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REPUBLIC OF SOUTH AFRICA

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TO ALL HEADS OF DEPARTMENTS AND PROVINCIAL ADMINISTRATIONS

CIRCULAR NO 2 OF 2021


STATE OF DISASTER: AMENDMENT TO THE DIRECTIONS IN RESPECT OF LEAVE FOR EMPLOYEES AFFECTED BY COVID-19.

1. The Minister for the Public Service and Administration has directed, in terms of Regulation 10(8) of the Regulations promulgated in terms of section 27(2) of the Disaster Management Act, 2002 and published in Government Gazette No 43107 on 18 March 2020, read with section 3 of the Public Service Act, 1994, the attached amended Directions In Respect Of Employees Affected By COVID-19 For Implementation.
2. The salient features of the amendments to the Directions are the following:
 - 2.1. It seeks to accommodate employees who tested positive for COVID-19 and who received their test results via an SMS directly from the laboratory in the following circumstances:
 - 2.1.1. Employees who were tested at their residences as part of the mass testing initiatives embarked upon by the respective provinces.
 - 2.1.2. Employees who, based on their telephonic contact with their doctors and the symptoms described, were redirected to testing centres to undergo the COVID-19 tests.

2.2. To align the period of isolation with the period announced by the Minister of Health from 14 days to 10 days.

2.3. To facilitate the implementation dates pertaining to the above-mentioned amendments.

3. The amended Directions are available on the DPSA web site at www.dpsa.gov.za.


MS YOLISWA MAKHASI
DIRECTOR-GENERAL
DATE: 2021/6/2



**DIRECTIONS ISSUED BY THE MINISTER FOR THE PUBLIC SERVICE AND
ADMINISTRATION IN RESPECT OF LEAVE FOR EMPLOYEES AFFECTED BY
COVID-19**

1. OBJECTIVES

- 1.1. To provide for arrangements for a leave dispensation for employees following the recent outbreak of the coronavirus (COVID-19) in South Africa which was declared a national state of disaster by the Minister of Cooperative Governance and Traditional Affairs and announced by the President as a national state of disaster.
- 1.2. To assist departments in complying with their legal obligations in accordance with section 8 of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), as far as is possible, in providing and maintaining a working environment that is safe and without risk to the health of its employees.
- 1.3. To mitigate the impact of the spread of COVID-19 in the public service and society.
- 1.4. To have a common approach in the manner in which departments deal with an employee's absence arising from quarantine or isolation in relation to the containment measures related to COVID-19.
- 1.5. To provide for a leave dispensation for the duration of the declared national state of disaster declared by the Minister and published in Government Notice No. R. 313 of 15 March 2020.

2. SCOPE

These Directions apply to all employees, in so far as the Public Service Act, 1994 (Proclamation No. 103 of 1994) applies and does not include employees designated as essential services in terms of the Labour Relations Act, 1995. For those employees excluded from the provisions of these Directions, the relevant heads of department shall determine their own protocols for the management of leave for COVID-19.

3. AUTHORISATION

These Directions are issued in terms of regulation 10(8) of the Regulations promulgated in terms of section 27(2) of the Disaster Management Act, 2002 (Act No. 57 of 2002) and published in Government Gazette No 43107 of 18 March 2020, read with section 3 of the Public Service Act, 1994.

4. DEFINITIONS

In these Directions, a word or expression bears the meaning assigned to it in the Public Service Act, 1994 or its regulations and unless the context otherwise indicates-

- 4.1. **'COVID-19'** means the Novel Coronavirus (2019-nCov) which is an infectious disease caused by a virus, which emerged during 2019 and was declared a global pandemic by the WHO during the year 2020 that has previously not been scientifically identified in humans;
- 4.2. **'isolation'** means separating an employee who is confirmed to be infected with the COVID-19 to prevent the spread of infection or contamination of the COVID-19;
- 4.3. **'national state of disaster'** means the national state of disaster declared by Government Notice No. R. 313 of 15 March 2020;
- 4.4. **'quarantine'** means separating an employee who is suspected of having been exposed to a person having COVID-19, or an employee displaying symptoms of COVID-19, or an employee who has returned from another country, from healthy individuals in such a manner as to prevent the spread of infection or contamination of the COVID-19; and
- 4.5. **"days"** means a consecutive number of days, inclusive of Saturdays, Sundays and public holidays as defined in the Public Holidays Act, 1994 (Act No. 36 of 1994).

