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## **TO HEADS OF ALL NATIONAL DEPARTMENTS, PROVINCIAL ADMINISTRATIONS, PROVINCIAL DEPARTMENTS AND GOVERNMENT COMPONENTS**

### **POLICY ON THE SECONDMENT OF EMPLOYEES**

1. Section 15(3) of the Public Service Act, 1994 provides that the executive authority of a department may, after consultation with the relevant Treasury, place an employee with his or her consent at the disposal of another government, any council, institution or body or person. The secondment of employees can be applied as a human resource strategy to inter alia-
  - 1.1 further the interests of the Republic of South Africa internationally;
  - 1.2 assist, where appropriate, in the proper functioning of organisations and entities outside the Public Service; and
  - 1.3 enhance the skills levels of employees by exposing them to particular jobs and work environments at other employers or entities.
2. The Cabinet has, for purposes of establishing a consistent methodology of secondment throughout the Public Service, approved that the attached "National Policy on the secondment of South African Public Service employees" be applied in the Public Service.
3. The Policy approved by Cabinet introduces changes to certain existing conditions of service of employees. The Minister for the Public Service and Administration has consequently, for purposes of implementing the Policy in the Public Service Act-employment environment-
  - 3.1 amended, in terms of section 41(1)(e) of the Public Service Act, 1994, Regulation B.4 in Chapter 1, Part VII of the Public Service Regulations, 2001 as published in the Government Gazette to provide for the binding of an employee to continued employment in the Public Service after secondment for a period not exceeding the period of secondment

provided that the employee has consented thereto in writing as stated in Part A, paragraphs 5.3 and 6.4(m) of the Policy;

3.2 made, in terms of section 3(5)(a) of the Public Service Act, 1994 a determination that-

- (a) the current provision to compensate employees for accommodation costs during official journeys outside the RSA, be extended to Public Service Act-employees who are seconded to other countries as provided for in Part C, paragraph 2.5 of the Policy;
- (b) the benefits of the Foreign Service Dispensation be applied to employees who are seconded for a period of six months or longer to a multilateral organization at a workplace outside South Africa as provided for in Part B, paragraph 2.1(a) of the Policy;
- (c) an allowance based on the "difficult post additional cost allowance" in the Foreign Service Dispensation be paid to employees who are seconded for a period of less than six months to a multilateral organization at a workplace outside South Africa and who performs work under dangerous/onerous conditions as provided for in Part B, paragraph 2.1(b) of the Policy; and

3.3 approved that the amended Regulation and the determination referred to in paragraph 3.2 above come into effect on the date of publication of the amended regulation in the Government Gazette.

- 4. Departments must, where applicable, adjust the compensation of employees who are seconded in accordance with the above determination.
- 5. The determination referred to in paragraph 3.2 has been consulted with the National Treasury as required by section 3(5)(b) of the Public Service Act, 1994. The National Treasury concurred that the determination be piloted over a period of two years to establish a secure base from which the cost implications for departments can be determined. Departments must thus during this period fund the additional expenditure from their existing budgets. The Department of Public Service and Administration will at the expiry of the pilot period assess the financial implications and further pursue the matter with the National Treasury.

  
DIRECTOR-GENERAL

DATE: 6/10/2009



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**NATIONAL POLICY ON THE SECONDMENT OF SOUTH  
AFRICAN PUBLIC SERVICE EMPLOYEES**



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## INTRODUCTION

1. The secondment of employees is a human resource management strategy that can be applied to inter alia-
  - 1.1 further the interests of the Republic of South Africa (RSA) internationally;
  - 1.2 assist, where appropriate, in the proper functioning of organizations and entities outside the Public Service; and
  - 1.3 enhance the skills levels of employees by exposing them to particular jobs and work environments at other employers or entities.
2. As regards the first two aims, it should be noted that South Africa's participation and involvement in multilateral organizations have increased to such an extent that a clear policy is needed to manage the secondment of Public Service employees to such organizations. The statutes of multilateral organizations permit the employment by the organizations of nationals from member states and although employees are mostly formally employed by the organizations, member states could also second their nationals to such organizations, pro-actively or on request of an employee. The terms and conditions of a secondment have to be agreed to beforehand.
3. The last-mentioned aim relates strongly to the need for the Public Service to deliver services to the people of the RSA efficiently. Globally, economies experience serious skills shortages in a number of occupations and the Public Service is no exception in this regard. The secondment of employees for purposes of skills development is thus a feasible methodology.
4. This Policy seeks to place the secondment of employees as a management practice on a sound footing. To this end, it seeks to establish a consistent and efficient secondment process throughout the Public Service. The Policy addresses the areas referred to in paragraph 1 above by means of the following parts:
  - 4.1 PART A, which explains the Policy's purpose and scope of application. The Part further contains general provisions concerning the secondment of employees (including secondments to statutory institutions such as those in Chapter 9 of the Constitution) in respect of the aims referred to in paragraph 1.2 and 1.3 above.
  - 4.2 PART B, which deals with the secondment of employees to multilateral organizations. It relates in the main to the aim referred to in paragraph 1.1 above and contains specific provisions in respect of this type of secondment.



