



the dpsa

Department:
Public Service and Administration
REPUBLIC OF SOUTH AFRICA

SICK LEAVE, INCAPACITY LEAVE AND ILL HEALTH RETIREMENT IN THE PUBLIC SERVICE

WHY SICK LEAVE?

In the normal course of events of life, you might fall ill or get injured in which case you will need leave to recover from your illness or injury. Please note injuries in this context, do not refer to injuries on duty.

WHAT ARE YOUR ENTITLEMENTS?

You are entitled to 36 working days normal sick leave with full pay in a sick leave cycle. A sick leave cycle is a period of three consecutive years. The current sick leave cycle commenced on 1 January 2007.

WHAT ARE YOUR RESPONSIBILITIES IN UTILISING NORMAL SICK LEAVE?

- If you know in advance that you have to go for a clinical procedure, for example, an operation, apply and submit your application form in advance.
- However, if you are overcome by a sudden illness or sustained an injury, notify your supervisor immediately if you are unable to work due to your illness or injury. A verbal message by a relative, fellow employee or friend is only acceptable if the nature and/or extent of the illness/injury prevents you from informing your supervisor/manager personally.

IMPORTANT!

You must submit your sick leave application personally or through a relative, fellow employee within 5 working days after the first day of absence.

- Submit a medical certificate for periods of three days and more and in the event where you have utilised sick leave more than twice in an eight-week period, regardless the period of absence. Refer also to the Acceptance of Medical Certificates below.

- Use and manage normal sick leave in a responsible manner and with circumspect during the sick leave cycle.
- Refrain from using sick leave for other purposes than illness or injuries since you might end up in a predicament later in the sick leave cycle.

WHAT ARE THE EMPLOYER'S RESPONSIBILITIES?

- To consider and grant you sick leave in accordance with your application.
- To monitor and investigate specific normal sick leave trends for possible abuse and to take action if necessary. The employer may in certain instances request a medical certificate for periods of shorter than 3 days if a specific trend is detected.
- To advise employees on the sensible use of sick leave.
- Adapt the work environment or job requirements or seek alternative employment, etc. in cases where necessary.

WHAT IS INCAPACITY LEAVE?

Incapacity leave is a benefit for which you can apply in the event where you have exhausted your normal sick leave in the 3 year sick leave cycle. Incapacity leave is for management purposes categorized into two types:

- Short incapacity – this is when the period of incapacity leave that you request is for 29 days or less.
- Long incapacity – this is when you apply for 30 or more days of incapacity leave.

WHAT DOES THIS BENEFIT ENTAIL?

You may apply for each and every occasion that you need incapacity leave, subject to-

- the submission of a medical certificate for each and every occasion; and
- the employer's investigation into the nature and extent of your illness or injury.

IMPORTANT!

You may no longer use the Z1 leave application form for incapacity leave. There are specific prescribed application forms for short and long periods of incapacity leave, respectively. Ensure that your forms are duly completed and all supporting evidence attached.

WHAT ARE YOUR RESPONSIBILITIES?

- Apply on the required application forms. Please note that you must apply on the prescribed application forms for short and long incapacity leave respectively. You may no longer use the Z1 form for this purpose.
- If you know in advance that you have to go for a clinical procedure, for example, an operation, apply and submit your application form in advance.
- However, if you are overcome by a sudden illness or sustained an injury, notify your supervisor immediately if you are unable to work due to your illness or injury. A verbal message by a relative, fellow employee or friend is only acceptable if the nature and/or extent of the illness/injury prevents you from informing your supervisor/manager personally.

IMPORTANT!

You must submit your sick leave application personally or through a relative, fellow employee within 5 working days after the first day of absence.

- You must always submit a medical certificate with your application. You may also submit available supporting medical reports and information, as well as a written motivation with your incapacity leave application. Refer also to the Acceptance of Medical Certificates.
- Refrain from abusing incapacity leave.
- Adhere to and honour appointments for further medical examinations requested and arranged by the Employer's Health Risk Manager.

WHAT ARE THE EMPLOYER'S RESPONSIBILITIES?

The employer will conditionally grant you incapacity leave pending the outcome of its investigation into the nature and extent of your incapacity.

