



LIMPOPO

PROVINCIAL GOVERNMENT
REPUBLIC OF SOUTH AFRICA

**DEPARTMENT OF
SPORT, ARTS AND CULTURE**

LEAVE POLICY

Policy Name	LEAVE POLICY
Domain	Human Resource Management
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1. ACRONYMS AND ABBREVIATION

MEC	Member of Executive Council
HOD	Head of Department
HRM	Human Resource Management
SMS	Senior Management Services

2. INTRODUCTION

The Department of Sport Arts and Culture acknowledges that employees should be granted leave as part of conditions of services as regulated in the public service act 1994.

3. PURPOSE OF THE POLICY

This policy aims at providing measures for utilisation of special leave by employees in the departments. Specific objectives are as follows;

- (a) Regulating an official's release or absence from duty for particular purposes, namely special leave.
- (b) Providing the Executing Authority with a policy through which special leave with full pay can be authorised.
- (c) Indicating those responsibilities other than work for which the employer shall not require an employee to utilise leave.
- (d) Protecting the interests of people with disabilities and
- (e) Providing for leave for occupational injuries and diseases

4. AUTHORITY OF THE POLICY

This policy is authorized and issued by the MEC for Limpopo Provincial Department of Sport, Arts and Culture. The policy resides with the HRM sub-branch, which is responsible for its implementation and monitoring

5. LEGAL FRAMEWORK

- a) Public Service Act, 1994
- b) Public Service Regulations, 2001
- c) Labour Relations Act, 1995
- d) White Paper on Human Resource Management

6. SCOPE OF APPLICATION

This policy shall be applicable to all employees of the Department of Sport, Arts and Culture appointed or recruited in terms of the Public Service Act, 1994 and who fall within the registered scope of the Provincial Bargaining Council.

7. DEFINITION OF TERMS

Sabbatical: refers to a special leave

Study: refers to registration with recognized education institution

8. POLICY PRONOUNCEMENTS\PRINCIPLES

Special leave provisions will be implemented in a fair and equitable manner.

8.1 Special

8.1.1 The Executing Authority or his or her duly authorized representative shall authorize special leave with full pay for the following purposes:

8.2 Study leave

8.2.1 Special leave with full pay shall be granted to an employee for preparation towards his or her examinations whether it relates to his or her immediate field of work or not. **One (1) day special leave** with full pay shall be granted to an employee in connection with his or her studies or examination per course or subject.

8.2.2 Employees who attend or do course work (attend classes), do thesis or dissertation work (do collection of data and presentation) and write tests as a package that substitutes examination (block attendance) may be granted five (5) days study leave with full pay for either his or her attendance, collection of data, presentation and writing in respect of each session (limited to two sessions per annum).

8.3 Examination

8.3.1 Special leave with full pay shall be granted to an employee, for the period he or she sits for examination(s) which in the opinion of the department has the object of improving the skills of the employee concerned for a career in the Public Service, irrespective of whether it relates to his or her immediate field of work or not.

8.3.2 One (1) day special leave shall be granted to an employee to prepare per examination paper as referred to above. Employees who must sit for examination on a Saturday or a day of rest shall be granted one working day per course or paper as a special leave in order to enable them to prepare for the examination.

8.3.3 Examinations referred to may include ordinary school subjects up to matric, as well as examinations in respect of which a certificate is not necessarily issued to successful candidates.

8.3.4 Special leave will only be extended once to an employee who has to repeat a course or be re-examined. An employee may however be granted an additional extension if the employee has failed to complete an examination or course due to circumstances that are beyond his or her control. He or she may be given an opportunity to complete the course or examination. Special consideration will also be given to employees who form part of the previously disadvantaged or designated groups.

8.3.5 Special leave shall only be granted for bona fide final examinations and not for class tests, term papers, etc. For the purpose of this policy, final examinations include all examinations that will lead to the conclusion of a subject (including semester courses).

