



**GUIDELINES:
MANAGEMENT OF SPOUSES THAT WILL
ACCOMPANY EMPLOYEES DESIGNATED
TO SERVE ABROAD**

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

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MANAGEMENT OF SPOUSES THAT WILL ACCOMPANY EMPLOYEES DESIGNATED TO SERVE ABROAD

1. PURPOSE

The Spouses of designated employees at missions abroad often have to interrupt and/or forego their professional careers in the Public Service to accompany and support the designated employee for the duration of the posting abroad. The purpose of these guidelines is to provide departments with advice to accommodate the Spouse referred to above.

2. SCOPE

These guidelines are applicable to a designated employee's Spouse(s) who is, at the time of the posting of the designated employee, an employee in the Public Service in terms of the Public Service Act, 1994. Any reference to the concept of Spouse in this part should thus also be interpreted in this context.

3. DEFINITIONS

3.1. "Designated employee" means a RSA Government Employee that is a South African citizen employed at a RSA Mission abroad (excluding locally recruited personnel).

3.2. "DIRCO" means the Department of International Relations and Co-operation.

3.3. "Spouse" means a person or persons registered with the Employer as (the) lawful husband(s) or wife(wives) or life partner (including same sex life partner) by the designated employee at the time of use of the benefit, worker compensation or work facility: Provided that the designated employee:-

3.3.1. may register all Spouses entered into under customary or indigenous law with the Employer;

3.3.2. may register only one life partner at a time with the Employer

(Note: In terms of the registration of only 'one life partner' at a time, employees should be aware that if a new domestic partnership is established, i.e. replacement of one registered life partner with another, the onus is on the employee to terminate the registration of the previous life partner and follow the registration process in respect of the new life partner);

3.3.3. who has (a) Spouse(s) registered with the Employer in terms of the recognition of Customary Marriages Act, 1998 and the Marriages Act, 1961, may not register a life partner with the Employer.

DPSA circulars 1/6/1 dated 2 August 2002 and 4 December 2003 refer.

4. LEAVE OF ABSENCE

4.1. The Head of Department may in terms of paragraph 25.1 of the Determination on Leave of Absence in the Public Service grant an employee unpaid leave if an employee has utilised her/his annual leave with full pay. Paragraph 25.2 of the said Determination further stipulates that in

exceptional circumstances shall the Head of Department grant the employee more than 184 calendar days of unpaid leave in a period of 18 months.

- 4.2. With due consideration to the purpose of these guidelines and the provisions referred to in paragraph 4.1 above, Heads of Department are advised to upon written request by the Spouse, consider the granting of unpaid leave to the Spouse for the duration of the designated employee's posting abroad. However, given the provisions on unpaid leave as outlined in the Determination, the approval will have to be renewed every 18 months. Cognisance must be taken of the penalty clauses provided for in the Determination that pro rata reduces the number of sick leave days and annual leave days where unpaid leave is granted. Employees must be made aware of the consequences of the latter provisions.
- 4.3. The Spouse must submit her/his application for unpaid leave on the prescribed Z1(a) Leave Application Form. It is advised that the Spouse's submits with the application a written motivation and a certified copy of the letter of the designated employee's posting abroad must be attached to this application.
- 4.4. Any change in the leave arrangement of the Spouse must be done by mutual agreement between the Spouse and her/his employing department within a reasonable time before the expiry of the original period of unpaid leave and with due consideration to among others-
 - 4.4.1. a possible extension in the designated employee's posting abroad,
 - 4.4.2. the Head of Department of the employing department may at her/his discretion upon written request consider the possible extension of the Spouse's period of unpaid leave commensurate with the designated employee's extended period of service abroad, and/or
 - 4.4.3. the Head of Department could instruct, within a reasonable period, the Spouse to return to the Department.