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- 4.3 PART C, which deals with the secondment of employees to other countries, specifically for purposes of skills development as alluded to in paragraph 1.3 above. Like PART B, it contains specific provisions concerning this type of secondment.

## **PART A: GENERAL MATTERS**

### **1. Purpose of the policy**

The purpose of this Policy is to provide mandates and processes according to which a Public Service employee can be seconded to another government (Part C refers), an institution established by another law than that governing the employee's employment, or any other body or person (Parts A and B refer).

### **2. Scope of application and mandate for implementation**

- 2.1 The Policy is applicable to employees employed by the departments listed in Schedules 1, 2 and 3 of the Public Service Act, 1994 as amended.
- 2.2 Cabinet has approved the Policy on 11 June 2008 for implementation by the respective executive authorities in terms of the employment laws that apply in the Public Service.

### **3. Legal basis and mandates for the policy**

The provisions and guidelines in this Policy are derived from or underpinned by the following legislative provisions:

- 3.1 Section 15(3) of the Public Service Act, 1994 and other similar provisions that apply to employees employed in terms of the Defence Act, 2002, the Employment of Educators Act, 1998, the Intelligence Services Act, 1994, the Correctional Services Act, 1998 and the South African Police Service Act, 1995.
- 3.2 The Public Service Regulations 2001, Chapter I, Part VII B 4.3 and other subordinate employment provisions issued in terms of the other laws referred to in subparagraph 3.1 above.
- 3.3 The "Foreign Service Dispensation" applicable to employees in terms of the Public Service Coordinating Bargaining Council Resolution 8 of 2003 and Resolution 1 of 2008.





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3.4 Other applicable collective agreements reached with organised labour in the appropriate Bargaining Councils of the Public Service.

3.5 Cabinet decision of 11 June 2008.

#### 4. Definition of terms

In this Policy, unless the context indicates otherwise-

- 4.1 "**comparable post at a South African mission**" means a post at a South African mission in the city or country in which the employee is employed that is at an equivalent level to that of the employee;
- 4.2 "**conditions of service**" means any service benefit, remunerative allowance or compensation paid or granted in accordance with the applicable provisions in the Public Service, to an employee over and above the employee's basic salary;
- 4.3 "**critical occupations**" means occupations or sub-categories within an occupation-
- (a) in which there is a scarcity of qualified and experienced persons currently or anticipated in the future, either because such skilled persons are not available or they are available but do not meet the applicable employment criteria;
  - (b) for which persons require advanced knowledge in a specified subject area or science or learning field and such knowledge is acquired by a prolonged course or study and/or specialized instruction;
  - (c) where the inherent nature of the occupation requires consistent exercise of discretion and is predominantly intellectual in nature; and
  - (d) in respect of which a department experiences a high degree of difficulty to recruit or retain the services of employees.
- 4.4 "**critical skills**" means the operational or generic abilities needed within existing occupations that are required, or the top up skills that are required; to fill a skills gap to enable employees to competently perform the roles/tasks associated with such occupations. Critical skills include transversal skills ("hard" skills like project management skills or "soft" skills like conflict management or communication skills) and functional skills associated with particular jobs or particular occupational categories.



