



**REPORT ON THE UTILISATION OF CATEGORIES OF LEAVE IN THE
PUBLIC SERVICE: FACTS, OBSERVATIONS AND
RECOMMENDATIONS**

FEBRUARY 2025



Vision

An impartial and innovative champion
of public administration excellence
in South Africa.

Mission

To actively promote and institutionalise
the constitutional values and principles
as well as practices governing public
administration to drive service excellence
and innovation in pursuit of a capable,
ethical and developmental state.

Published in the Republic of South Africa by:

THE PUBLIC SERVICE COMMISSION

PSC HOUSE, BLOCK B,
536 Francis Baard Street, Arcadia, Pretoria

Private Bag X121
Pretoria, 0001

Tel: +27 12 352-1000
Fax: +27 12 321-3348
Email: info@opsc.gov.za
Website: www.psc.gov.za

National Anti-Corruption Hotline for the Public Service:
0800 701 701 (Toll-Free)

Compiled by Branch: Leadership and Management Practices
Distributed by: Directorate Communication and Information Services



FOREWORD

The management of leave is key to building state capacity as, it reportedly, ensures employee well-being, work-life balance, engagement, and compliance with legal requirements, yet there have been concerns raised repeatedly by Parliament and the media on the alleged poor management of leave in the Public Service.

The leave management system enables Public Service employees and Human Resources (HR) units within departments to easily apply for, correctly allocate and most importantly track and grant leave. It is the responsibility of the Public Service as an employer to create an enabling environment that allows employees to take time to rest, time to heal and time to improve their abilities and skills. Therefore, a well-defined leave policy is required to ensure balanced work-relations between employees and the employer.

To achieve this balance, it is important to strengthen human resource capacity and controls as a baseline to building state capacity and capability. It remains the responsibility of all State institutions to ensure they are engineered and operationally competent to deliver quality services in line with Section 195 of the Constitution. In promoting a “Weaver Bird Culture” as envisaged in the *Indlulamithi Scenarios 2035*, collaboration is paramount to the accomplishment of the government’s strategic goals. In doing so, putting effective leave management mechanisms in place to advance a healthy workforce is non-negotiable. It is within this context that the Public Service Commission (PSC) identified the need to conduct a study on the utilisation of categories of leave in the Public Service.

This study forms part of the PSC’s mandate as set out in Section 195 of the Constitution of the Republic of South Africa. It further illustrates that leave and leave management is not just a condition of service but an integral part of Section 195(1)(h) that requires the cultivation of good human resource management and career development practices to maximise human potential.

To this end, the report provides a comprehensive statistical analysis, observations and recommendations that aim to contribute towards the effective management of different categories of leave, which will lead to an efficient and effective Public Service. The PSC is of the view that the recommendations of this report will contribute towards effective and ethical practices in relation to the utilisation of leave in the Public Service.



MR VGM MAVUSO

PUBLIC SERVICE COMMISSION

ACKNOWLEDGEMENTS

The Public Service Commission (PSC) would like to thank the Department of Public Service and Administration (DPSA) for providing data from the Personnel and Salary (PERSAL) System.

Project Leader:

Ms. Renel Singh Dastaghir (Director: Human Resource Best Practice)

Project Team Members:

Mr. Sibusiso Chibi (Deputy Director: Human Resource Best Practice)

Supervising Team:

Mr. Lusani Madzivhandila (Chief Director: Leadership and Human Resource Reviews).

Dr Kholofelo Sedibe (Deputy Director-General: Leadership and Management Practices).