5. DIRECTIONS

- 5.1. For the duration of the state of disaster for COVID-19, a head of department must grant leave for the duration of the quarantine or isolation of any employee to the extent provided herein.

SPECIAL LEAVE FOR COVID-19 FOR PURPOSES OF QUARANTINE

- 5.2. A head of department shall, as a precautionary measure, grant an employee special leave for COVID-19 if such employee is screened or tested for COVID-19 because the employee-
 - 5.2.1. displays symptoms of respiratory illness, cough, sore throat, shortness of breath or fever;
 - 5.2.2. travelled abroad and there is reason to believe that the employee may be at risk of being infected with COVID-19;
 - 5.2.3. worked closely with or been in contact with a person confirmed to be infected with COVID-19;
 - 5.2.4. been exposed to a person suspected of having COVID-19; or
 - 5.2.5. attended a health care facility where patients with COVID-19 infections were being treated.
- 5.3. A head of department shall, as a precautionary measure, grant an employee special leave for COVID-19 if the employee-

- 5.3.1. worked closely with or has been in contact with a colleague confirmed to be infected with COVID-19; and/or
- 5.3.2. has been notified that s/he has been in close contact with or exposed to a person confirmed to be infected with COVID-19.
- 5.4. A head of department may, as a precautionary measure, grant an employee special leave for COVID-19 who displays symptoms of COVID-19 but does not meet the requirement for testing for COVID-19.
- 5.5. In the event that it is determined that employees may have come into contact with an employee who tested positive for COVID-19, the head of department may determine that the closure of a unit/component/office/department is warranted and in those circumstances the employees of such unit/component/ office/department may be granted special leave.

ELIGIBILITY CRITERIA FOR SPECIAL LEAVE

- 5.6. An employee contemplated in paragraphs 5.2, with the exception of subparagraph 5.2.2, may be granted special leave of no more than 10 days for COVID-19 if that employee underwent screening or testing in accordance with the protocols established by the National Department of Health and the National Institute for Communicable Diseases.
- 5.7. An employee contemplated in paragraph 5.3 may be granted special leave of no more than 10 days for COVID-19 and provided that reasonable proof of such notification is provided.
- 5.8. An employee contemplated in paragraph 5.4 may be granted special leave of no more than 10 days for COVID-19 if a head of department assessed the application taking into account the inherent risk to the workplace, the service delivery needs of the department and the decision taken is supported by reasonable proof.
- 5.9. In the interest of continuous service delivery and if circumstances permit, an employee granted special leave for COVID-19 as a precautionary measure, may be requested to continue working remotely to perform specific functions while being quarantined.
- 5.10. Notwithstanding the provisions of paragraph 5.6 to 5.8, special leave shall be terminated in the event that the employee tests negative for COVID-19.

EMPLOYEE ACTIONS

5.11. An employee granted special leave for COVID-19 as a precautionary measure is required to-

5.11.1. remain at home and follow the advice from the National Department of Health or their medical practitioner;

5.11.2. avoid contact with other people in order to help prevent the spread of COVID-19, both in their home and in their community; and

5.11.3. stay home, avoid other people and contact the National Department of Health as soon as possible, if the employee develops symptoms of COVID-19, even if the symptoms are mild.