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- 4.5 "Department" or "departments" means a Public Service department listed in Schedules 1, 2 and 3 of the Public Service Act, 1994 in which the seconded employee is employed;
- 4.6 "employee" means an employee as defined in Section 1 of the Public Service Act, 1994 who are to be seconded or who are already seconded;
- 4.7 "executive authority", in relation to –
- (a) the Presidency or a national government component within the President's portfolio, means the President ;
  - (b) a national department or national government component within a Cabinet portfolio, means the Minister responsible for such portfolio;
  - (c) the Office of the Public Service Commission, means the Chairperson of the Commission;
  - (d) the Office of a Premier of a province, means the Premier of that province; and
  - (e) a provincial department or a provincial government component within an Executive Council portfolio, means the member of the Executive Council responsible for such portfolio;
- 4.8 "inclusive costs of the secondment" means the monetary value of the following expenses, incurred where applicable, by the Department during the period of the employee's secondment:
- (a) The basic salary plus conditions of service paid by the Department to the employee.
  - (b) The monetary value of any annual leave that the employee is entitled to during the period of his or her secondment.
  - (c) The State's contributions in respect of the employee to a pension or similar fund.
  - (d) The State's contributions in respect of the employee to a medical aid scheme.
  - (e) Any compensation paid by the Department or the State to the employee if he or she obtains an injury or contracts an illness that originates from the performance of his or her duties during the period of secondment.
- 4.9 "Immigration Act" means the Immigration Act, 2002 (Act 13 of 2002);



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- 4.10 **"Immigration Regulations"** means the Immigration Regulations made by the Minister of Home Affairs in terms of the Immigration Act;
- 4.11 **"Minister"** means the Minister for the Public Service and Administration;
- 4.12 **"multilateral organization"** means any organization of which the RSA is a member;
- 4.13 **"Public Service"** means the departments, Offices of Premiers and government components listed in Schedules 1, 2 and 3 of the Public Service Act, 1994;
- 4.14 **"Recipient Organization"** means the other government, institution established by another law than that governing the employee's employment, or other body or person to which an employee is seconded or is to be seconded;
- 4.15 **"secondment"** means an employee is, with his or her consent, placed at the disposal of another government, an institution established by another law than that governing the employee's employment, or any other body or person for a particular service or for a stated period; which placement may either be in the RSA or abroad;
- 4.16 **"Treasury"** means-
- (a) the Minister of Finance or a duly authorized officer in the National Treasury; or
  - (b) the member of an Executive Council of a province responsible for the execution of the treasury function in that province or a duly authorized officer in his or her office or department.

## 5. Policy principles

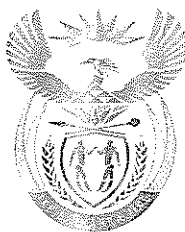
The following principles shall inform the secondment process:

### 5.1 National interest

Besides the personal benefits for the employee involved, the secondment of an employee must further South Africa's national interests or that of the relevant department.

### 5.2 Voluntarism

A secondment shall be subject to the employee's consent.



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**5.3 Contractual binding**

The duties performed by employees during secondment will on aggregate equip them with skills and competencies that can be put to good use in the Department or the Public Service at large. Seconded employees may in the discretion of the Department, be contractually bound to continue employment in the Department or the Public Service after expiry of the term of secondment.

**5.4 Suitability**

Departments shall endeavour to release the most suitable employee for secondment. The determination of an employee's suitability shall be based on the inherent requirements attached to the duties to be performed, the capacity building needs of the employee and the loyalty that the employee has displayed to the Department and the RSA.

**5.5 Skills enhancement**

A decision to second an employee must be taken with due regard to the need for enhancing the relevant employee's skills.

**5.6 Representivity**

All decisions regarding the nomination of an employee for secondment shall take into account the need to reflect the representivity targets set for the Public Service.

**5.7 Service delivery**

An employee's secondment must not compromise service delivery in the Public Service or in the relevant Department.

**5.8 Cost – effectiveness**

An employee's secondment must be effected on a basis that maximizes the output/benefits achieved in relation to the financial input made.

**5.9 Fairness**

The selection of employees for secondment must take place in an objective, fair and transparent manner.



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## 6. Policy measures

### 6.1 Relationship between the employee and the Department

- (a) The employee remains subject to the employment conditions and is entitled to the conditions of service that apply to employees in the Department and the Public Service.
- (b) The measure in subparagraph (a) must, in the case of secondments to workplaces outside the RSA, be applied in conjunction with the domestic laws of the relevant host country. Any implications of such laws on the seconded employee's conditions of employment and conditions of service should form part of the secondment arrangement with the employee (paragraph 6.4(o) below) and the Recipient Organization (paragraph 6.4(n) below). If the legislation interferes with an existing right or service condition of an employee, the necessary sanction for the deviation must be obtained beforehand from the appropriate authority.
- (c) The employee continues to occupy his or her post on the establishment of the Department during the period of the secondment, except if operational needs dictate otherwise, in which case the Department may subject to the applicable prescripts, employ the employee in another post or additional to the establishment.
- (d) The Department must during the secondment maintain on a regular basis contact with the employee to ensure the proper monitoring of the secondment arrangements as well as to keep the employee abreast of departmental and other developments concerning his or her employment.
- (e) The maintenance of the career incidents and secondment conditions of the employee remains the responsibility of the Department.