Project support team:

Ms Rose Mashau and Daniel Macuvele (National Office)

Proofreading and editorial support team:

Ms Zodwa Mtsweni and Mr Humphrey Ramafoko (National Office)

TABLE OF CONTENTS

FOREWORD	i
ACKNOWLEDGEMENTS	ii
TABLES AND FIGURES.....	vi
EXECUTIVE SUMMARY	viii
Chapter 1: INTRODUCTION AND PURPOSE OF THE STUDY	1
1.1 Background	1
1.2 Problem statement.....	1
1.3 Scope of the study.....	2
1.4 Objectives of the study	2
1.5 Methodology	3
1.6 Limitations and delimitations of the study.....	3
1.7 Structure of the report.....	3
1.8 Ethical considerations.....	4
1.9 Conclusion.....	4
Chapter 2: LEGISLATION, POLICY AND LITERATURE REVIEW	5
2.1 Introduction.....	5
2.2 Legislation	5
2.2.1 The Constitution of the Republic of South Africa, 1996	5
2.2.2 The Public Service Act, 1994, as amended	5
2.2.3 The Public Service Regulations, 2016	6
2.2.4 The Basic Conditions of Employment Act, 1997 as amended.....	6
2.3 Directives, Collective Agreements and Resolutions	6
2.3.1 Determination and Directive on Leave of Absence in the Public Service, 2021	6
2.3.2 PSCBC Resolution No. 3 of 1999	6
2.3.3 PSCBC Resolution No. 12 of 1999	7
2.3.4 PSCBC Resolution No. 7 of 2000	8
2.3.5 PSCBC Resolution No. 5 of 2001	8
2.3.6 PSCBC Resolution No. 15 of 2002	8
2.3.7 PSCBC Resolution No. 1 of 2007	9
2.3.8 PSCBC Resolution No. 1 of 2012	9
2.3.9 PSCBC Resolution No. 2 of 2015	9
2.3.10 PSCBC Resolution No. 1 of 2018	9
2.3.11 Policy and Procedure on Incapacity Leave and Ill-Health Retirement (PILIR).....	9
2.4 Recent developments.....	10
2.4.1 Determination and Directive on Special Leave in the General Public Service Sectoral Bargaining Council, 2024.....	10
2.4.2 GPSSBC Resolution 2 of 2024: Special Leave	10
2.4 Applicable literature and case law.....	11
2.5.1 Sick leave in various countries - comparative analysis.....	11
2.5.2 Case Laws in relation to sick leave	12
2.5.3 Grounds and ethical considerations for sick notes	14
2.6 Conclusion.....	15
Chapter 3: ANALYSIS OF CAPPED LEAVE	16
3.1 Introduction.....	16
3.2 Overall statistics pertaining to capped leave	16
3.3 Analysis of capped leave for national departments	17
3.3 Analysis of capped leave for provincial departments.....	18
3.3.1 Eastern Cape.....	18
3.3.2 Free State.....	18
3.3.3 Gauteng.....	19

3.3.4	KwaZulu-Natal	20
3.3.5	Limpopo.....	20
3.3.6	Mpumalanga.....	21
3.3.7	North West	21
3.3.8	Northern Cape	22
3.3.9	Western Cape	22
3.4	Combined analysis of capped leave	23
3.4.1	Public Service capped leave totals	23
3.4.2	Education and health across the Public Service	23
3.4.2.1	Education departments.....	23
3.4.2.2	Health departments	24
3.5	Observations and concerns relating to capped leave	24
3.6	Recommendations.....	25
3.7	Conclusion.....	26
Chapter 4: ANALYSIS OF SICK LEAVE		27
4.1	Introduction.....	27
4.2	General statistics of employees in the Public Service.....	27
4.2.1	Number of employees that took sick leave in the Public Service.....	28
4.2.2	Analysis of sick leave days taken in the Public Service.....	29
4.2.3	Overall sick leave costs in the Public Service	30
4.3	Analysis of sick leave for national departments.....	30
4.3.1	Employees per age group for national departments.....	31
4.3.2	Sick leave by Age group for national departments	31
4.3.3	Sick leave by gender, average days and cost in national departments	32
4.3.4	Sick leave non-(SMS) members in national departments.....	32
4.3.5	Sick leave taken by SMS members in national departments.....	33
4.4	Analysis of sick leave for provincial departments	33
4.4.1	Analysis of sick leave costs in provincial departments	33
4.4.2	Sick leave taken by gender at provincial level.....	34
4.4.3	Sick leave by age group in provincial departments	35
4.4.4	Sick leave by non-SMS members in provincial departments.....	36
4.4.5	Sick leave usage by SMS members in provincial departments	37
4.5	Consolidated average sick leave days for national and provincial departments	38
4.6	Temporary Incapacity Leave.....	39
4.6.1	National and provincial departments	39
4.6.2	Total cost of temporary incapacity leave at national and provincial levels	40
4.7	Permanent Incapacity Leave	41
4.7.1	National and provincial departments.....	41
4.7.2	Total cost of permanent incapacity leave for national and provincial departments	42
4.8	Observations and key findings pertaining to sick leave	43
4.9	Recommendations	43
4.10	Conclusion.....	44
Chapter 5: ANALYSIS OF STUDY LEAVE.....		46
5.1	Introduction.....	46
5.2	General statistics pertaining to special leave	46
5.3	Overview of employee numbers for national and provincial administrations.....	47
5.4	Analysis of study leave for national departments	48
5.4.1	Study leave – average number of days and costs (2020 – 2023).....	48
5.4.2	Number of employees per age group for national departments.....	49
5.4.3	Study leave by age group for national departments	49
5.4.4	Study leave costs by age group for national departments	50
5.4.5	Study leave by gender and costs for national departments	51
5.4.6	Study leave – non-SMS members	51
5.4.7	Study leave for SMS members	52

