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Circular: 0040/2020

Expiry date: None

To: Deputy Directors-General, Chief Directors, Directors, Deputy Directors, Circuit Managers and Heads of educational institutions

Short summary: *This circular aims to inform all staff on the policy and procedures with regard to sick leave, incapacity leave and ill-health retirement.*

Subject: Normal sick leave, incapacity leave and ill-health retirement

1. This circular explains the policy and procedures with regard to sick leave, incapacity leave and ill-health retirement to enable employees, principals and supervisors/line managers to manage sick leave efficiently and effectively.
2. Sick leave is divided into the following categories:
 - a) Normal sick leave (36 days)
 - b) Temporary incapacity leave (short period: 29 working days or less)
 - c) Temporary incapacity leave (long period: 30 working days or more)
 - d) Permanent incapacity leave (ill-health retirement)
3. **Normal sick leave**
 - 3.1 Employees are entitled to 36 working days' sick leave with full pay over a three-year cycle (the current cycle is from 01 January 2019 to 31 December 2021). Unused sick leave credits shall lapse at the expiry of the three-year cycle. It is the responsibility of the employee to utilise and manage his/her normal sick leave with integrity.
 - 3.2 If an employee is unable to report for duty due to sudden illness, he/she must notify his/her principal or immediate supervisor/line manager of his/her inability to report for duty. It is imperative that the employee informs the principal or supervisor/line manager by 07:30 so that the necessary arrangements can be made to ensure that there is an educator in every classroom (*principals and supervisors/line managers are*

encouraged to set requirements in this regard, in consultation with their staff at the beginning of each academic year through a formal staff meeting).

- 3.3 An employee must submit his/her **Z1(a) leave form (Annexure A)** to his/her principal or supervisor/line manager within two days of his/her return to work.
- 3.4 An employee must submit his/her application for sick leave in respect of clinical procedures in advance, unless the treating medical practitioner certifies that such procedure is an emergency.
- 3.5 In cases where the Western Cape Education Department receives applications for sick leave for periods of three days or more without a medical certificate, **two days** will be granted as sick leave with full salary and the remaining period as **leave without pay**.
- 3.6 In cases where the period of sick leave applied for exceeds that which has been recommended by a medical practitioner, a further medical certificate must be obtained to cover the extended period of sick leave, otherwise the extended period will be granted as leave without pay.
- 3.7 For every 15 consecutive days' leave taken without pay, an employee's sick leave entitlement is reduced by 1/36th (one day) of the leave cycle in the case of educators and 1/72nd (half a day) in the case of public servants.
- 3.8 Should an employee (public servants and office-based educators) be on annual leave and fall ill, he/she may apply to have that period converted to sick leave. In such cases a medical certificate from a registered medical practitioner must be submitted within three days of resumption of duty.
- 3.9 Backdated medical certificates will not be allowed.

4. **The 8-week rule**

- 4.1 An employee who has been absent from work on more than two occasions during an eight-week period of his/her normal sick leave cycle must, regardless of the duration of the illness or injury, submit a medical certificate for the third period of absence.
- 4.2 If an employee fails to submit the required medical certificate, the Head of Department must notify the employee that the medical certificate must be received within five working days or the sick leave period will be covered by annual leave, capped leave (with employee consent) or leave without pay.
- 4.3 Repeated transgression of the 8-week rule will lead to progressive disciplinary steps and ultimately a charge of misconduct.

5. **Psycho-social illness (stress, depression, anxiety attacks, etc.)**

All applications for leave of absence due to mental and behavioural illnesses must be accompanied by a medical certificate issued by a general practitioner for up to three days. The general practitioner may then refer the employee to a psychiatrist/psychologist for further treatment. A medical certificate from a general practitioner is not acceptable for mental and behavioural illnesses for a period exceeding three days.

6. **Trends/patterns**

6.1 In cases where the principal or supervisor/line manager has identified a pattern or a trend indicating the abuse of sick leave (for example absences on workdays adjacent to weekends and public holidays, paydays or particular days during the week), the employee will be required to submit **a medical certificate** for periods of sick leave shorter than three days if such repeated absences from the workplace have occurred **more than three times**.

6.2 Sick leave may also be granted in respect of periods where an employee must be quarantined or isolated for at least 10 consecutive days.

7. **Temporary incapacity leave**

Please refer to Circular 0045/2006, dated 01 September 2006 (attached for ease of reference).

8. **Permanent incapacity leave (ill-health retirement)**

Please refer to Circular 0004/2009, dated 17 December 2008 (attached for ease of reference).

9. Principals and supervisors/line managers must adhere to the prescripts attached as Annexure B.

10. Employees should rest assured that the employer will, in accordance with constitutional rights to privacy and the *Code of Conduct for the Public Service*, published as Chapter 2 in the *Public Service Regulations, 2001*, treat any information regarding the medical condition of an employee with the necessary respect and confidentiality at all times. Such information will therefore not be disclosed to any person(s) not authorised to receive it. Should an employee disclose any confidential information of another employee to any other unauthorised person, it will be viewed in a serious light and disciplinary steps will be taken against the transgressing employee.

11. **This circular is specifically intended for normal sick leave, incapacity leave and ill-health retirement and is not applicable to COVID-19 related leave.**
12. Kindly bring the contents of this circular to the attention of all employees.

SIGNED: BK SCHREUDER

HEAD: EDUCATION

DATE: 2020-11-10