### 6.2 Initiation of secondment

The Department or the employee may initiate his or her secondment, provided that the principles in paragraph 5 of this Part are upheld.

### 6.3 Responsibility for costs and the payment of remuneration and conditions of service

- (a) The Recipient Organization shall bear the inclusive costs of the secondment, unless the Recipient Organization and the Department, after consultation with the relevant Treasury (if required in terms of the applicable statutory requirements referred to in paragraph 3.1 of PART A above) agree otherwise.



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- (b) Unless arranged otherwise between the Department and the Recipient Organization, the Department should continue the payment of the employee's salary and conditions of service as well as the deduction of any monies during the period of secondment. The expenditure incurred by the Department in respect of the salary and conditions of service paid to the employee during his or her secondment must, if applicable, be recovered from the Recipient Organization on the basis of the apportionment agreed to in terms of subparagraph (a) above.

**6.4 Remuneration and conditions of service****(a) General**

- (i) An employee shall be seconded with retention of his or her salary and any other conditions of service applicable to him or her.
- (ii) An employee may, subject to prior approval by his or her Department, retain any additional remuneration and/or conditions of service granted by the Recipient Organization. The Recipient Organization may, by agreement with the Department, either pay/provide such additional remuneration and/or conditions of service directly to the employee or through the Department.
- (iii) The employee must inform the Department of any additional remuneration and/or conditions of service paid directly to him or her by the Recipient Organization.

**(b) Pension benefits**

- (i) If an employee becomes a member of a provident or pension fund of the Recipient Organization, it shall not affect the employee's membership to the Government Employees Pension Fund. The Department shall not pay any contributions to such a provident or pension fund of the Recipient Organization.
- (ii) Contributions to the Government Employees Pension Fund during the period of secondment shall continue at the prescribed rate.

**(c) Medical aid**

- (i) **Government Employees Medical Scheme (GEMS) members**



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- Employees stationed **within** the RSA, remain members of GEMS and continue to be subsidized in accordance with the medical subsidy policy applicable to South African Public Service employees. The Scheme does not interface with the payroll systems of Recipient Organizations and members will be required to sign a monthly debit order for the full membership fee if their remuneration is paid directly by the Recipient Organization.
- International or additional medical cover should be arranged for employees who will be stationed abroad and to whom the provisions of the Foreign Service Dispensation (refer to PART B, paragraph 2.1(b) below), do not apply. Such medical cover should include the dependants of the employee who may remain within the RSA for the duration of the secondment.
- Members of GEMS who receive supplementary medical assistance under the Foreign Service Dispensation in accordance with PART B, paragraph 2.1(a)(i) below remain members of GEMS and the existing arrangement between the Scheme and the Department of Foreign Affairs (that the medical claim of the employee is paid by the relevant South African embassy where after it is submitted to GEMS that reimburses the Department of Foreign Affairs), will apply.

**(ii) Members of open schemes**

- The onus shall be on the employee to decide whether he or she stays a member of a South African medical aid scheme and/or becomes a member of the Recipient Organization's scheme during the secondment period. The employee must inform the Department accordingly.
- No state contribution shall be made in respect of membership fees payable for participation in the Recipient Organization's scheme.
- International or additional medical cover should be arranged for employees who will be stationed abroad and to whom the provisions of the Foreign Service Dispensation (refer to PART B, paragraph 2.1(b) below), do not apply. Such medical cover should include the dependants of the employee who may remain within the RSA for the duration of the secondment.



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(d) **Leave**

- (i) During the period of secondment, the employee's leave of absence entitlements are maintained and will accumulate at the rate prescribed in the RSA Public Service.
- (ii) The employee must utilise his or her absence of leave entitlements in consultation with the Department and the Recipient Organization.
- (iii) The Recipient Organization shall be responsible for any leave payout in the event where the employee could not use his or her annual leave due to operational requirements during the leave cycle or extended grace period of six months.
- (iv) Any additional leave of absence benefits granted by the Recipient Organization may be utilised by the employee as arranged with the Department. Any liability at the termination of the employee's secondment in respect of the pay-out of annual leave not used within the prescribed period, must form part of the secondment agreement referred to in paragraph 6.4(n) below.

