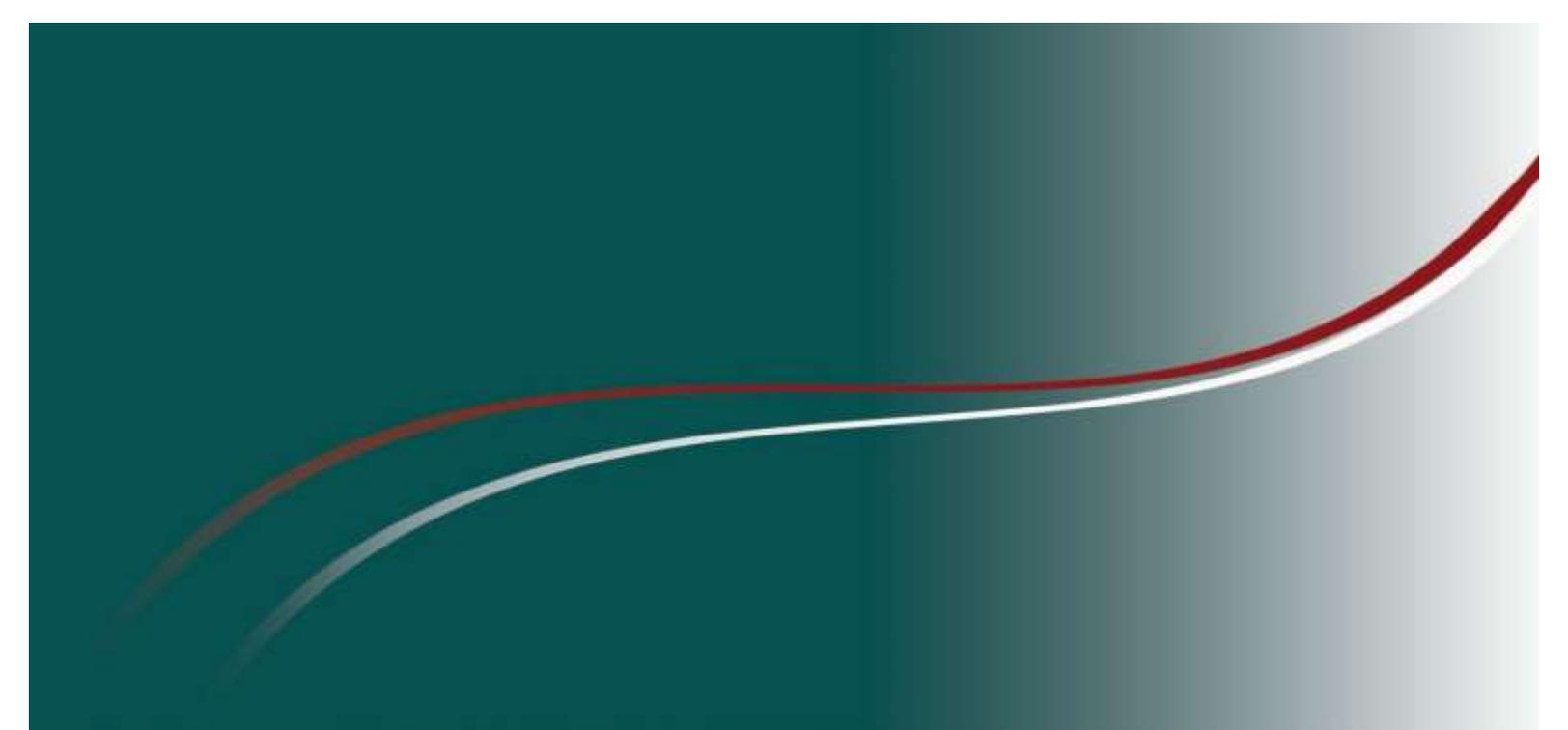




**ASSESSMENT OF THE INFLUENCE OF
GRIEVANCES ON WORK ATTENDANCE IN
THE GAUTENG PROVINCIAL
DEPARTMENTS**

**PUBLIC SERVICE COMMISSION
MARCH 2018**



Vision

A champion of Public Service excellence in democratic governance in South Africa.

Mission

To promote the constitutionally enshrined democratic values and principles throughout the Public Service by -

- investigating, monitoring, evaluating the organisation and administration, and personnel practices;
- proposing measures to ensure the effective and efficient performance;
- issuing directions with regards to personnel procedures relating to the recruitment, transfers, promotions and dismissals;
- advising on personnel practices; and
- reporting on its activities.

