



DETERMINATION AND DIRECTIVE ON SPECIAL LEAVE IN THE GENERAL PUBLIC SERVICE SECTORAL BARGAINING COUNCIL

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**MADE BY THE MINISTER FOR THE PUBLIC SERVICE
AND ADMINISTRATION**



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PART 1: DETERMINATION AND DIRECTIVE ON SPECIAL LEAVE IN THE GENERAL PUBLIC SERVICE SECTORAL BARGAINING COUNCIL

1. SCOPE

- 1.1. This Determination and Directive applies to all employees and Departments that falls within the registered scope of the General Public Service Sector Bargaining Council (GPSSBC). This Determination and Directive applies *mutatis mutandis* to members of the Senior Management Service.

2. AUTHORISATION

- 2.1. This Determination and Directive is made by the Minister for the Public Service and Administration in terms of the provisions of section 3(5) (a) and 5(6) (b) of the Public Service Act, 1994, as amended.

3. PURPOSE

- 3.1. This Determination and Directive gives effect to GPSSBC Resolution 2 of 2024.

4. OBJECTIVE OF THE SPECIAL LEAVE DISPENSATION

- 4.1. The objective of the special leave dispensation is to achieve the following aims:

- 4.1.1. Provide Clarity, Fairness, and Consistency:

The special leave dispensation aims to establish clear, fair, and consistent guidelines for the allocation and utilization of special leave.

- 4.1.2. Supportive Working Environment:

It seeks to contribute to the creation of a supportive working environment, fostering collaboration, understanding, and mutual respect among employees.

- 4.1.3. Enhance Service Delivery:

By promoting employee attendance and minimizing absenteeism, the special leave dispensation aims to enhance the effectiveness and efficiency of service delivery.

- 4.1.4. Ensure High-Quality Service Delivery:

The ultimate goal is to enable the delivery of consistently high-quality services by maximizing employee attendance and ensuring optimal levels of productivity.

5. DEFINITIONS

- 5.1. "Affidavit" means a written declaration or statement that is sworn or affirmed before a person authorized by law to administer oaths. This implies that the individual making the declaration or statement has pledged under oath that the contents of the document are truthful, and they are cognizant that they may face prosecution if any part of the affidavit is determined to be false.



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- 5.2. "Calendar year" means from 1 January to 31 December of each year.
- 5.3. "Disaster" means a sudden, devastating event bringing great damage, loss, and destruction to life and property e.g. floods, earthquakes, tornados, etc.

6. LEAVE FOR PURPOSES OF EXAMINATIONS/TESTS

6.1. PURPOSE

- 6.1.1. The purpose of leave for examinations/tests is to provide employees with the opportunity to adequately prepare for and undertake exams or tests necessary for the attainment of academic qualifications relevant to their job scope or outlined in their Performance Development Plan.

6.2. ELIGIBILITY CRITERIA

- 6.2.1. To be eligible for this leave, an employee must be enrolled in an accredited course of study offered by a registered and accredited academic institution.
- 6.2.2. The field of study pursued should either directly relate to the employee's job responsibilities or align with their career development plan.

6.3. BENEFIT

- 6.3.1. An employee is entitled to three (3) working days of special leave per subject for the writing of exams and semester tests. This comprises two (2) days for preparation and one (1) day for writing the exam or test paper.
- 6.3.2. In the event an employee has multiple exams scheduled on the same day, they may be granted one (1) additional working day of special leave per subject for preparation, along with one (1) day for the actual writing of the exams or tests.
- 6.3.3. Leave for exams or semester tests will not be granted for supplementary papers or retaking failed subjects unless directly caused by bereavement, illness, or accident during the preparation or examination period, supported by reasonable proof.
- 6.3.4. The total leave for examinations/tests is limited to a maximum of 24 working days per calendar year.
- 6.3.5. The employee must:
- 6.3.5.1. Apply in advance, including a copy of the official exam/test roster from the academic institution.
- 6.3.5.2. Submit proof of exam/test results within five (5) working days after release by the academic institution.
- 6.3.6. The utilization of this leave is subject to the general measures outlined in paragraphs 10 and 20 hereunder.



7. LEAVE FOR RESEARCH IN SUPPORT OF A POST GRADUATE QUALIFICATION

7.1. PURPOSE

7.1.1. Leave for research aims to facilitate employees in conducting research for the purpose of writing a thesis/dissertation necessary for obtaining a postgraduate qualification.