(e) **Housing allowance**

The Recipient Organization shall bear the costs of the housing allowance paid to the employee during his or her secondment.

(f) **Service bonus**

The Recipient Organization shall on a basis proportionate to the term of secondment, bear the costs of the service bonus paid to the employee during his or her secondment.

(g) **Occupational injuries and diseases**

- (i) The provisions regarding the compensation in respect of injury on duty remain applicable to an employee. If an employee is seconded to a workplace outside the RSA for longer than 12 months, the Compensation Commissioner must be informed accordingly prior to an employee's secondment.
- (ii) In the event of the employee's death, injury on duty, incapacity or illness attributable to the performance of official duties during the term of secondment, the Recipient Organization shall, depending on the agreement referred to in paragraph 6.3(a) of PART A above, fund all the payments to which the employee will be entitled –





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- in terms of the Compensation for Occupational Injuries and Diseases Act, 1993; and/or
- in terms of the Government Employees Pension Law, 1996 if his or her services are terminated as a result of such injury or illness or if he or she should die during or after the period of secondment.

**(h) Passports**

An employee shall, if he or she is seconded to a workplace outside the RSA, travel on an official passport for purposes of his or her secondment. Employees to whom diplomatic passports have been issued shall retain such passports during the secondment period. Should an employee attached to a South African mission abroad be seconded, the employee shall retain the diplomatic passport during the secondment period.

**(i) Performance management during the period of secondment**

- (i) The employee must during the period of secondment be subject to the performance management, assessment and reward system applied by the Department.
- (ii) The responsibilities, performance areas and the outputs, for which the employee will be responsible, must be clearly identified prior to concluding the secondment agreements referred to in paragraphs 6.4(n) and 6.4(o) below. The responsibilities, key performance areas and outputs required must form part of a performance agreement entered into with the employee by both the Department and the Recipient Organization.
- (iii) If according to the judgement of the Department circumstances dictate otherwise, the performance management, assessment and reward system of the Recipient Organization may be applied to the employee. In such an instance, the Department must ensure that the performance management process is conducted jointly with the Recipient Organization.
- (iv) If the employee's performance does not meet the required standard, his or her secondment may, depending on the circumstances, be terminated. A decision to this effect must be taken jointly by the Recipient Organization and the Department, with due regard to the performance assessment results and any representations made by the employee concerning his or her continued secondment.



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**(j) Conduct at the Recipient Organization**

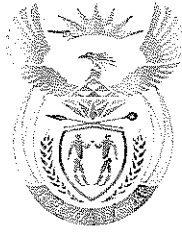
- (i) The employee must at all times during the period of secondment, adhere to the operational and workplace arrangements determined by the Recipient Organization. Failure to do so may, depending on the circumstances, lead to the termination of the employee's secondment, which decision must be taken jointly by the Recipient Organization and the Department, with due regard to any representations made by the employee concerning his or her continued secondment.
- (ii) The employee will for the duration of the period of secondment, remain subject to the disciplinary code and procedure applied by the Department.
- (iii) The Recipient Organization must bring any alleged transgressions by the employee to the attention of the Department. The Department should take disciplinary action against the employee if it is deemed appropriate.
- (iv) The employee may, subject to agreement between the Department and the Recipient Organization, utilize the grievance procedure applied by the Recipient Organization.

**(k) Premature termination of secondment**

- (i) The employee's secondment may be terminated-
  - o due to inefficiency or misconduct on the part of the employee;
  - o due to a change in the operational needs of the Recipient Organization or the Department; or
  - o due to the personal circumstances of the employee.
- (ii) A decision to terminate a secondment in the circumstances referred to in subparagraph (i) above should be taken jointly by the Department and the Recipient Organization.

**(l) Contractual obligations**

The services rendered by the employee during the period of secondment shall be deemed as actual services for purposes of redeeming any contractual obligations in terms of which the employee is required to remain in the service of either the Department or the Public Service.



