monitoring, Evaluation and Reporting**

25.1 To ensure optimal success of the granting of special leave, it is essential that there is an ongoing evaluation and monitoring. This will ensure that the special leave policy remain current, effective and abreast of new developments. The Human Resources Administration shall be responsible for monitoring of this special leave and shall report to the Accounting Officer and Head of Department its utilization.

### **25. Policy review**


26.1 This policy shall be reviewed in 5 years from its effective date to determine its effectiveness and appropriateness. This policy may be assessed before that time as necessary to reflect substantial organisational changes or any change required by law.




LEAVE POLICY

RECOMMENDED/~~NOT RECOMMENDED~~

*Recommended for approval*

*pp*   
MRS. Z. MAKINA  
DDG: ADMIN  
DATE: 28/03/2018

APPROVED/~~NOT APPROVED~~

  
MR. L.L. NGADA  
HEAD OF DEPARTMENT  
DATE: 28/03/2018