



the dpsa

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DPSA interventions to address Long Suspensions and public servants on Long-Term sick leave

Press Statement

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The Minister for the Public Service and Administration, Ms Noxolo Kiviet, has noted with concern media reports of several employees who are alleged to have been on long absences from work due to prolonged suspensions and long-term sick leave. As some of the cases involve local government, the Minister is in the spirit of a Single Public Administration, engaging with the Minister for Cooperative Governance and Traditional Affairs to find sustainable interventions to address this issue.

Minister Kiviet said the Government is duty-bound to deal with and prevent the abuse of sick leave. This is partly addressed through the Policy and Procedure on Incapacity Leave and Ill-health Retirements (PILIR). This pertains to long-term illness, guided by the Basic Conditions of Employment Act and the Labour Relations Act. The current position of government is that employees who are afflicted by illness are allowed a fair opportunity to recover from such illness and in so doing they would continue to be productive once fully recovered.

The granting of long incapacity leave follows a strict regime that includes an investigation and assessment by an independent Health Risk Manager. The independent Health Risk Managers are specialists in occupational health and advise the employer on, among others, the validity, the extent of the illness, the appropriate duration for recovery and, where applicable, the management of the medical condition and/or the need to consider workplace interventions or possibly ill-health retirement.

It should be noted that if an employee has been on extended sick leave, such employee may be subjected to a further medical examination where the necessity for ongoing sick leave, may be reviewed. Depending on the outcome of the review, the employer may consider introducing reasonable accommodation to enable the employee to return to full productivity including alternate employment. Additionally, the employer may also decide to grant an employee ill-health retirement if it has become apparent after the assessment that the employee will never be able to render effective service.

On Precautionary suspensions, Minister Kiviet said a disciplinary process is at the behest of the employer and rests at the discretion of the Head of Department. Suspensions are not only costly to the state in terms of salaries and benefits but also costly to the colleagues of the employee on suspension as services will still require to be delivered. It is against this background that the manager responsible for this process must exercise their duty of care as the effect negatively impacts the morale of staff and financial resources.

The following intervention has been instituted to address the challenges identified:

- The introduction of the Public Administration Ethics, Integrity, and Disciplinary Technical Assistance Unit (PAEIDTAU) to support departments in managing disciplinary processes and precautionary suspensions.
- Partnering with the Public Service Sector Education and Training Authority and the National School of Government to provide ongoing training to managers and supervisors on the correct procedures to follow in managing suspensions. This also applies to Chairpersons and Initiators in Disciplinary hearings in the quest to promote fairness and transparency.
- Establishment of labour bargaining councils that are independent bodies composed of experts in labour relations to mediate in cases where employees feel that they have been unfairly treated.
- Entered into an MOU with the Auditor General to audit the compliance of departments to various government policies and relevant PSCBC Resolutions.
- Lastly, the DPSA has initiated an investigation in partnership with the Public Service Commission (PSC) to:
 - Establish the reported trends on sick leave use and likely abuse in the Public Service.
 - The extent of long-term sick leave usage in the Public Service in the past 5-10 years and where the persons are located; and
 - To establish whether sick leave in general and PILIR, in particular, are correctly applied.

This investigation should assist the DPSA to identify policy and implementation gaps to be addressed.

As part of the measures to address this matter, the DPSA will host an Employee Health and Wellness Indaba as part of the Public Service Month to reflect on the post Covid-19 health wellness of public servants. This is to ensure that the response of the government as a caring employer is demonstrated in both policy and action.

Minister Kiviet calls on departments to adhere to provisions of the Disciplinary Code, Resolution 1 of 2003, and where there are challenges, to contact the DPSA for technical support.

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