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(m) **Contractual binding**

- (i) If a Department has in terms of paragraph 5.3 of PART A above opted to bind an employee to continue employment in either the Department or the Public Service after expiry of his or her period of secondment, the employee must enter into an agreement to this effect prior to the commencement of his or her secondment. (The generic agreement at Annexure A can be used for this purpose). Such an obligation to continued employment may only be for a period not exceeding the period of the secondment.
- (ii) In the case of an employee not complying with the requirement to continue employment, he or she may be required to repay the Department an amount equal to the additional conditions of service (i.e. those conditions of service that relate directly to the secondment) that he or she received during the period of secondment, reduced proportionally by the period he or she has served after expiry of the secondment.
- (iii) The measure in subparagraph (ii) above applies only in cases of voluntary resignation and dismissals related to misconduct and incapacity (excluding incapacity due to ill – health or injury on duty).

(n) **Secondment agreement with the Recipient Organization**

The conditions and arrangements applicable to an employee's secondment must be recorded by means of a written agreement between the Recipient Organization and the Department. The agreed upon terms and conditions must be consulted with the relevant Treasury if required in terms of the applicable statutory requirements referred to in paragraph 3.1 of PART A above.

(o) **Secondment agreement with the employee**

The secondment of an employee must be effected by means of a written agreement between the Department and the employee. The generic agreement at Annexure A can be used for this purpose.

(p) **Security vetting**

An employee must before and after his or her secondment be subjected to security vetting and counselling.



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(q) **Training on diplomatic protocol**

An employee must, in the case of secondment to another country or to a multilateral organization, receive training on diplomatic protocol prior to his or her secondment.

7. **Monitoring and policy review**

The Minister for the Public Service and Administration will undertake any review and amendment of this Policy.

**PART B: SECONDMENT OF EMPLOYEES TO MULTILATERAL ORGANIZATIONS**

1. **Policy rationale**

- (a) South Africa plays a prominent role in the operations of most multilateral organizations, especially in regard to the objectives of the New Partnership for Africa's development (NEPAD). South Africa is also often an important financial contributor from the African continent to these organizations.
- (b) It will be to the RSA's benefit if South African Public Service employees participate in the administrations of multilateral organizations. One mechanism to facilitate their participation is to second suitable RSA Public Service employees to perform duties at these organizations.
- (c) Multilateral organizations predominantly appoint persons as employees to their administrations and member states are normally not automatically afforded the opportunity to second their nationals to such organizations. An international practice has however developed whereby member states could, although to a limited extent, second their nationals to the relevant organization. This practice is based on considerations such as furthering the national interests and building capacity amongst a member state's nationals. The conditions of an individual's secondment are subject to negotiation with the multilateral organization, taking into account the secondment procedure of the organization and the requirements of the position in question.
- (d) Pursuant to South Africa's increased role and influence in international affairs, Public Service employees must, where appropriate, be made available to perform work at multilateral organizations on a secondment basis.



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## 2. Policy measures

The following measures apply in conjunction with the principles and measures in PART A, paragraphs 5 and 6 above.

### 2.1 Remuneration and conditions of service

- (a) If an employee is seconded to a workplace outside South Africa for a **period of six months or longer**
- (i) The benefits (cost of living allowance, child allowance, spouse allowance, traveling privileges, etc) provided for in the "Foreign Service Dispensation" may be paid to an employee.
  - (ii) The remuneration and conditions of service package should not be less beneficial than that attached to a comparable post at a South African mission.
  - (iii) The Department of Foreign Affairs will, where necessary, assist departments in making the comparison contemplated in subparagraph (ii) above. The remuneration and service benefit package so determined must be submitted to the Department of Public Service and Administration for comment.
- (b) If an employee is seconded to a workplace outside South Africa for a **period of less than six months**

The employee may be compensated for expenses incurred in respect of travel, accommodation expenditure and relocation in accordance with the rates and measures applied by his or her Department. If the employee performs work under dangerous/onerous conditions he or she may, after consultation with the Department of Foreign Affairs, be paid an allowance based on the "Difficult post additional cost allowance" provided for in the Determination made by the Minister for the Public Service and Administration on the Foreign Service Dispensation.

### 2.2 Recruitment of employees for secondment

- (a) Where applicable, the Department of Public Service and Administration shall, in consultation with the Department of Foreign Affairs, advertise an opportunity for secondment to a Recipient Organization throughout the Public Service.



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- (b) All departments must facilitate the recruitment of suitable employees by targeting those employees who could with good effect be seconded.