5.5	Analysis of study leave for provincial departments.....	52
5.5.1	Employees that took study leave at the provincial level	52
5.5.2	Study leave by gender at the provincial level	53
5.5.3	Study leave costs for provincial administrations.....	54
5.5.4	Study leave by age for provincial departments.....	55
5.5.5	Usage of study for Provincial Departments of Education and Health	56
5.5.6	Study leave by non-SMS members.....	57
5.5.7	Study leave by SMS members.....	58
5.6	Combined study leave data set from 2020 to 2023	60
5.7	Recommendations.....	63
5.8	Conclusion.....	63
Chapter 6: THE INFLUENCE OF HYBRID WORK ARRANGEMENTS AND DIGITISED WORKPLACES ON LEAVE UTILISATION.....		64
6.1	Introduction.....	64
6.2	Lessons from Covid-19.....	64
6.3	Sick leave during and after the COVID-19 lockdown.....	65
6.4	Observations and insights: hybrid work arrangement, digitisation and sick leave.....	66
6.5	Recommendations.....	66
6.6	Conclusion	67
Chapter 7: SUMMARY OF FINDINGS, OBSERVATIONS AND RECOMMENDATIONS.....		68
7.1	Introduction.....	68
7.2	Capped Leave	68
7.3	Study Leave	69
7.4	Sick Leave.....	70
7.5	Digitisation and Hybrid work arrangements.....	71
7.6	Conclusion.....	72
REFERENCES AND SOURCES		73