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LIST OF ACRONYMS

AO	: Accounting Officer
CC	: Constitutional Court
COGTA	: Gauteng Department of Co-operative Governance and Traditional Affairs
DID	: Gauteng Department of Infrastructure Development
DPSA	: Department of Public Service and Administration
DSD	: Gauteng Department of Social Development
E-GOV	: Gauteng Department of E-Government (Finance)
GDARD	: Gauteng Department of Agriculture & Rural Development
GDCS	: Gauteng Department of Community Safety
GDE	: Gauteng Department of Education
GDED	: Gauteng Department of Economic Development
GDH	: Gauteng Department of Health
GDHS	: Gauteng Department of Human Settlements
GDRT	: Gauteng Department of Roads and Transport
GPG	: Gauteng Provincial Government
GPT	: Gauteng Provincial Treasury
HOD	: Head of Department
HR	: Human Resources
EA	: Executive Authority
OOP	: Office of the Premier (Gauteng)
PERSAL	: Personnel Salary System
PFMA	: Public Finance Management Act
PSA	: Public Service Act
PSC	: Public Service Commission
SACR	: Gauteng Department of Sport, Arts, Culture and Recreation

1.1 BACKGROUND

In the execution of its mandate to investigate grievances of public servants, the PSC has noted that aggrieved employees who were interviewed, often indicated that they were on sick leave or extended sick leave during the time that their grievances were dealt with, or shortly thereafter, or when it became clear that their grievances were not favourably considered.

It was, in light hereof, that the PSC decided to conduct a study to establish if there is truth in the perception that employees whose grievances are not speedily and adequately addressed, are more prone to take sick leave. A factual study has, as far as could be established not been conducted to test this perception on a scientific basis.

This report will therefore assist to determine whether the perception that aggrieved employees are more prone to use sick leave, is true or not. It will also assist to establish a scientific basis for any assertion of this nature.

Proof of the perception will assist to urge departments to ensure that grievances are addressed in the shortest possible time, to avoid these adverse effects.

1.2 OBJECTIVES OF THE STUDY

The overall aim of the study was to determine whether aggrieved employees¹ employed in the Gauteng Provincial Departments took more sick leave² than employees who did not lodge formal grievances.

The specific objectives of the study were to:

- calculate the total number of sick leave days taken by all employees of the Gauteng Provincial Departments during the period 1 April 2016 to 31 March 2017;
- calculate the average sick leave taken by all employees of the Gauteng Provincial Departments;

¹ “Aggrieved employees” refer to all employees who lodged formal grievances either in respect of *The Rules for Dealing with Grievances of the Senior Management Service, Including Heads of Department as promulgated in Government Gazette No. 33540 dated 17 September 2010* or *The Rules for Dealing with the Grievances of Employees in the Public Service as promulgated in Government Gazette No 25209 dated 25 July 2003* in the period 1 April 2016 to 31 March 2017.

² “Sick leave” refers to Normal Sick Leave, Temporary- and Permanent Incapacity Leave.

- calculate the total number of sick leave days taken by all employees of the Gauteng Provincial Departments who lodged formal grievances during the period 1 April 2016 to 31 March 2017;
- calculate the average sick leave taken by all employees of the Gauteng Provincial Departments who lodged formal grievances during the period 1 April 2016 to 31 March 2017;
- determine by comparison, whether employees who lodged formal grievances took more sick leave than the average number of days sick leave taken by employees of the Gauteng Provincial Departments.
- make appropriate recommendations with regard to the measures that can be taken to ensure speedy resolution of grievances.

1.3 MANDATE OF THE PSC

The PSC derives its mandate from Sections 195 and 196 of the Constitution of the Republic of South Africa, 1996 (Constitution) and the Public Service Commission Act, 1997. In terms of Section 195 (1) of the Constitution, *public administration must be governed by the democratic values and principles enshrined in the Constitution.*

The PSC is mandated in terms of Section 196 (4) (a) of the Constitution to promote the values and principles set out in Section 195 of the Constitution, which include the efficient, economic and effective use of resources, as well as a public administration that is accountable.

In terms of Section 196 (4) (b) and (c) of the Constitution the PSC has, amongst others, the following functions:

- To investigate, monitor and evaluate the organisation and administration and the personnel procedures in the public service; and
- To propose measures to ensure effective and efficient performance within the public service.

The study was considered to be in line with the PSC's mandate because abuse of sick leave as a result of underlying conflict or dissatisfaction in the work place has a bearing on productivity and the efficient, economic and effective use of resources.

It is against this background that this report will assist in preventing waste of resources and inefficiency.

1.4 METHODOLOGY

This part of the report explains the overall research design for the study and also discusses the procedures followed in selecting participants, data collection and data analysis in order to

address the objectives outlined in Section 1.2 of this report. The research methodology outlined serves as a master plan or logical framework that explains how the study was executed and how the various components of the study contribute towards the realisation of the research objectives.

1.4.1 Scope

The study targeted all employees in departments in the Gauteng Provincial Government listed below, who submitted grievances during the 2016/17 financial year [1 April 2016 to 31 March 2017].