**2.3 Appointment of persons outside the Public Service for secondment to multilateral organizations**

- (a) The Department of Foreign Affairs may appoint suitable persons on a fixed term contract basis and additional to its fixed establishment.
- (b) The term of the employment contracts must correlate with the term of secondment.
- (c) The remuneration and conditions of service of the appointee must be determined in accordance with paragraph 2.1 of this PART.

**PART C: SECONDMENT OF EMPLOYEES TO OTHER COUNTRIES**

**1. Policy rationale**

- 1.1 The recruitment and retention of scarce skills in the Public Service is a key consideration in Government's programme to deliver public services efficiently and on an affordable basis to the people of South Africa. Planning in the aforementioned regard has reached the stage where a variety of strategies and initiatives (such as the Human Resource Development Strategy for the Public Service and the National Skills Development Strategy driven by the Department of Labour) are being concretized for implementation on an integrated basis in the Public Service.
- 1.2 The Public Service experiences a serious shortage of skilled staff in a number of key occupations. A useful remedial strategy in this regard is the secondment of serving staff to other organizations for purposes of enhancing their skills. South Africa has recently forged a number of protocols with other countries in the area of skills development; hence the particular focus on secondments to other countries.

**2. Policy measures**

The following measures apply in conjunction with the principles and measures in PART A, paragraphs 5 and 6 above:

- 2.1 An employee must be employed in a critical occupation or there must be a clear need to equip the employee with a critical skill.



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- 2.2 The employee must possess the necessary potential, training and/or skills to benefit from the secondment.
- 2.3 There must be insufficient opportunities within South Africa to enhance the capacity of the identified employee, and a confirmation to this effect must be recorded.
- 2.4 Requests of employees participating in a secondment programme in a country abroad to migrate to other positions outside the original intention of the secondment programme, must not be supported unless the change will meet the developmental needs required and the host country agrees to such a change.
- 2.5 An employee may be compensated for reasonable expenses incurred by him or her in respect of accommodation in accordance with the measures in Annexure A to the Financial Manual for purposes of the Calculation and Application of Allowances and Benefits.



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## ANNEXURE A

**CONSENT OF EMPLOYEE TO BE SECONDED AND AGREEMENT TO RETURN TO THE SOUTH  
AFRICAN PUBLIC SERVICE ON EXPIRY OF THE SECONDMENT**

**ENTERED INTO BY AND BETWEEN**

The Department of ..... (indicate name of Department), herein represented by  
..... (full name of Executive Authority or her/his delegate)  
in her/his capacity of ..... (indicate portfolio or post designation) (hereinafter  
referred to as the Department)

and

..... (full name) (hereinafter referred to as the  
Employee) as employee in the Department.

**WHEREBY IT IS AGREED AS FOLLOWS:**

The Employee herewith consents to her/his secondment to ..... (name  
of Recipient Organization) (hereinafter referred to as the Recipient Organization) on the conditions and in  
terms of the undertakings indicated below.

**1. Term of secondment**

The secondment will commence on ..... (date) and will expire on  
..... (date).

**2. Duties to be performed at the Recipient Organization**

- 2.1 The Employee understands and accepts that she/he shall during the period of the secondment be responsible for the performance of the duties described in Appendix A. These duties must be reflected in the Employee's performance agreement.
- 2.2 The Employee accepts that should circumstances require a change of or additions to the relevant duties, such a change or additions will become part of the duties that she/he will





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be responsible for in terms of this agreement. Such changes must be reflected in the Employee's performance agreement.

**3. Workplace location and hours of work**

The Employee accepts that she/he will for the duration of the secondment be placed at ..... (location) and that her/his hours of work will be as follows:

From .....to ..... for ..... days of the week.

**4. Relationship with the Employer**

The Employee accepts and understands that her/his secondment does not in any way alter her/his status as an employee of the Department and that –

- 4.1 she/he remains entitled and subject to the employment conditions and conditions of service that are applied by the Department;
- 4.2 the Department will maintain during the Employee's period of secondment communication with her/him regarding any amendments to such employment conditions and conditions of service;
- 4.3 she/he obtains no promotion rights as a result of her/his secondment;
- 4.4 the Department will continue to administer the payment of her/his salary as well as the deductions to be made from her/his salary; and
- 4.5 the term of her/his secondment shall be deemed as actual service for purposes of redeeming any contractual obligations she/he has with the Department in terms of which she/he is required to remain in the service of the Department or the Public Service.