5. PERMISSION TO PERFORM WORK OUTSIDE EMPLOYMENT IN THE PUBLIC SERVICE

In the event where the Spouse intends taking up non-remunerative or remunerative employment or volunteer work during her/his period of unpaid leave, s/he must in terms of section 30 (1) of the Public Service Act, 1994, as amended, obtain the prior written approval of the executive authority of the relevant department.

6. NON-REMUNERATIVE AND VOLUNTEER WORK WHILST ABROAD

Although not required in terms of policy, Departments are, as a matter of good practice, encouraged to introduce an arrangement whereby the Spouse obtains approval to perform non-remunerative or volunteer work in the country of the designated employee's posting. The purpose would purely be to consider the interest of the RSA. In considering such applications it is required that Departments liaise with DIRCO in this regard.

7. REMUNERATION AND CONDITIONS OF SERVICE DURING PERIOD OF UNPAID LEAVE AND/OR EMPLOYMENT OUTSIDE THE PUBLIC SERVICE

7.1. GENERAL

- 7.1.1. The Spouse shall retain her/his salary notch, during her/his period of approved unpaid leave and/or employment outside the Public Service for which permission was obtained in terms section 30 of the Public Service Act, 1994 which shall be subject to the annual cost-of-living adjustments as determined by the Minister.
- 7.1.2. The Spouse shall not be eligible to receive annual pay progression as she/he will not be subject to the performance management system and assessments of her/his employing department.

7.2. PENSION BENEFITS¹

- 7.2.1. If the Spouse becomes a member of a provident or pension fund of another employer outside the Public Service, it shall not affect the Spouse's membership to the Government Employees Pension Fund. The employing department shall not pay any contributions to such a provident or pension fund of the other employer.
- 7.2.2. The Spouse shall continue her/his contributions to the Government Employees Pension Fund during her/his period of unpaid leave of 120 days or less, calculated on his or her full pensionable salary on the day immediately prior to the day on which such leave of absence commenced.
- 7.2.3. However, if the Spouse is absent on unpaid leave for a continuous period of 120 days or more, s/he remains a member of the Government Employees Pension Fund after the expiry of the first 120 days of such period and no contributions are payable to the Fund by or in respect of the Spouse after expiry of the period of 120 days as specified in Schedule 1 of the Government Employees Pension Law, 1996, section 8.3.

7.3. MEDICAL AID

The Spouse's employing department, where relevant, shall continue to pay the employer's subsidy to the Spouse's medical scheme as long as the Spouse pays her/his contribution to her/his membership fees.

7.4. LEAVE

- 7.4.1. During the period of unpaid leave the Spouse's annual leave and sick leave shall be reduced at the rate as determined in the Determination on Leave of Absence.
- 7.4.2. The period of unpaid leave may not be interrupted by any other type of leave.

7.5. HOUSING ALLOWANCE

¹ Refer also to the Government Employees Pension Law, 1996 and Rules Of The Government Employees Pension Fund

The Spouse shall be eligible to a housing allowance, provided that s/he meets the requirements determined in the Determination on Housing.

7.6. SERVICE BONUS

The Spouse shall be eligible to the service bonus calculated according to the formula determined in the Financial Manual on the Calculation and Application of Allowances and Benefits, i.e. the Spouse could be eligible for a proportionate or no service bonus depending on the commencement and end date of the period of unpaid leave.

8. PERSONAL DEVELOPMENT

The Spouse shall be eligible to participate in departmental bursary policies/programmes to study in a discipline/programme that is in line with the broader objective of the department and the public service, with a view to enhance and retain the Spouse's skills upon his/her return to the public service.

9. DIPLOMATIC IMMUNITY WHEN A SPOUSE TAKES UP EMPLOYMENT OUTSIDE THE MISSION

If a Spouse of the designated employee takes up employment outside the Public Service/RSA mission, s/he will not be entitled to any immunities or privileges for the purposes of that employment in accordance with international law. Further enquiries in this regard could be obtained from DIRCO.