8.3.6 Proof of examination must be submitted together with the special leave application.

8.3.7 Amendments to examination must be reflected on an amended special leave application.

8.4 SABBATICAL LEAVE

8.4.1 Special leave with full pay may be granted to an employee as is required and within the needs of a department.

8.5 STUDY LEAVE FOR SPECIAL CIRCUMSTANCES

8.5.1 Where necessary, special leave with full pay, may be granted to an employee under circumstances mentioned hereafter, on condition that the department is satisfied that the studies undertaken is in the interest of the department.

8.5.2 Study leave for full time study at a recognised educational institution within the Republic or abroad shall be granted only for the prescribed duration of the particular course, diploma or degree.

8.5.3 Employees who fail to complete their studies within the prescribed period for the curriculum shall not be granted an additional period of study leave. Unpaid leave may be granted to employees, who apply to complete their studies; practical work required as a prerequisite for registration in a particular profession; or attendance of

a self-enrichment course (e.g. flower arranging, interior decorating, sewing, etc) which is in the interest of the department.

8.6 ATTENDANCE OF CLASSES DURING OFFICE HOURS

8.6.1 An employee who studies part-time or by means of correspondence at a university or other recognised educational institutions and who as a result of his or her studies is required to be absent from his or her place of work, will receive one day special leave with full pay for every full eight hours, he or she is so released from duty.

8.7 PARTICIPATION IN SPORTS OR CULTURAL ACTIVITIES

8.7.1 Special leave with full pay to a maximum of 10 working days per annum, may be granted to an employee when he or she is selected by an acknowledged sports association to represent a, provincial, regional or local area as a member of an organised sports group whether as a competitor, official, judge, coach, manager or referee in a sports tour or organised sports event within or outside South Africa.

8.7.2 Special leave with full pay may be granted to an official selected by an acknowledged sports association to represent South Africa as a member of an organised sports group, whether as a competitor, official, judge, coach, manager or referee in a sports tour or organised sports event within or outside South Africa. **Written proof of such nomination or selection must be provided.**

8.7.3 Special leave, with full pay, may be granted to an employee accompanying a foreign national team visiting South Africa, as a representative of the South African Sports Association, as a member of an organised cultural group, takes part in cultural activities, in a cultural tour within and outside South Africa as a competitor, coach, manager or official, assistant coach and manager to represent South Africa, the Province or region.

8.8 RESETTLEMENT

8.8.1 Special leave with full pay will be granted to an employee who is, transferred at state expense. Two (2) days special leave will be granted to employees who are transferred within the province and five (5) days if transferred outside the province, in order for him/her to:

- (1) Arrange accommodation,
- (2) Supervise the packing or loading and unpacking or unloading of personal belongings,
- (3) Arrange school for children,
- (4) Special leave in this instance will only be granted if the employee and his or her household are required to resettle

8.9 TRAINING OF DISABLED EMPLOYEES

The employer shall –

- (a) Afford disabled employees the opportunity to undergo training to manage the employees' disability;
- (b) Treat employees who need training to be able to utilize equipments that would enable the employees access to the workplace or to perform the job, the same as other official training provided to equip employees with the knowledge and skills to do the employees' jobs; and
- (c) Offer the training referred to in (b) while the employees are on official duty.

8.10 LEAVE FOR OCCUPATIONAL INJURIES AND DISEASES

The employer shall-

(a) For the duration of the period the employees are unable to work, grant occupational injuries and diseases leave to employees who as a result of the employees' work, suffer occupational injuries and diseases

(b) Grant an employee who suffers a work-related Injury or disease as a result of an accident or Negligence involving a third Party provided that

The employee:

(i) Brings a claim for compensation against the third party ;

(ii) Undertakes to use compensation the employee received in terms of the Compensation for Occupational Injuries and Diseases Act, 1993(Act No. 85 of 1993) to recompense as far as possible for the cost arising from the accident; and

(iii) Take reasonable steps to assist an employee to claim compensation according to subparagraph (b)."