7.2. ELIGIBILITY CRITERIA

7.2.1. To be eligible for this leave, an employee must be enrolled in an accredited course of study offered by a registered and accredited academic institution.

7.2.2. The field of study pursued should either directly relate to the employee's job responsibilities or align with their Performance Development Plan.

7.3. BENEFIT

7.3.1. An employee is entitled to a maximum of 12 working days of special leave per calendar year for research purposes related to their thesis/dissertation for a postgraduate qualification.

7.3.2. The employee must:

7.3.2.1. Apply in advance, providing supporting evidence from the academic institution where they are registered.

7.3.2.2. Submit proof of the results within five (5) working days after release by the academic institution.

7.3.3. The utilisation of this leave is subject to the general measures contained in paragraphs 10 and 20 hereunder.

8. LEAVE FOR THE ATTENDANCE OF CLASSES DURING WORKING HOURS

8.1. PURPOSE

8.1.1. Leave for the attendance of classes during working hours enables employees to be absent from their workplace to attend mandatory classes, study schools, or working groups required for their studies. This supports employees in meeting the requirements necessary to obtain the qualification they are registered for.

8.2. ELIGIBILITY CRITERIA

8.2.1. To be eligible for this leave, an employee must be enrolled in an accredited course of study offered by a registered and accredited academic institution.



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- 8.2.2. The field of study pursued should either directly relate to the employee's job responsibilities or align with their Performance Development Plan.

8.3. **BENEFIT**

- 8.3.1. Employees may be granted a maximum of five (5) working days of special leave per quarter or trimester for the attendance of mandatory classes, study schools, or working groups during working hours.
- 8.3.2. Employees may utilize the whole or part of the day for this purpose, but the total number of days must not exceed the limit specified in paragraph 8.3.1.
- 8.3.3. The Head of Department shall maintain a system to record episodes where the employee utilized part of a day. One day's leave for the attendance of classes during working hours shall be deducted from the allocated quantum once the duration of absences equates the employee's prescribed daily working hours per quarter/trimester.
- 8.3.4. Employees must apply in advance, providing a certified copy of their proof of registration and the official schedule of the mandatory classes, study schools, or working groups to be attended.
- 8.3.5. The utilisation of this leave is subject to the general measures contained in paragraphs 10 and 20 hereunder.

9. **LEAVE FOR TRAINING WHICH CONSISTS OF PRACTICAL WORK**

9.1. **PURPOSE**

- 9.1.1. Leave for training, which consists of practical work, aims to enable employees to fulfil mandatory requirements for completing practical work or exposure to specialized work environments necessary to obtain their registered qualification. This may include practical work in workshops, laboratories, special factories, etc.

9.2. **ELIGIBILITY CRITERIA**

- 9.2.1. To be eligible for this leave, an employee must be enrolled in an accredited course of study offered by a registered and accredited academic institution.
- 9.2.2. The field of study pursued should either directly relate to the employee's job responsibilities or align with their Performance Development Plan.

9.3. **BENEFIT**

- 9.3.1. An employee studying part-time or via correspondence, who is required to undergo practical work or exposure to specialized work environments as part of their qualification requirements, may be granted special leave for the duration of the period required to complete the practical work.
- 9.3.2. Employees must apply in advance, providing a certified copy of their proof of registration and the official schedule of the practical work to be performed.



9.3.3. The utilisation of this leave is subject to the general measures contained in paragraphs 10 and 20 hereunder.

10. GENERAL MEASURES

- 10.1. As per the general measures outlined in paragraph 10 of the collective agreement, employees who have utilized special leave to obtain a qualification, as described in paragraphs 6 to 9, are entitled to access the same benefits for another qualification after a lapse of one (1) year.
- 10.2. Employees seeking to access special leave benefits for another qualification must wait for a period of one (1) year from the completion of their previous qualification before applying for leave again.

11. LEAVE FOR PARTICIPATION IN AMATEUR SPORT

11.1. PURPOSE

- 11.1.1. Leave for participation in amateur sport aims to support the development of various sporting codes and the transformation agenda in sports by enabling employees selected by recognized amateur sports associations to represent South Africa, a Province, or a registered club in amateur sports events.

11.2. ELIGIBILITY CRITERIA

- 11.2.1. An employee may be eligible for leave for participation in amateur sport if selected by a recognized amateur sports association:
 - 11.2.1.1. As an athlete to participate in a sport event/tour to represent South Africa, a Province, or a registered club;
 - 11.2.1.2. To serve as a manager, referee, official, adjudicator, or support staff in a sports event/tour representing South Africa, a Province, or a registered club.
- 11.2.2. Exclusions:
 - 11.2.2.1. Employees who volunteer in other capacities during sport events/tours.
 - 11.2.2.2. Employees who participate in professional sports.