SICK LEAVE FOR PURPOSES OF ISOLATION

5.12. A head of department shall grant an employee sick leave within the parameters provided for in the Determination and Directive on Leave of Absence, read with the Policy and Procedure on Incapacity Leave and Ill-health Retirement, where applicable, if the employee-

5.12.1. tested positive for COVID-19 and presented with illness or symptoms and a medical practitioner has certified that the employee must be isolated to prevent the spread of COVID-19; or

5.12.2. tested positive for COVID-19 and who received their test results via SMS directly from the laboratory in the following circumstances:

(a) Employees who were tested at their residences as part of the mass testing initiatives embarked upon by the respective provinces.

(b) Employees who, based on their telephonic contact with their medical practitioner and the symptoms described, were redirected to testing centres to undergo the COVID-19 tests; or

5.12.3. tested positive for COVID-19, presented with illness and was hospitalised.

5.13. In the event where an employee has been granted special leave for purposes of quarantine and while in quarantine tested positive for COVID-19 the special leave so granted must be terminated. The sick leave granted, within the parameters provided for in the Determination and Directive on Leave of Absence, read with the Policy and Procedure on Incapacity Leave and Ill-health Retirement, where applicable, shall commence from the date the employee tested positive for COVID-19.

5.14. An employee who is diagnosed with any other illness that is not COVID-19 related should be dealt within the parameters provided for in the Determination and Directive on Leave of Absence, read with the Policy

and Procedure on Incapacity Leave and Ill-health Retirement, where applicable.

ELIGIBILITY CRITERIA FOR SICK LEAVE

5.15. An employee may, within the parameters provided for in the Determination and Directive on Leave of Absence, read with the Policy and Procedure on Incapacity Leave and Ill-health Retirement, be granted sick leave if the employee-

5.15.1. underwent a medical screening process in accordance with the protocols established by the Department of Health and the National Institute for Communicable Diseases and is tested positive for the COVID-19; or

5.15.2. underwent a medical screening and is diagnosed with any other illness that is not COVID-19 and a medical practitioner has issued a medical certificate in this regard; or

5.15.3. underwent a medical screening process in accordance with the protocols established by the Department of Health and the National Institute for Communicable Diseases and was advised via SMS by the COVID-19 testing centre to isolate for a period of 10 days to prevent the spread of COVID-19; or

5.15.4. underwent a medical screening process in accordance with the protocols established by the Department of Health and the National Institute for Communicable Diseases, tested positive for COVID-19, presented with illness and was hospitalised; or

5.15.5. was granted special leave for purposes of quarantine and while in quarantine tested positive for COVID-19. Special leave for purposes of quarantine must be terminated and sick leave commence from the date the employee tested positive for COVID-19.

BENEFITS

5.16. An employee may be granted sick leave of no more than 10 days for isolation if certified by a medical practitioner or on submission of relevant proof of the results of the COVID-19 test conducted by a medical facility. If the employee has exhausted his/her normal sick leave provided for in the Determination and Directive on Leave of Absence, incapacity leave may be granted in terms of the provisions of the Policy and Procedure on Incapacity Leave and Ill-health Retirement.

EMPLOYEE ACTIONS

5.17. Employees granted sick leave for COVID-19 are required to:

- (a) stay at home for the duration of the period certified by the medical practitioner until advised that the risk of spreading the virus to others has subsided; and
- (b) avoid contact with other people to help prevent the spread of disease in their home and in their community, particularly people at high risk of severe illness outcomes such as older adults or medically vulnerable people.

AN EMPLOYEE WHO REFUSES TO REPORT FOR DUTY

5.18. If an employee has not been granted permission to not attend work and refuses to attend, then such absence shall be regarded as unpaid and shall be dealt with in terms of the applicable Disciplinary Code.

IMPLEMENTATION OF THESE DIRECTIONS

5.19. The amendments to paragraphs 5.3, 5.6, 5.7, 5.13, 5.14 and 5.15, above, come into effect from 25 March 2020, whilst the amendment of the quarantine period will come into effect from the date of signature hereof by the Minister for the Public Service and Administration and terminates on the date when the national state of disaster terminates.



MR SENZO MCHUNU, MP

MINISTER FOR THE PUBLIC SERVICE AND ADMINISTRATION

DATE: 30/04/2021