Table 1: Gauteng Provincial Departments involved in the study.

DEPARTMENT	DEPARTMENT
Agriculture and Rural Development	Human Settlements
Co-operative Governance and Traditional Affairs	Infrastructure Development
Community Safety	Office of the Premier
Economic Development	Provincial Treasury
Education	Roads and Transport
E-Government (Finance)	Social Development
Health	Sport, Arts, Culture and Recreation

1.4.2 Research Method

A mixed method approach was adopted for the study and included documentary analysis; interpretation of primary and secondary data; and comparison and explanation of information from various data sources.

1.4.3 Data Collection

The study applied a combination of data collection methods. The data collection methods and instruments used are outlined below.

1.4.3.1 Secondary data collection

- a) An analysis of the South African legislative and regulatory prescripts applicable to the subject matter and relevant internal protocols was conducted, and a brief overview was compiled.
- b) Information was gathered on studies conducted on the connection between unhappiness or a stressful working environment and absenteeism.

The information gathered from secondary data sources informed the development of primary data collection instruments.

1.4.3.2 Primary data collection

a) Personnel Salary System (PERSAL)

The sick leave records of all employees³ of the GPG Departments as captured on PERSAL were obtained from the Gauteng Provincial Treasury. This method allowed for the collection of all available data on sick leave captured on PERSAL during the 2016/17 financial year.

Sick leave records refer to Normal Sick Leave, Temporary Incapacity Leave as well as Permanent Incapacity Leave. These sick leave categories are more fully discussed in Chapter 2.

b) Grievance data

The 2016/17 database of all grievances recorded by GPG Departments and reported to the PSC on a biannual basis as provided for in the Grievance Rules⁴ was used to identify all individual employees⁵ who lodged formal grievances during the period under review.

The details of the aggrieved employees were used to extract the information on their sick leave records from the PERSAL report. A 100% sample was used to enhance accuracy, subject to the application of the following measures to ensure data precision.

- The total number of grievances recorded by GPG departments in the 2016/17 financial year amounted to **1284** grievances.
- Because it is not possible to identify all the employees who are included in a collective grievance, **14** collective grievances were omitted, implying **1270** individual grievances as basis for the analysis.
- Where a certain employee lodged more than one grievance, the details of only one of the grievances was used to ensure that figures were not inflated. This application had the result that a further **75** grievances were omitted from the data base, bringing the total number of grievances to **1205**.

³ The PERSAL data analysed comprised of all employees who received a salary from any of the GPG Departments between 1 April 2016 and 31 March 2017. This included contract workers, temporary workers as well as employees employed additional to the approved post establishment of departments.

⁴ Rule 1.1 of *The Rules for Dealing with the Grievances of Employees in the Public Service as promulgated in Government Gazette No 25209 dated 25 July 2003* as well as Rule 19(4) of *The Public Service Commission Rules on Referral and Investigation of Grievances of Employees in [the] Public Service* require of Heads of Department to report grievances to the PSC on a biannual basis.

⁵ 14 Collective grievances lodged were not considered because the details of each individual of the collective are unknown.

- There were aggrieved employees who could not be accurately identified as a result of errors on the grievance statistics submitted by departments and this resulted in a further **62** names being removed from the data base and a final total of **1143** individuals whose sick leave records could be assessed.

1.4.4 Data capturing and analysis

The information retrieved from PERSAL was captured on Excel, analysed and presented thematically, graphically and quantitatively.

1.5 LIMITATIONS

The following are the limitations of the study:

- In some instances aggrieved employees could not be perfectly matched with the PERSAL data as a result of errors on the grievance data base and these records were then excluded from further analysis.
- Information is only available on formal grievances lodged in departments. It is possible that there may be aggrieved employees who are unhappy in the work place who never lodged formal grievances. These employees may also be negatively affected by adverse experiences in the work place. However information on these employees is not available for analysis.

The limitations alluded to above did not have a major impact on the findings and recommendations made because the sample was large enough. To this end, the findings and recommendations made in the report can be relied upon.

1.6 ETHICAL CONSIDERATIONS

In terms of its mandate, the PSC has the power to access relevant information to enable it to discharge its responsibilities without *fear or favour*. However, when it comes to research, there are limitations on the types of information that the PSC may disclose in observing the right to privacy afforded to everybody in South Africa.

In the case of this project, the PSC obtained relevant information from the PERSAL system, however care was taken to ensure that the information is managed, analysed and reported in a manner that will not prejudice specific groups of people or individuals.

1.7 STRUCTURE OF THE REPORT

The report is structured as follows:

Chapter 2: outlines the legislative framework that governs the reporting requirements in respect of grievances. It also highlights the relevant prescripts on sick leave and finally it reflects on statutory requirements that place a duty on accounting authorities to ensure that resources are optimally used.

