



Isalathiso: 20200203-3957
Inombolo yefayili: 3/3/2/4/3
Imibuzo: Kwiziko leeFoni

ISetyhula: 0040/2020

Umhla wokuphelelwa: Awukho

Iya: KumaSekela Balawuli-Jikelele, kuBalawuli abaziiNtloko, kuBalawuli, kumaSekela Balawuli, kuBaphathi beeSekethe nakwiiNtloko zamaziko emfundo

Isishwankathelo esifutshane: *Le setyhula inenjongo yokwazisa bonke abasebenzi ngomgaqo-nkqubo nemigaqo yekhefu lokugula, ikhefu lokungakwazi kusebenza ngenxa yokungaphili (incapacity leave), nokuthatha umhlala-phantsi ngenxa yokugula.*

Isihloko: Ikhefu lokugula eliqhelekileyo (normal sick leave), ikhefu lokungakwazi kusebenza ngenxa yokungaphili (incapacity leave) nokuthatha umhlala-phantsi ngenxa yokugula (ill-health retirement)

1. Le setyhula ichaza umgaqo-nkqubo neenkqubo ngokuphathelele kwikhefu lokugula, ikhefu lokungakwazi ukusebenza ngenxa yokungaphili (*incapacity leave*) nokuthatha umhlala-phantsi ngenxa yokugula (*ill-health retirement*) ukwenzela ukuba abaqeshwa, iinqununu neesuphavayiza/abaphathi bamacandelo babe nako ukulilawula ikhefu lokugula ngobuchule nangempumelelo.
2. Ikhefu lokugula lahlulwe laziindidi ezilandelayo:
 - a) Likhefu lokugula eliqhelekileyo (leentsuku eziyi-36)
 - b) Likhefu lokungakwazi ukusebenza okwethutyana ngenxa yokungaphili (lethuba elifutshane: leentsuku zokusebenza eziyi-29 okanye ezinganeno)
 - c) Likhefu lokungakwazi ukusebenza okwethutyana ngenxa yokungaphili (lethuba elide: leentsuku zokusebenza eziyi-30 okanye ezingaphezulu)
 - d) Likhefu lokungakwazi ukusebenza isigxina ngenxa yokungaphili (ukuthatha umhlala-phantsi ngenxa yokugula)
3. **Ikhefu lokugula eliqhelekileyo**
 - 3.1 Abaqeshwa banelungelo lokufumana ikhefu lokugula leentsuku eziyi-36 elihamba nomvuzo opheleleyo kumjikelo weminyaka emithathu (umjikelo wangoku usuka

kowe-01 Januwari 2019 ukuya kwi-31 Disemba 2021). Ikhredithi zekhefu lokugula elingasetyenziswanga ziya kuphelelwa ekupheleni komjikelo weminyaka emithathu. Luxanduva lomqeshwa ukusebenzisa nokulawula ikhefu lokugula eliqhelekileyo lakhe ngokunyanisekileyo.