**5. Additional remuneration and conditions of service granted by the Recipient Organization**

The Employee may, subject to prior approval by the Department, retain any additional remuneration and/or conditions of service which the Recipient Organization may grant the Employee during the term of her/his secondment.

**6. Performance management during the term of secondment (Note: The arrangement below can also reflect the reverse situation as referred to in PART A, paragraph 6.4(i)(iii) of the Policy)**

The Employee understands that she/he remains subject to the performance management, assessment and reward system applied by the Department and accepts that the Department may,



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for purposes of assessing the Employee's performance during the term of her/his secondment, take into account the assessment made by the Recipient Organization of the performance of her/his duties.

**7. Conduct at the Recipient Organization**

- 7.1 The Employee declares and undertakes herewith to perform her/his duties at all times to the best of her/his abilities and with due regard to the performance requirements determined by the Recipient Organization.
- 7.2 The Employee understands and accepts that during the term of secondment she/he-
- (a) remains subject to the disciplinary code and procedures as well as the incapacity code and procedures applied by the Department, and that the latter may take any steps in that regard after consultation with the Recipient Organization; and
  - (b) may utilize the grievance procedure applied by the Recipient Organization. *(Note: This arrangement is subject to agreement by the Recipient Organization-see PART A, paragraph 6.4(j)(iv) of the Policy)*

**8. Leave**

The Employee undertakes to use her/his leave entitlements in consultation with the Recipient Organization and with due regard to the prevailing operational requirements at the time.

**9. Premature termination of secondment**

- 9.1 The Employee accepts that her/his secondment may be terminated prior to the expiry date referred to in clause 1 if –
- (a) operational circumstances at the Recipient Organization do not permit the continuation of the Employee's secondment; or
  - (b) the secondment of the Employee is no longer feasible and/or practical as a result of the Employee's incapacity to perform the duties or due to misconduct on her/his behalf or due to her/his personal circumstances.
- 9.2 In the case of the secondment of the Employee being terminated due to her/his personal circumstances, she/he undertakes to give at least 30 days notice of such a termination to the Department.



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10. **Obligation to continue services after expiry of the secondment**

- 10.1 The Employee undertakes to continue, after expiry of the secondment, her/his employment in the Department or the Public Service for a period equal to/not exceeding the period of the secondment.
- 10.2 Should the Employee fail to comply with this requirement, she/he undertakes to repay the Department or the department in which she/he is employed at the time, an amount equal to the additional conditions of service (i.e. those conditions of service that relate directly to the secondment) that she/he received during her/his secondment; reduced proportionally by the period of service she/he rendered after expiry of her/his secondment.
- 10.3 The Employee understands and accepts that clause 10.2 supra will apply only if she/he resigns or if she/he is dismissed from service due to misconduct or incapacity, but excluding incapacity due to ill-health or injury on duty.

11. **Notice and domicilium**

11.1 The parties choose as their respective *domicilium citandi et executandi* for the purpose of legal proceedings and for the purpose of giving or sending any notice provided for or necessary in terms of this Agreement, the following addresses:

	Employer	Employee
Physical address	.....	.....
	.....	.....
Postal address	.....	.....
	.....	.....
Telefax number	.....	.....

Provided that a party reports any change of her or his *domicilium* to any other physical address, postal address or telefax number by written notice to the other party. Such change of address will be effective seven days after receipt of notice of the change of *domicilium*.

- 11.2 All notices to be given in terms of this Agreement will –
  - (a) be given in writing; and
  - (b) be delivered or sent by prepaid registered post or by telefax; and



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- (c) if delivered, be presumed to have been received on the date of delivery; or
- (d) if sent by prepaid registered post, be presumed to have been received within three business days of posting unless the contrary is proved; or
- (e) if sent by telefax, be presumed to have been received on the first business day following the date of sending of the telefax unless the contrary is proved.

SIGNED by the Department at ..... on the ..... day of .....

**AS WITNESSES:**

1. \_\_\_\_\_

\_\_\_\_\_  
**DEPARTMENT (EXECUTIVE AUTHORITY OR  
HER/HIS DELEGATE)**

2. \_\_\_\_\_

SIGNED by the Employee at ..... on the ..... day of .....

**AS WITNESSES:**

1. \_\_\_\_\_

\_\_\_\_\_  
**EMPLOYEE**

2. \_\_\_\_\_