11.3. BENEFIT

- 11.3.1. Eligible employees may be granted a maximum of five (5) working days of special leave per calendar year to participate in amateur sport.
- 11.3.2. Employees must apply in advance for leave for participation in amateur sport and provide written proof from the relevant recognized amateur sports association confirming the nature of participation and its duration.



12. LEAVE FOR PARTICIPATION IN CULTURAL EVENTS

12.1. PURPOSE

12.1.1. Leave for participation in cultural events aims to promote social cohesion by enabling employees selected by a National or Provincial registered cultural organization to represent South Africa or a Province in cultural events.

12.2. ELIGIBILITY CRITERIA

12.2.1. An employee may be eligible for leave for participation in cultural events if selected by a National or Provincial registered cultural organization:

12.2.1.1. As a competitor/participant, manager, referee, official, adjudicator, or support staff in a cultural event/tour representing South Africa or a Province.

12.2.2. Exclusions:

12.2.2.1. Employees who volunteer in other capacities during cultural events/tours.

12.2.2.2. Employees who participate as professional artists.

12.3. BENEFIT

12.3.1. Eligible employees may be granted a maximum of five (5) working days of special leave per calendar year to participate in cultural events.

12.3.2. Employees must apply in advance for leave for participation in a cultural event and provide written proof from the relevant National or Provincial registered cultural organization confirming the nature of participation and its duration.

13. LEAVE FOR RELIGIOUS HOLIDAYS

13.1. PURPOSE

13.1.1. Leave for religious holidays aims to accommodate religious observances not covered by the Public Holidays Act, Act 36 of 1994, as amended, recognizing the right to freedom of religion as enshrined in the Constitution.

13.2. ELIGIBILITY CRITERIA

13.2.1. Employees have the constitutional right to freedom of religion, entitling them to observe religious holidays associated with their religion.

13.3. BENEFIT

13.3.1. An employee may be granted one (1) working day of special leave per calendar year to commemorate a religious holiday associated with their religion, provided such a day falls on a working day.



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- 13.3.2. Employees must apply in advance for such leave, accompanied by reasonable proof of the religious holiday. Proof may include a certified copy from the religious institution or a program of religious observances.

14. LEAVE FOR NATURAL OR ANY OTHER UNFORESEEN DISASTERS

14.1. PURPOSE

- 14.1.1. Leave for natural or unforeseen disasters aims to accommodate employees directly affected by such events, preventing them from reporting for duty.

14.2. ELIGIBILITY CRITERIA

- 14.2.1. An employee is eligible if directly affected by a natural or unforeseen disaster causing extensive threat to life or property, hindering their ability to report for duty.
- 14.2.2. Disasters are defined as sudden, devastating events causing significant damage and loss to life and property, such as floods, earthquakes, tornados, etc.

14.3. BENEFIT

- 14.3.1. The Head of Department may grant the employee special leave for the period they could not attend work due to a natural or unforeseen disaster.
- 14.3.2. Upon return to work, the employee must apply in writing for special leave, substantiated with reasonable proof demonstrating their inability to attend work due to the disaster. Proof includes an affidavit from the employee detailing the disaster's occurrence and its personal impact, preventing them from reporting for duty.

15. LEAVE FOR RESETTLEMENT

15.1. PURPOSE

- 15.1.1. Leave for resettlement aims to provide support to employees who are transferred and need to relocate to and resettle in another city or town.

15.2. ELIGIBILITY CRITERIA

- 15.2.1. To be eligible for this leave, an employee must be transferred and required to relocate/resettle in another city or town.
- 15.2.2. The employee must also qualify for the payment of resettlement benefits by the employer.

15.3. BENEFIT

- 15.3.1. An eligible employee may be granted a maximum of two (2) working days of special leave per calendar year to supervise the packing/loading and unloading/unpacking of personal effects.



15.3.2. Employees must apply in advance for this special leave, supported by documentation such as the letter of appointment and confirmation from the employer regarding payment of resettlement costs.

16. LEAVE FOR REHABILITATION FROM SUBSTANCE ABUSE

16.1. PURPOSE

16.1.1. Leave for rehabilitation from substance abuse aims to support employees undergoing treatment for substance abuse (alcohol/drug-related) at a rehabilitation clinic or institution.