Chapter 3: analyses relevant international literature regarding the effect of strained working relations on employees and specifically on absenteeism;

Chapter 4: presents findings from the primary data and further discusses the findings in relation to the legislative framework and the literature analysis; and

Chapter 5: presents concluding observations and recommendations for consideration and implementation by various stakeholders.

2.1 INTRODUCTION

This chapter presents the legislative and regulatory framework applicable to grievances and the various categories of sick leave. The relevant provisions of the Constitution of the Republic of South Africa, 1996, the Labour Relations Act, 1995 and other aspects of the legislative framework is presented hereunder.

2.2 OVERVIEW OF APPLICABLE PRESCRIPTS

2.2.1 Constitution of the Republic of South Africa, 1996

The Constitution of the Republic of South Africa, 1996, is the supreme law of the country and binds the legislative, executive and judicial organs of state at all levels of government. Chapter 2 of the Constitution contains the Bill of Rights, which provides everyone with the right to fair labour practices⁶. The provisions of Section 33 state that everyone has the right to administrative action that is *lawful, reasonable and procedurally fair*⁷.

In this context, employees have the right to receive benefits prescribed by legislation such as the Basic Conditions of Employment Act, 1997, and or collectively bargained for in the collective bargaining process. These benefits include a sick leave entitlement. In administering the sick leave policy, the state should adhere to the principles of just administrative action.

2.2.2 Public Service Act, 1994 (Act No. 103).

Section 3 (1) and (2) of the Public Service Act (PSA) provides that the Minister [for Public Service and Administration] is responsible for establishing norms and standards, amongst others, relating to—

(c) the conditions of service and other employment practices for employees;

(d) labour relations in the public service;

(e) health and wellness of employees;

and to give effect to subsection (1) by making regulations, determinations and directives, and by performing any other acts provided for in the PSA.

Section 7 of the PSA entrusts *Executive Authorities with the powers and duties to deal with all internal organisational structure and human resources management issues.*

⁶ Chapter 2, Section 23 (1) of the Constitution⁶, *everyone has the right to fair labour practices.*

⁷ Section 33 of the Constitution provides that, *everyone has the right to administrative action that is lawful, reasonable and procedurally fair.*

In terms of Section 7 (3) (b) of the PSA, Heads of Department are also responsible for— *the efficient management and administration of their departments, including the effective utilisation and training of staff, the maintenance of discipline, the promotion of sound labour relations and the proper use and care of state property and he or she shall perform the functions that may be prescribed.*

Section 35 (1) of the Public Service Act, 1994 provides for the investigation and consideration of grievances flowing from official acts or omissions, by the PSC, in the event that a grievance is not resolved to the satisfaction of the aggrieved employee.

2.2.3 The Public Service Commission Act

Section 11 of the *Public Service Commission Act*, 1997, stipulates that the PSC may make rules as to the investigation, monitoring and evaluation of those matters to which section 196(4) of the Constitution relates, the procedure to be followed at any such investigation, the documents to be submitted to the PSC in connection with any such investigation, the manner in which and the time within which the said documents should be submitted.

2.2.4 Public Service Regulations, 2016

Regulation 48 of the Public Service Regulations, 2016 determines that a head of department shall—

(a) encourage an employee to fully utilise his or her annual leave entitlement in the leave cycle;

(b) ensure that all leave taken by an employee is recorded accurately and in full; and

(c) ensure that an employee does not abuse sick leave.

2.2.5 The Public Service Commission Rules.

*The Rules on Referral and Investigation of Grievances of Employees in the Public Service*⁸ prescribes the process that should be followed by aggrieved employees who refer their grievances to the PSC. In terms of Rule 19(4)— the PSC must, on a six-monthly basis request a head of department to provide information relating to grievance resolution in his or her department to enable the Commission to, amongst others, analyse trends, promote accountability in public administration and report to the National Assembly and provincial legislatures.

2.2.6 The Determination on Leave of Absence in the Public Service.

The Determination and Directive on Leave of Absence in the Public Service, 2015 provides for three categories of sick leave as follows:

⁸ Government Gazette number 40359 of 21 October 2016.

a) Normal Sick Leave

An employee is entitled to 36 working days sick leave with full pay over a three-year cycle. Any unused sick leave credits shall lapse at the expiry of the three-year cycle.

It is incumbent on the employee to utilise and manage his/her normal sick leave responsibly and with circumspect.

b) Temporary Incapacity Leave

According to the Determination, Incapacity Leave is not an unlimited number of additional sick leave days at an employee's disposal. Incapacity leave is additional sick leave granted conditionally at the employer's discretion.

An employee who has exhausted his/her normal sick leave, during the prescribed sick leave cycle and who according to the treating medical practitioner requires to be absent from work due to a temporary incapacity, may apply for temporary incapacity leave with full pay on the applicable application form prescribed.