The employer shall manage and investigate your application, with the assistance of a Health Risk Manager, in terms of the Policy and Procedure on Incapacity Leave and Ill-health Retirement (PILIR). You may be required to undergo further medical examinations as part of the investigation so that the employer could take an informed decision on ongoing incapacity leave or e.g. the possible adaptation of your work environment or alternative employment.

The employer will notify you of its findings and take appropriate action according to its findings.

WHAT IS ILL-HEALTH RETIREMENT?

When you become permanently unable to work due to medical reasons, you could be discharged/retired from the employ of the Public Service on medical grounds.

WHAT DOES THIS ENTAIL?

Either you or your employer could initiate an ill-health retirement should it be suspected that you have become **permanently unable** to work. This could, for example, be after a serious car accident.

If you applied for long incapacity leave and the investigation of the employer shows that you will be permanently unable to work, they may escalate your incapacity application to an ill-health retirement application.

WHAT ARE YOUR RESPONSIBILITIES?

- You may be requested to complete ill-health retirement specific application forms.
- Submit medical certificates and any other available supporting medical reports and information with the application. Refer also to the Acceptance of Medical Certificates.
- Adhere to and honour appointments for further medical examinations requested and arranged by the Employer's Health Risk Manager.

WHAT ARE THE EMPLOYER'S RESPONSIBILITIES?

The employer shall manage and investigate your application, with the assistance of a Health Risk Manager, in terms of PILIR. You may be required to undergo further medical examinations as part of the investigation so that the employer could take an informed decision on your possible ill-health retirement, or if it is that you are permanently unable to work, to take an informed decision on, for example, the possible adaptation of your work environment or alternative employment.

The employer will notify you of its findings and take appropriate action according to its findings.

ACCEPTANCE OF MEDICAL CERTIFICATES!

For purposes of **normal sick leave** medical certificates issued and signed by practitioners and persons who are certified to diagnose and treat patients and who are registered with the following professional councils established by an Act of Parliament shall be accepted:

- The Health Professions Council of South Africa
- The Allied Health Professions Council of South Africa

- The South African Nursing Council

For purposes of incapacity leave, the employer shall only accept medical certificates issued and signed by medical practitioners registered with the Health Professions Council of South Africa and who are legally certified to diagnose and treat patients. Such a medical certificate must, with your informed consent, describe the nature and extent of the illness/injury.

A medical certificate must contain the following information:

- Name, address and qualifications of the practitioner.
- Name of the patient.
- Date and time of examination.
- Whether the practitioner is issuing the certificate as a result of personal observations during an examination or as the result of information received from the patient and which is based upon acceptable medical grounds.
- Description of the illness/disorder, provided that the patient gave consent to disclose such information.
- Whether the patient is totally indisposed for duty or whether the patient will be able to perform less strenuous duties in the work situation.
- Period of recommended sick leave and the date of issue of the certificate of illness.
- Identity of practitioner if he/she uses pre-printed medical certificates, wording not applicable to the patient should be deleted.

Be assured that the employer shall, in accordance with your constitutional rights to privacy, the Code of Conduct in the Public Service Regulations, treat at all times any information regarding the medical condition of an employee with the necessary respect and confidentiality. Any transgression of these rights shall be viewed in a serious light and the necessary disciplinary action shall be instituted.

TAKE NOTE!

The employer could only consider and initiate the investigation of your application once you have submitted a duly completed application form and all the documentation required. This includes going back to your doctor for him/her to fill in the necessary report that is part of the application forms. An

incomplete application form may jeopardise your access to incapacity leave or ill-health retirement.

If you–

- need time off to consult a doctor, therapist, etc. for reasons related to your health/wellness; or
- are absent for part of a day due to an illness or injury; or
- is disabled and has to go for maintenance of equipment used as a result of your disability,

the employer will grant you time off for these absences. The employer will keep manual records of such periods used as time off until a full day is completed. It will then be deducted from your sick leave.

You will in such an instance be expected to fill in a time off register for record purposes.

Proof of such occurrences will obviously be necessary.

FURTHER INFORMATION COULD BE OBTAINED FROM YOUR HR/PERSONNEL OFFICE.

POLICY DOCUMENTS COULD ALSO BE OBTAINED FROM THE DPSA WEBSITE www.dpsa.gov.za