10. PROCEDURES

10.1. The following procedures are suggested to facilitate applications for unpaid leave and/or alternative employment abroad. Departments may customise these procedures according to their own internal standard operating procedures.

10.2. PROCEDURE FOR APPLYING FOR UNPAID LEAVE

SCENARIO	ACTION	OUTCOME
The Spouse applies for unpaid leave on the prescribed leave application form supported by the necessary written motivation and documentation related to the posting abroad	The relevant HOD should either approve or disapprove the Spouse's application and- a) If approved,- (i) agree that the employee may be carried additional to the establishment of the Department; and (ii) decide whether the post that the employee vacates should be filled permanently or on contract basis. b) If not approved the employee must be timeously notified in writing and be provided with reasons for the refusal.	1) The HOD applies her/his discretion to approve or not approve the application for unpaid leave, as well as the conditions that shall be attached to granting of the unpaid leave. 2) The employee is formally notified and made aware of the conditions attached to the granting of the unpaid leave. 3) The employee is formally notified and has to decide to terminate her/his services or to continue her/his employment in the Public Service.

10.3. PROCEDURE FOR EXTENSION OF UNPAID LEAVE

IF THE SPOUSE IS EMPLOYED IN THE PUBLIC SERVICE		
REQUIREMENT	ACTION	OUTCOME
The Spouse applies for the extension of the unpaid leave already granted on the prescribed leave application form supported by the necessary written motivation and documentation related to the extension of the posting.	<p>The relevant HOD should either approve or disapprove the Spouse's application and-</p> <p>a) If approved,-</p> <p>(i) agree that the employee may be carried additional to the establishment of the Department; and</p> <p>(ii) decide whether the post that the employee vacates should be filled permanently or on contract basis.</p>	<p>1) The HOD applies her/his discretion to approve or not approve the application for unpaid leave, as well as the conditions that shall be attached to granting of the extended period of unpaid leave.</p> <p>2) The employee is formally notified and made aware of the conditions attached to the granting of the extended period of unpaid leave.</p>
	<p>b) If the extension is not approved the employee must be timeously notified in writing and be provided with reasons for the refusal and be instructed to return to the Department or be requested to submit her/his resignation if s/he is not prepared to do so.</p>	<p>3) The employee is formally notified to return to the Department and assume duty on a specified date which has been mutually agreed upon. If the employee is not prepared to return to the department s/he must submit her/his resignation and processes to expedite the payment of benefits should be commenced on receipt thereof.</p>

10.4. PROCEDURE FOR WORK OUTSIDE THE PUBLIC SERVICE

The following table summarises the steps that the Spouse of a designated employee designated should follow in respect of employment outside the Public Service.

SCENARIO	ACTION	OUTCOME
Outside the mission	<p>1) Request approval from the Executive Authority in terms of section 30 (1) of the Public Service Act, 1994, to perform</p> <p>The Executive Authority shall consider the employee's application after</p>	<p>The Spouse may take up employment if the necessary permission is granted.</p>

	<p>consultation with DIRCO to obtain its recommendation in relation to provisions of the reciprocal agreement with the country concerned and the possible detrimental impact/implications that the employment will have or cause for DIRCO or the foreign State concerned or any other foreign State with which South Africa maintains relations.</p> <p>2) The Head of Mission must provide with the Spouse's application a recommendation regarding the permissibility of such employment in relation to the reciprocal agreement/ consent between the RSA and the Receiving State.</p>	
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11. MONITORING AND EVALUATION

11.1. Departments shall report annually on the number of Spouses, per race and gender-

- (a) who were granted unpaid leave in terms of these provisions;
- (b) who were not granted unpaid leave in terms of these provisions;
- (c) who as a result of the non-granting of unpaid leave resigned from the Public Service;
- (d) who were granted permission to perform remunerative work outside the Public Service whilst on unpaid leave; and
- (e) who were absorbed in appropriate positions lower than, the same as or equivalent to the positions they held before the commencement of their period of unpaid leave.