The Head of Department may on the basis of medical evidence gathered during its investigation approve the granting of additional Incapacity Leave days on conditions that he or she shall determine. The Head of Department may for this purpose grant conditionally further temporary incapacity leave.

c) Permanent Incapacity Leave

The Head of Department may grant an employee up to a maximum of 30 working days' permanent incapacity leave once he/she has, following the assessment and investigations prescribed, determined that the employee's condition is of a permanent nature.

The possibility of alternative employment or adapting duties or work circumstances to accommodate the employee must be considered.

An employee, whose degree of incapacity has been certified as permanent but who can still render a service, may be transferred to an alternate appropriate vacant post without a reduction in benefits.

However if both the Head of Department and employee are convinced that the employee will never be able to render an effective service, the employee/employer may proceed with the process of termination of service on account of continued ill-health in terms of section 17(2)(a) of the Public Service Act, as amended.

The Head of Department may extend the period of permanent incapacity leave by a further 30 working days in order to finalise processes already commenced.

2.3 SUMMARY

The legislative and regulatory frameworks within which grievances and sick leave matters in the South African Public Service should be dealt with is without doubt extensive.

The framework stipulates clearly the responsibility on the State to manage resources effectively and efficiently. This includes sick leave and a duty on employees not to abuse sick leave and on accounting officers to ensure accountable leave management.

3.1 INTRODUCTION

This chapter presents a broad overview and analysis of what impact negative work related experiences has on employees and specifically how it impacts on employees' health and subsequent work attendance.

3.2 WELLBEING AND HEALTH

3.2.1 The link between wellbeing and health

In “*A Compendium of Factsheets: Wellbeing Across the Lifecourse*”⁹ the government of the United Kingdom quoted The World Health Organisation (WHO) as stating that “**wellbeing exists in two dimensions, subjective and objective. It comprises an individual's experience of their life as well as a comparison of life circumstances with social norms and values**”. Examples of life circumstance include health, education, work, social relationships, built and natural environments, security, civic engagement and governance, housing and work-life balance. Subjective experiences include a person's overall sense of wellbeing, psychological functioning and affective states¹⁰.

Legal Brief Work Place Issue Number 218 (Labour and Employment Watch) carries an article on how workplace bullying and violence may increase the risk of type 2 diabetes for both men and women. It reports that a study was led by Dr Tianwei Xu, fellow at the department of public health at the University of Copenhagen, Denmark, involving 45 905 men and women aged between 40 and 65 from across Sweden, Denmark and Finland, none of whom had diabetes at the start of the research.

The research showed that men were reported to be 61% more likely to develop type 2 diabetes when exposed to negative workplace behaviour, while women had a 36% increased risk.

However, the findings observed only an association rather than a direct link and so the study cautioned that there was no concrete evidence to say that exposure to office bullying in itself causes type 2 diabetes.

The organisation “*Workplace Stress*” indicates in a report that: “*Absenteeism due to job stress has escalated. According to a survey of 800,000 workers in over 300 companies, the number of*

⁹

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/295474/The_relationship_between_wellbeing_and_health.pdf://htt.

¹⁰ Measurement of and target-setting for well-being: an initiative by the WHO Regional Office for Europe, report of the second meeting of the expert group, Paris, France 25-26 June 2012.

*employees calling in sick because of stress tripled from 1996 to 2000. An estimated 1 million workers are absent every day due to stress. The European Agency for Safety and Health at Work reported that over half of the 550 million working days lost annually in the U.S. from absenteeism are stress related and that one in five of all last minute no-shows are due to job stress. If this occurs in key employees it can have a domino effect that spreads down the line to disrupt scheduled operations. Unanticipated absenteeism is estimated to cost American companies \$602.00/worker/year and the price tag for large employers could approach \$3.5 million annually. A 1997 three year study conducted by one large corporation found that 60% of employee absences could be traced to psychological problems that were due to job stress.”*¹¹

The research further indicates that the main causes for stress are: 1) Work Load— 46%; 2) People Issues— 28%; 3) Juggling work or personal lives—20%; and 4) Lack of job security—6%.

A recent report on *Job Satisfaction: 2014 Edition* by a New York Non-Profit Organisation “*The Conference Board*” revealed that less than half of Americans are satisfied with their jobs. More than half of Americans are unhappy at work, and the consequences of feeling miserable with the state of your employment can be devastating.

The report further indicated that the side effects of being miserable in the workplace can have a negative impact emotionally, physically and mentally. These side effects can wear you down, put strain on valued relationships, and make you dread going to work every day. What’s even worse; the consequences of being unhappy at work can cause you to lose hope.¹²

In a paper titled: *“Effects of grievance activity on absenteeism”* published in the *Journal of Applied Psychology*¹³ the authors examined the relationship between absenteeism and grievance activity by studying whether that relationship varied across 6 types of grievance activity.