16.2. ELIGIBILITY CRITERIA

16.2.1. To be eligible for this leave, an employee must voluntarily seek help or agree to undergo treatment for their substance abuse.

16.3. BENEFIT

16.3.1. An eligible employee may be granted special leave for rehabilitation from substance abuse at a rehabilitation clinic or institution. This leave is available for the first time only and is limited to a maximum of twenty-one (21) working days within a period of 36 months.

16.3.2. Employees must apply in advance for this leave, providing documentation including the admittance letter from the rehabilitation clinic/institution and a letter from a registered medical practitioner confirming the addiction and indicating the period of treatment.

17. LEAVE FOR INSTANCES OF SEXUAL HARASSMENT

17.1. PURPOSE

17.1.1. Leave for instances of sexual harassment aims to support employees who have been victims of sexual harassment in the workplace.

17.2. ELIGIBILITY CRITERIA

17.2.1. To be eligible for this leave:

17.2.1.1. The sexual harassment case must have originated in the workplace or while the employee was elsewhere on official duty.

17.2.1.2. The employee must have reported the case to the employer.

17.3. BENEFIT

17.3.1. The Head of Department shall grant special leave for instances of sexual harassment in the workplace based on the merits of each case, up to a maximum period of five (5) working days per calendar year, provided that the instance has been reported.



17.3.2. Employees must submit reasonable proof in support of their application, which may include a medical certificate from a registered medical practitioner or confirmation of the instance by the Employee Health and Wellness Unit of the Department.

18. LEAVE FOR EVENTS RELATED TO COMMUNITY OR THIRD PARTY PROTESTS

18.1. PURPOSE

18.1.1. Leave for events related to community or third party protests aims to accommodate employees directly affected by such events, preventing them from reporting for duty.

18.2. ELIGIBILITY CRITERIA

18.2.1. To be eligible for this leave:

18.2.1.1. The employee must be directly affected by events related to community or third party protests, causing a threat to life, property, or hindering their ability to report for duty.

18.2.1.2. These events must affect the community where the employee resides.

18.2.1.3. Examples of eligible events include service delivery protests, strikes by third parties such as taxis, etc. Excluded are strikes initiated by employees e.g. strikes during wage negotiations.

18.3. BENEFIT

18.3.1. The Head of Department may grant the employee special leave for the period they could not attend work due to events related to community or third party protests.

18.3.2. Upon return to work, the employee must apply in writing for such special leave, supported by an affidavit detailing the circumstances of their absence.

19. ABSENCES FROM DUTY WHICH ARE NOT RECORDED AS LEAVE

19.1. An employee is not considered absent from duty in the following instances:

19.1.1. Appearing as a witness:

19.1.1.1. In a court case.

19.1.1.2. In a misconduct case according to the law.

19.1.1.3. Before a commission or committee of enquiry appointed by the State.

19.1.1.4. At an inquest.



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- 19.1.2. Appearing as a defendant or co-defendant in a civil court case arising from official duties and in which the State has a direct interest.
 - 19.1.3. Attending a course, lecture, etc., authorized by the Head of Department during official working hours as part of the employee's personnel development plan.
 - 19.1.4. Undertaking a study tour approved by the Employer.
 - 19.1.5. Attending an interview for an advertised post within the Public Service, with the absence not recorded as leave only for the scheduled interview day.
 - 19.1.6. Visiting the new place of work before the date of transfer.
- 19.2. Recording Procedures:
- 19.2.1. Employees must inform their supervisor or HR department in advance of any instance mentioned above where absence from duty is not to be recorded as leave.
 - 19.2.2. Supervisors and HR personnel are responsible for documenting and maintaining records of these instances.

20. GENERAL

- 20.1. Special leave is granted with full pay, ensuring that employees receive their regular salary during their absence.
- 20.2. Categories of special leave cannot be converted to other types or forms of leave. Employees are expected to utilize special leave for its intended purpose as outlined in the collective agreement.
- 20.3. Any unused special leave credits shall lapse at the end of the calendar year.

21. MANAGING OF APPLICATIONS FOR SPECIAL LEAVE

- 21.1. Initiation of Application:
 - 21.1.1. The application process for special leave begins when an employee identifies the need for time off from work due to circumstances outlined in the Determination and Directive such as examinations, research, cultural events, or personal emergencies.
- 21.2. Submission and Approval of Applications:
 - 21.2.1. The employee initiates the application by completing a leave application form.
- 21.3. Pre-Leave Application Submission:
 - 21.3.1. For certain types of special leave, such as leave for examinations, research, or training, employees are required to submit their leave application in advance before embarking on the leave. This allows the department to plan for the



employee's absence and ensure that adequate coverage is maintained to meet operational requirements.

