



3. A provision available to departments is the 8-week rule as contained in Chapter 3, section 23 (1) of the Basic Conditions of Employment Act, 1997 (BCEA).
4. This section stipulates that (a) an employer is not required to pay an employee if the employee has been absent from work for more than two consecutive days **or** (b) on more than two occasions during an eight-week period and on request by the employer does not produce 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.
5. With due consideration to the above it was decided to extend the current provision to also include the 8-week rule. The Minister for the Public Service and Administration therefore determined in terms of section 3 (3) (c) of the Public Service Act, 1994, as amended, that with effect from 1 April 2005–
  - (a) 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; and
  - (b) the 8-week shall be a calendar period and shall commence 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.
6. Note should be taken that the implementation date is 1 April 2005. Departments must convey the content of this circular to all employees immediately and ensure that the content is fully understood by all employees.



*for* **DIRECTOR-GENERAL**