Data were collected on the monthly level of absenteeism and grievance activity over an 8-year period from a unionised organisation. The researchers concluded that:

“Although statistically significant increases in absenteeism occurred in association with policy grievances, statistically significant decreases in absenteeism occurred in the month following disciplinary grievances and negative outcomes from disciplinary grievances.”

¹¹ <http://www.stress.org/workplace-stress/>

¹² www.conference-board.org/publications/publicationdetail.cfm?publicationid=2785

¹³ Klaas, B. S, Heneman, H. G., & Olson, C. A. (1991) *Journal of Applied Psychology*, 76(6), 818-824.

3.3 SUMMARY

Numerous studies have been conducted on the link between health and work place stress. Although it is difficult to prove conclusively that health problems are linked to a specific event or a specific work environment it is interesting to note that there is general agreement of the side effects of acrimonious relationships.

Since the bigger portion of employees' day (daytime) is spent at work, it is safe to conclude that work related conflict has a negative bearing on their physical and mental wellbeing.

4.1 INTRODUCTION

This chapter presents the key findings of the study to determine whether employees who submitted grievances took more sick leave than the remainder of employees. It will therefore be prudent to reflect on the number of sick leave days (Normal and Temporary Incapacity Leave) ¹⁴ taken by aggrieved GPG employees and thereafter to look at the average sick leave taken by GPG Employees who did not lodge formal grievances. This will then enable certain conclusions, based on the statistical evidence.

4.2 SICK LEAVE BY GPG EMPLOYEES WHO LODGED FORMAL GRIEVANCES

4.2.1 Grievances recorded 2016/17 financial year

The total number of grievances recorded by GPG departments in the 2016/17 financial year amounted to **1284** grievances. For the purposes of this study, **14** collective grievances were omitted, implying **1270** individual grievances as basis for the analysis. To ensure that the statistics were not inflated, an aggrieved employee was only listed once and any further grievances were omitted from the data base. This application had the result that a further **75** grievances were omitted from the data base, bringing the total number of grievances to **1205**.

As mentioned earlier in the report, there were aggrieved employees who could not be accurately identified as a result of errors on the grievance statistics submitted by departments and this resulted in a further **62** names being removed from the data base and a final total of **1143** individuals whose sick leave records could be assessed.

Table 2 depicts how many grievances were assessed per GPG department.

Table 2: Grievances assessed per department

Department	Number of grievances
Agriculture & Rural Development	16
COGTA	12
Community Safety	26
Economic Development	4
Education	519
E-Government	9
Health	382
Human Settlements	47

¹⁴ There were no GPG employees who submitted grievances and who submitted applications for permanent Incapacity leave.

Department	Number of grievances
Infrastructure Development	42
Office of the Premier	5
Provincial Treasury	2
Roads and Transport	32
Social Development	25
Sport, Arts, Culture & Recreation	22
Grand Total	1143

4.2.2 Sick leave submitted by aggrieved employees

The number of days normal sick leave as well as temporary incapacity leave submitted in respect of the identified aggrieved employees from 1 April 2016 until 31 March 2017 is reflected in **Table 3** below. The average number of sick leave days per aggrieved employee amounted to **6.28 days** (7174 days divided by 1143).

Table 3: Total number of days sick leave recorded

Department	Normal Sick Leave	Temporary Incapacity Leave	Total
Agriculture & Rural Development	138	23	161
COGTA	42		42
Community Safety	214	5	219
Economic Development	7		7
Education	1886	321	2207
E-Government	78		78
Health	2947	229	3176
Human Settlements	364	22	386
Infrastructure Development	197	59	256
Office of the Premier	25		25
Provincial Treasury	24		24
Roads and Transport	194		194
Social Development	193	71	264
Sport, Arts, Culture & Recreation	135		135
Grand Total	6444	730	7174

4.3 SICK LEAVE BY ALL GPG EMPLOYEES

4.3.1 Sick leave by GPG employees per department

The respective GPG Departments captured sick leave of employees as follows:

Table 4: Sick leave captured in respect of GPG employees 2016/17 financial year

Department	Normal Sick Leave	Temporary Incapacity Leave	Total
Agriculture & Rural Development	1896	11	1907
COGTA	2304		2304
Community Safety	8066		8066
Economic Development	1884		1884
Education	410914		410914
E-Government	6246		6246
Health	170043	2920	172963
Human Settlements	1696	21	1717
Infrastructure Development	7252		7252
Office of the Premier	1197	4	1201
Provincial Treasury	3184	25	3209
Roads and Transport	4318	11	4329
Social Development	10490	50	10540
Sport, Arts, Culture & Recreation	759		759
Grand Total	630249	3042	633291

Table 4 above shows that GPG employees took a total of **630 249** days normal sick leave and **3042** days Temporary Incapacity Leave. A grand total of **633 291** sick leave days have been captured in respect of GPG employees in respect of the 2016/17 financial year. Permanent Incapacity leave days have not been calculated.