21.3.2. In these cases, employees typically complete a leave application form and submit it for approval within the specified timeframe before the intended leave period.

21.3.3. The supervisor or HR department reviews the application and, if approved, notifies the employee of the decision and provides confirmation of the approved leave dates.

21.4. Post-Leave Application Submission:

21.4.1. For other types of special leave, such as leave for unforeseen emergencies or unexpected events, employees are required to complete a leave form upon their return to the office following the bout of special leave.

21.4.2. In these cases, employees are responsible for notifying their supervisor or HR department of their absence as soon as possible and providing details of the reason for the leave. This notification may be made via email, phone call, or in-person conversation.

21.4.3. Upon returning to work, the employee completes a leave form documenting the dates of absence, the reason for the leave, and any relevant details or documentation. This form is submitted to the supervisor or HR department for review and approval within two (2) working days of the employees return to the office.

21.4.4. If the employee fails to submit the application on time or compelling reasons why an application cannot be submitted, the supervisor/manager must immediately-

21.4.4.1. notify the employee that if such application is not received within one (1) working day, the leave period will be regarded as unpaid leave; and

21.4.4.2. inform the Human Resource division, should the employee default on the notification referred to in par 21.4.4.1, above,

21.4.4.3. the relevant authority shall approve such absence as annual or unpaid leave.

21.4.4.4. The relevant absence must be covered by annual leave (with the employee's consent) and/or unpaid leave if insufficient annual leave credits are available or if the employee failed to notify the Head of Department of his/her choice.

21.4.5. The supervisor or HR department assesses the leave request and, if deemed appropriate, approves the leave and updates the employee's records accordingly.

21.5. Notification of Decision:

21.5.1. Once a decision has been reached, the employee is notified of the outcome of their application. If the application is approved, the employee is provided with confirmation of the approved leave dates and any additional instructions or



requirements. If the application is denied, the employee is informed of the reasons for the decision and any alternative options available to them.

21.6. Initiation of Grievance:

21.6.1. Upon receiving notification of the denial, the employee has the option to initiate a grievance to challenge the decision. The grievance process is governed by the rules established by the Office of the Public Service Commission, ensuring fairness and consistency in handling grievances.

21.7. Monitoring and Compliance:

21.7.1. HR departments are responsible for monitoring the implementation of the special leave policy to ensure compliance. This includes conducting periodic audits of approved leave applications, addressing any discrepancies or inconsistencies, and providing ongoing support and guidance to employees and supervisors involved in the process.



PART 2: TRANSITIONAL ARRANGEMENTS: IMPLEMENTATION OF GPSSBC RESOLUTION 2 OF 2024

1. Replacement of Departmental Special Leave Policies:

- 1.1. Effective March 11, 2024, all existing special leave policies of departments falling within the scope of the GPSSBC terminates and is substituted with this Determination and Directive.
- 1.2. Application of New Provisions: Special leave applications approved on or after 11 March 2024 will be subject to the provisions outlined in this Determination and Directive.

2. Continuation of Previous Arrangements:

- 2.1. If an employee has already commenced a period of special leave before 11 March 2024, and the special leave extends beyond that date, they will continue to benefit from the special leave arrangements applicable before 11 March 2024 for that specific absence.

3. Treatment of Subsequent Special Leave Absences:

- 3.1. After resuming duties, any subsequent special leave absence will be managed under the terms of the special leave arrangements outlined in this Determination and Directive.

4. Extension Requests for Previous Arrangements:

- 4.1. If an employee requests an extension of a period of special leave approved in accordance with the arrangements before 11 March 2024, such extension request must be treated as a new application for special leave and processed according to the provisions set out in this Determination and Directive.

5. Exclusion Clause Application:

- 5.1. The exclusion as described in paragraph 10.1 of this Determination and Directive only applies if an employee has obtained a qualification and accessed special leave as provided for in paragraphs 6 to 9 in accordance with the special leave arrangements applicable from 11 March 2024.

6. Deviations

- 6.1. No deviations from this Determination and Directive are permitted. All departments and employees must strictly adhere to the policy provisions outlined herein.

7. Adherence to Directive:

- 7.1. These transitional arrangements ensure a smooth transition from previous departmental special leave policies to the provisions outlined in GPSSBC Resolution 2 of 2024. Compliance with these arrangements is mandatory for all departments and employees.
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