8.11. REHABILITATION

Any special leave provided in this section will be over and above any leave taken as sick or disability leave.

a) Substance abuse : Special leave with full pay to a maximum of 60 working days may be granted to an employee to enable him or her to undergo treatment for substance abuse at an approved institution or facility. Special leave will be limited to one (1) rehabilitation session. A certificate and a comprehensive report compiled by the institution or facility concerned must be submitted to the Department or Employee Assistance Program (EAP) Office on completion of the treatment.

b) Trauma: An employee may be granted special leave to a maximum of five (5) working days with full pay annually to undergo trauma debriefing and counselling sessions.

c) Mental disorders: An employee may be granted special leave for a maximum of twenty-one (21) working days for the purpose of psychological or psychiatric treatment for a mental disorder at an approved institution. At the completion of the special leave provided for this purpose a report pertaining to the process of the relevant treatment will be submitted to the Department or the Employee Assistance Program Office. In case the psychiatrist recommends more than 21 days, disability leave rule will apply.

8.12. MILITARY SERVICE

8.12.1 Special leave may be granted to an employee when he or she is required to perform **voluntary** military service.

8.13 MISCELLANEOUS

Special leave with full pay may be granted to an employee in the following circumstances:

- (a) Where an employee is absent from work as a result of segregation or isolation on medical instruction. The granting of special leave shall be subject to the submission of a certificate by a registered medical practitioner indicating the period and the reason for segregation or isolation.
- (b) In the case where a physically disabled employee is required to attend an orientation or training course relevant to the disability.
- (c) Where the area in which the employee works or resides is struck by a natural disaster or other disaster and the department is satisfied that it was impossible for the employee concerned at the time to continue with his or her official duties;
- (d) Special leave may be granted to an employee due to any other circumstances not mentioned above provided that the employer believes that it is in the best interest of the State and the Provincial administration.

8.14. EVENTS FOR WHICH EMPLOYEES WILL NOT BE REQUIRED TO UTILIZE LEAVE

Employees will not be required to submit leave forms or utilise special leave in the following instances:

- (a) Study tours initiated by the department or the Public Service.
- (b) Absence for purposes of registering for studies.
- (c) When an employee is “subpoenaed” as a witness in any legal proceedings, disciplinary enquiry, commission appointed by the State or any other relevant authority empowered to do so.

(d) When an employee has to appear before a court of law arising from his or her official duties.

(e) Where an employee attends a course, workshop, lecture etc. presented by a State department or private institution for which he or she has been given permission to attend by his or her supervisor or manager.

(f) When an employee assists or represents an employee during a disciplinary enquiry or in a dispute proceeding or an investigation into a complaint or grievance.

(g) When he or she is an office bearer, shop steward or member of a trade union involved in labour relations matters deemed to be in the interest of the employer such as, dissemination of information, briefing or training,

(h) When he or she is absent from duty –

i. As the aggrieved person during an investigation into his or her complaint or grievance,

ii. As the person being charged in a disciplinary enquiry, or

iii. As an applicant in a conciliation board, arbitration or Labour Court.

(i) When appointed by any department to render services.

(j) Attendance of an interview for a post in any department within the Public Service.

8.15. EVENTS FOR WHICH SPECIAL LEAVE WILL NOT BE GRANTED

a) Attendance of self-enrichment courses that are not in the interest of the department.

b) Repeating of courses (sitting for examination in respect of the same course or paper for a third or fourth time).

c) Except in circumstances as set out in 4.1.4 of this agreement.

8.16 DISPUTE

8.16.1 In the event of any dispute as to the interpretation or application of this agreement either party may utilise the dispute resolution procedures of the Public Service Co-ordinating Bargaining Council.

9. DEFAULT

Failure to comply with the provisions of this policy shall be dealt with in terms of the Public Service Disciplinary Code and Procedures, as amended.

10. INCEPTION DATE

The policy shall come into effect on the first date of the month following the month which the Executing Authority approved it.

11. TERMINATION AND REVIEW CONDITIONS

This policy shall be amended, after three years (3) or when there are major policy changes in government and will follow the initial policy development processes

12. ENQUIRIES

Enquiries with regard to any issues regarding this policy should be directed to the Senior Manager HRM.

Recommended/~~Not Recommended~~



HEAD OF DEPARTMENT

2015/09/15
DATE

Approved /Not Approved:



MEMBER OF EXECUTIVE COUNCIL

2018/01/27
DATE