4.3.2 Numerical strength of GPG Departments

To enable an accurate account of sick leave in the GPG, PERSAL extracted all sick leave records captured between 1 April 2016 and 31 March 2017. However during this period there were also contract workers appointed who took sick leave and there were also “abnormal appointments” which had to be calculated. These “abnormal appointments” occurred where employees were carried additional to the post establishments of departments such as in the

case of the Gauteng Department of Education when relief teachers are appointed when another teacher will be absent for a prolonged period of time.

In **Table 5** below, the average number of sick leave days per employee, per department is reflected. To determine the average number of sick leave days per employee per year, the total number of sick leave days per department for the 2016/17 financial year was divided by the number of employees.

It is evident from **Table 5** that the average number of sick leave days varies significantly between departments. The highest average was recorded by E-Gov at **7.36** days per employee per year and the lowest average was recorded by the Department of Sport, Arts, Culture and Recreation at **0.64** days per employee.

There may be challenges with the capturing of sick leave where the average is far below the average of the GPG departments. This will require further probing/investigation.

Table 5: Average number of sick leave days per employee per department

Department	All staff count	Total number of sick leave days	Average number of sick leave days per year per
Agriculture & Rural Development	952	1907	2.00
COGTA	704	2304	3.27
Community Safety	1 798	8066	4.49
Economic Development	540	1884	3.49
Education	104 636	410914	3.93
E-Government	849	6246	7.36
Health	69 557	172963	2.49
Human Settlements	862	1717	1.99
Infrastructure Development	2 943	7252	2.46
Office of the Premier	543	1201	2.21
Provincial Treasury	851	3209	3.77
Roads and Transport	2 295	4329	1.89
Social Development	4 587	10540	2.30
Sport, Arts, Culture & Recreation	1 192	759	0.64
Grand Total	192 309	633291	3.29

4.3.3 Comparison between aggrieved and non-aggrieved employees

In **Table 6** below, the comparison between the sick leave captured in respect of employees who lodged grievances and the entire population group is indicated. In all departments except the Department of Economic Development, employees who lodged grievances took more sick leave than employees who did not lodge grievances. On average, employees who lodged grievances took **6.28** days sick leave per annum, whilst the entire population group only took an average of **3.29** days sick leave per annum.

It is interesting to note that in the Department of Agriculture and Rural Development, employees who did not lodge grievances took an average of **2** days sick leave per annum whilst aggrieved employees took an average of **10.06** days. This is more than five times the average.

Although the sick leave captured in respect of aggrieved employees in the Department of E-Government did not rise sharply in comparison to their colleagues, the average number of sick leave days of aggrieved employees was still way above the average norm of the GPG departments at **8.66** days per employee per annum. The Department of E-Government recorded the highest average of sick leave days of non-aggrieved employees at **7.36** days per employee.

Table 6: Comparison of average number of days sick leave captured in respect of aggrieved and non-aggrieved employees.

Department	Number of aggrieved employees	Number of sick leave days	Average	Number of employees per department	Number of sick leave days	Average
Agriculture & Rural Development	16	161	10.06	952	1907	2.00
COGTA	12	42	3.5	704	2304	3.27
Community Safety	26	219	8.42	1 798	8066	4.49
Economic Development	4	7	1.75	540	1884	3.49
Education	519	2207	4.25	104 636	410914	3.93
E-Government	9	78	8.66	849	6246	7.36
Health	382	3176	8.31	69 557	172963	2.49
Human Settlements	47	386	8.21	862	1717	1.99
Infrastructure Development	42	256	6.10	2 943	7252	2.46

Department	Number of aggrieved employees	Number of sick leave days	Average	Number of employees per department	Number of sick leave days	Average
Office of the Premier	5	25	5.00	543	1201	2.21
Provincial Treasury	2	24	12.00	851	3209	3.77
Roads and Transport	32	194	6.06	2 295	4329	1.89
Social Development	25	264	10.56	4 587	10540	2.30
Sport, Arts, Culture & Recreation	22	135	6.14	1 192	759	0.64
Grand Total	1143	7174	6.28	192 309	633291	3.29

4.3.4 Speedy resolution of grievances

Given the fact that aggrieved employees take almost double the number of sick leave days per annum, it would be logical that the speedy resolution of grievances should have a positive effect to decrease sick leave by aggrieved employees.

The Grievance Rules applicable to the Senior Management Service (SMS) prescribe that a grievance should be finalised in 45 working days. The Grievance Rules applicable to employees below the level of the SMS prescribe a time frame of 30 working days to finalise a grievance.