- 3.2 Ukuba umqeshwa akanako ukuya emsebenzini ngenxa yokugula isiquphe, makazise inqununu okanye isuphavayiza/umphathi wecandelo okanye ngokungabi nako kwakhe ukuza emsebenzini. Kunyanzelekile ukuba umqeshwa makazise inqununu okanye isuphavayiza/umphathi wecandelo engadlulanga u-07:30 ukwenzela ukuba kwenziwe amalungiselelo ayimfuneko ukuqinisekisa ukuba kukho utitshala kwiklasi nganye (*iinqununu neesuphavayiza/abaphathi bamacandelo bayakhuthazwa ukuba bamisele iimfuno ezingummiselo ngokuphathelele koku, ngokubonisana nabasebenzi babo ekuqaleni konyaka wokufunda ngamnye ngokusebenzisa intlanganiso yootitshala emiselweyo*).
- 3.3 Umqeshwa makangenise ifom yekhefu u-**Z1(a) (isiHlomelo A)** kwinqununu okanye kwisuphavayiza/kumphathi wecandelo zingadlulanga iintsuku ezimbini ebuyele emsebenzini.
- 3.4 Umqeshwa makangenise isicelo sekhefu lokugula lakhe ngokunxulumene neenkqubo zonyango kwangaphambili, ngaphandle kokuba ugqirha wezonyango omnyangayo uqinisekise ukuba inkqubo elolo hlobo yeyamathuba kaxakeka.
- 3.5 Kwiimeko apho iSebe leMfundo leNtshona Koloni lifumana izicelo zekhefu lokugula kwisithuba sexesha leentsuku ezintathu okanye nangaphezulu ngaphandle kwencwadi yokugula kagqirha, **iintsuku ezimbini** ziya kunikwa njengekhefu lokugula elihamba nomvuzo opholeleyo lize ixesha elishiyekileyo lithathwe **njengekhefu elingahlawulelwayo**.
- 3.6 Kwiimeko apho ixesha lekhefu ekwenziwe isicelo salo ligqithisile kokucetyiswa ngugqirha wezonyango, makufumaneke enye incwadi yokugula kagqirha ukukhawulelana nexesha elongezelelweyo lekhefu lokugula, kungenjalo ixesha elongezelelweyo liya kunikwa njengekhefu elingahlawulelwayo.
- 3.7 Ngeentsuku eziyi-15 zekhefu elithathiweyo ngaphandle kwentlawulo, ilungelo lokugula lomqeshwa i licuthwa nge-1/36 (ngosuku olunye) lomjikelo wekhefu kwimeko yootitshala ne-1/72 (isiqingatha sosuku) kwimeko yabaqeshwa benkonzo karhulumente.
- 3.8 Ukuba umqeshwa (kubasebenzi benkonzo karhulumente nootitshala) kuthe esekwikhefu lonyaka kwenzeka ukuba agule, unokwenza isicelo sokuba elo xesha malitshintshelwe kwikhefu lokugula. Kwiimeko ezilolo hlobo incwadi yokugula kagqirha kagqirha wonyango obhalisiweyo mayingeniswe zingadlulanga iintsuku ezintathu zokuqaliswa komsebenzi ngumqeshwa.

3.9 Iincwadi zokugula zikagqirha ezibhalwe umhla ongaphambi kwalowo bekwenziwe ngalo unyango (*backdated*) aziyi kwamkeleka.

4. **Umqathango weeveki eziyi-8**

4.1 Umqeshwa obengekho emsebenzini kwakabini kwixesha leeveki ezisibhozo lomjikelo wekhefu eliqhelekileyo, kungakhathaliseki ixesha elithathwe sisigulo okanye ngumenzakalo wakhe, kufuneka angenise incwadi yokugula kagqirha yokungabikho emsebenzini kwityeli lesithathu.

4.2 Ukuba umqeshwa akayingenisi incwadi yokugula kagqirha, iNtloko yeSebe mayazise umqeshwa ukuba incwadi yokugula kagqirha mayifunyanwe zingadlulanga iintsuku zokusebenza ezintlanu okanye ithuba lekhefu lokugula liya kubuyiswa ngokuthi lixhuzulwe kwikhefu elihlawulelwayo (*capped leave*) (ngemvumelwano nomqeshwa) okanye ngekhefu elingahlawulelwayo (*leave without pay*).

4.3 Ukuphinda-phinda kusaphulwa umqathango wethuba leeveki eziyi-8 kuya kukhokelela kumanyathelo ezoluleko yaye ekugqibeleni kunokulandela isohlwayo sokuziphatha gwenxa.

5. **Ukugula ngokwasengqondweni nangokwezentlalo (uxinzelelo, ukudandatheka, unxunguphalo, njl. njl.)**

Zonke izicelo zekhefu lokungabikho ngenxa yokugula ngokwasengqondweni nokweemeko zezigulo zodidi oluchaphazela isimo somntu mazikhatshwe yincwadi yokugula kagqirha eyayinikwe ngugqirha onyanga izigulo eziqhelekileyo (*general practitioner*) ukuya kutsho kwiintsuku ezintathu. Ugqirha onyanga izigulo eziqhelekileyo unokuthi emva koku amdlulisele umqeshwa kwisayikhatristi/kwisayikholoji (*psychiatrist/psychologist*) ukufumana unyango. Ayamkelekanga incwadi yokugula kagqirha esuka kugqirha ngokuphathelele kwizigulo zasengqondweni nezeemeko zezigulo zodidi oluchaphazela isimo somntu zethuba eligqithileyo kwiintsuku ezintathu.