One of the areas of concern is the fact that a significant number of grievances are not dealt with in the prescribed time frame. This obviously leads to further dissatisfaction by the aggrieved employees, and/or the referral of such a grievance to the PSC or to a relevant bargaining council in terms of the LRA.

When grievances are not properly considered internally or when the prescribed time frames are exceeded, an undue burden is placed on the PSC as well as the dispute resolution agencies.

Table 7 below displays that only **711** of the **1284 (55.4%)** grievances recorded by the GPG departments in respect of the 2016/17 financial year were finalised in the prescribed time frame.

Table 7 : Grievances finalised within the specified time frame 2016/17 financial year

DEPARTMENT	NUMBER OF GRIEVANCES LODGED	TOTAL NUMBER OF GRIEVANCES FINALISED	NUMBER OF GRIEVANCES FINALISED WITHIN THE PRESCRIBED TIME FRAME	PERCENTAGE OF GRIEVANCES FINALISED WITHIN THE PRESCRIBED TIME FRAME
Agriculture and Rural Development	17	9	6	35.2%
COGTA	13	6	1	7.7%
Community Safety	33	24	15	45.5%
Economic Development	4	0	0	0%
Education	617	419	327	52.9%
E-Government (Finance)	12	4	2	16.7%
Health	401	358	299	74.6%
Human Settlements	48	29	24	50.0%
Infrastructure Development	45	17	11	24.4%
Office of the Premier	5	4	0	0%
Provincial Treasury	5	2	2	40%
Roads and Transport	33	26	11	33.3%
Social Development	27	16	3	11.1%
Sport, Arts , and Culture	24	19	10	41.7%
TOTAL	1284	933	711	55.4%

The speedy finalisation of grievances was recently considered by the PSCBC in an arbitration between the Public Servant's Association V National Prosecuting Authority of South Africa and another [2013] 11 BALR 1143 (PSCBC).

The learned arbitrator in the analysis of the matter indicated that: *“There can be no doubt that this case clearly illustrates that justice delayed is justice denied. A grievance lodged in October 2008, is today five years later still being investigated. In terms of the grievance procedure, the time frame allowed to deal with a grievance is 30 days unless the parties by agreement consent in writing to a longer period. The case further illustrates how employers can flout time limits with impunity without any serious consequences.”*

5.1 INTRODUCTION

The study was undertaken to establish the influence of grievances on work attendance. The study has revealed that employees who submitted grievances indeed took more sick leave than their colleagues who are not aggrieved.

Below are the recommendations the PSC has found to be most appropriate to deal with the findings made.

5.2 RECOMMENDATIONS

5.2.1 Executive Authorities of provincial departments

The Public Service Regulations require of the Executive Authorities (EAs) and Heads of Department (HoDs) to exercise their powers, perform their duties and carry out their obligations under the Regulations, subject to the Labour Relations Act and the relevant collective agreements. In light hereof, EAs, with the support of HODs, have the responsibility to ensure that grievances are resolved within the prescribed time frames and as close as possible to the origin of such grievances.

Given the immense influence of grievances on sick leave, the financial gain and effect on productivity when grievances are dealt with in a more efficient manner should be astounding.

It is thus recommended that Executive Authorities should introduce measures to ensure that grievances are effectively and efficiently managed.

To assist in this regard, the management of grievances should be a standing point on the agenda of Executive meetings during which the line function, responsible for grievance management, should report on the number of grievances received and finalised in the prescribed time frames.

5.2.2 Accounting Officers

Heads of Department, as Accounting Officers (AOs) must ensure that employees within their respective departments comply with the Grievance Rules and any other statutory obligations incumbent upon it. This includes ensuring that employees are well capacitated to deal with grievances and that corrective measures are instituted where grievances are not finalised within the prescribed time frames.

Measures should also be introduced to hold line managers accountable for poor grievance management by incorporating grievance management in their Annual Performance Plans.

Accounting officers in departments with a sick leave average above the norm in the GPG should take steps to monitor sick leave patterns and take appropriate steps to ensure that the abuse of sick leave is prevented.

In instances where the average number of sick leave days is below the provincial norm, it will be necessary to determine the reasons for such deviation and whether there are constraints that hamper the capturing of leave forms.

5.3 CONCLUSION

The study has revealed that there is a significant increase of sick leave by aggrieved employees. It is imperative to ensure that the abuse of sick leave is prevented and departmental initiatives to prevent abuse should be implemented and monitored.

To this end, the PSC has outlined key recommendations for consideration and implementation by all key stakeholders who are mandated and expected to play a critical role in grievance management.

The PSC, as part of its oversight mandate, will continue to monitor, investigate and advise on administration and personnel practices of the public service and will engage with the identified stakeholders on the implementation of the recommendations.