6. **Imikhwa eqaphelekayo/Izenzo eziphinda-phindayo ukwenzeka**

6.1 Kwiimeko apho inqununu okanye isuphavayiza/umphathi wecandelo eqaphele imikhwa okanye izenzo eziphinda-phindayo ukwenzeka ezibonisa ukusetyenziswa gwenxa kwekhefu lokugula (umzekelo ukungabikho ngeentsuku zomsebenzi ezisondele kwiimpela-veki nakwiiholide, ngeentsuku zentlawulo yomvuzo, ngeentsuku ezithile evekini), umqeshwa kuya kufuneka angenise **incwadi yokugula kagqirha** kumathuba ekhefu okugula amafutshane kuneentsuku ezintathu ukuba oko kungabikho semsebenzini kwenzeka **amaxesha angaphezu kwamathathu**.

6.2 Kunokunikwa kwakhona ikhefu lokugula eliphathelele kumaxesha apho umqeshwa kufuneka avalelwe yedwa (*quarantined*) okanye abekwe yedwa (*isolated*) ubuncinane iintsuku eziyi-10 ezilandelelanayo

7. **Ikhefu lokungakwazi ukusebenza okwethutyana (*temporary incapacity leave*)**

Kucelwa ufunde iSetyhula 0045/2006, yange-01 Septemba 2006 (iqhotyoshelwe apha ukukwenzela lula).

8. **Ikhefu lokungakwazi ukusebenza ngenxa yokungaphili elisisigxina (ikhefu lokuthatha umhlala-phantsi ngenxa yokungaphili)**

Kucelwa ufunde iSetyhula 0004/2009, yange-17 Disemba 2008 (iqhotyoshelwe apha ukukwenzela lula).

9. Iinqununu neesuphavayiza/nabaphathi bamacandelo mabahambelane mbo nemigqaliselo eqhotyoshelwe kwisiHlomelo B.

10. Abaqeshwa mabaqiniseke ukuba umqeshi uya kuthi, ngokuhambelana namalungelo omgaqo-siseko obomi obubobakhe kwanomgaqo-nkqubo i-Code of Conduct for the Public Service, opapashwe ngokweSahluko kwi-Public Service Regulations, 2001, asingathe nayiphi na ingcaciso ephathelele kwimeko yokugula komqeshwa ngentlonipho eyimfuneko yaye ayigcine iyimfihlo ngawo onke amaxesha. Ingcaciso elolu hlobo ayiyi kuchazelwa nawuphi na umntu (abantu) ongagunyaziswanga ukuba makayifumane. Ukuba umqeshwa uchaza nayiphi na ingcaciso eyimfihlo yomnye umqeshwa kuye nabani na ongagunyaziswanga, oko kuya kujongwa ngeliso elibukhali yaye kuya kuthathwa namanyathelo ezoluleko ngomqeshwa owaphula imigaqo.

11. **Injongo eyodwa yale setyhula kukuba isetyenziswe kwikhefu lokugula eliqhelekileyo (*normal sick leave*), kwikhefu lokungakwazi ukusebenza ngenxa yokugula (*incapacity leave*) nakwikhefu lomhlala-phantsi ngenxa yokungaphili (*ill-health retirement*) yaye ayinakusetyenziswa (*not applicable*) kwikhefu elinxulumene ne-COVID-19.**

12. Kucelwa wazise okukule setyhula bonke abaqeshwa abachaphazelekayo ukuze bakuthathele ingqalelo.

ISAYINWE: NGU-BK SCHREUDER

INTLOKO YESEBE LEMFUNDO

UMHLA: 2020-11-10