TABLES AND FIGURES

Table 1: Overall Public Service statistics pertaining to capped leave (as at 31 Dec 2023).....	16
Table 2: Capped leave statistics for national departments (as at 31 Dec 2023)	18
Table 3: Eastern Cape capped leave (as at 31 Dec 2023)	18
Table 4: Free State capped leave (as at 31 Dec 2023)	19
Table 5: Gauteng capped leave (as at 31 Dec 2023)	19
Table 6: KwaZulu-Natal capped leave (as at 31 Dec 2023)	20
Table 7: Limpopo capped leave (as at 31 Dec 2023)	20
Table 8: Mpumalanga capped leave (as at 31 Dec 2023)	21
Table 9: North West capped leave (as at 31 Dec 2023)	21
Table 10: Northern Cape capped leave (as at 31 Dec 2023)	22
Table 11: Western Cape capped leave (as at 31 Dec 2023).....	22
Table 12: General statistics of employees in the Public Service	28
Table 13: Sick leave days taken overall.....	29
Table 14: Cost of sick leave in the Public Service (2020-2023)	30
Table 15: Sick leave taken at national departments	31
Table 16: Number of employees per age group for national departments	31
Table 17: Sick leave by number of employees and total number of days in national departments.....	31
Table 18: Sick leave by gender, average days taken and costs in national departments	32
Table 19: Sick leave for non-SMS members in national departments.....	32
Table 20: Sick leave taken by SMS members, total days and costs in national departments	33
Table 21: Sick leave costs in provinces	33
Table 22: Sick leave by age group - Provincial Administrations	35
Table 23: Sick leave taken by non-SMS members - Provincial Administrations	36
Table 24: Sick leave taken by SMS members - Provincial Administrations	37
Table 25: Consolidated numbers of temporary incapacity leave in the Public Service	39
Table 26: Detailed breakdown of costs of temporary incapacity leave across the Public Service	41
Table 27: Total number of permanent incapacity leave days taken across the Public Service.....	41
Table 28: Breakdown of costs of permanent incapacity in the Public Service	42
Table 29: General special leave statistics in the Public Service.....	46
Table 30: Employee gender statistics in the Public Service	47
Table 31: Total number of employees by age group for national departments	49
Table 32: Total number of employees that took study leave by age group - National Departments....	49
Table 33: Study leave by total number of days taken and age group	50
Table 34: Study leave by age group and costs for national departments.....	50
Table 35: Study leave by gender and costs for national departments.....	51
Table 36: Study leave by non-SMS dispensation - national departments	51
Table 37: Study leave by SMS members – for national departments.....	52
Table 38: Study leave by age group for provincial administrations	56
Table 39: Number of employees that took study leave in Health and Education	57
Table 40: Study leave by non-SMS employees for provincial administrations	58
Table 41: Study leave by SMS members for provincial administrations.....	59
Figure 1: Combined cost of capped leave (as at 31 Dec 2023).....	23
Figure 2: Cost of capped leave - education departments (as at 31 Dec 2023)	24
Figure 3: Cost of capped leave - health departments (as at 31 Dec 2023)	24
Figure 4: Total number of employees that took sick leave in the Public Service.....	28
Figure 5: Sick leave by gender - Provincial Administrations.....	34
Figure 6: Average number of sick leave days Public Service wide	38
Figure 7: Total cost of temporary incapacity leave for the Public Service	40
Figure 8: Cost of permanent incapacity leave in the Public Service.....	42
Figure 9: Study leave by multiple variables for national departments	48
Figure 10: Consolidation of study leave - Provincial Administrations	53
Figure 11: Study leave cost breakdown - Provincial Administrations	55
Figure 12: Combined average study leave days for the Public Service	60
Figure 13: Cost of Study leave in the Public Service	61

LIST OF ACRONYMS

Abbreviation	Full Name
BCEA	Basic Conditions of Employment Act, 1997 as amended
Constitution	Constitution of the Republic of South Africa, 1996
Covid-19	Corona Virus
DPSA	Department of Public Service and Administration
DG	Director-General
EA	Executive Authority
EHW	Employee Health and Wellness
FMLA	Family and Medical Leave Act (US)
GEPF	Government Employee Pension Fund
GPAA	Government Pensions Administration Agency
GPSSBC	General Public Service Sector Bargaining Council
HOD	Head of Department
HPCSA	Health Professional Council of South Africa
HR	Human Resources
HRD	Human Resource Development
ICT	Information Communication Technology
JCPS	Justice, Crime Prevention and Security
LRA	Labour Relations Act, 1995
MMS	Middle Management Service
MPSA	Minister for Public Service and Administration
MTDP	Medium Term Development Plan
MTSF	Medium Term Strategic Framework
NDP	National Development Plan
NSG	National School of Government
PDP	Personal/Performance Development Plan
PERSAL	Personnel and Salary System
PILIR	Policy and procedure on incapacity leave and ill-health retirement
PIL	Permanent Incapacity Leave
PFMA	Public Finance Management Act 1 of 1999
PSA	Public Service Act, 1994
PSC	Public Service Commission
PSCBC	Public Service Coordination Bargaining Council
PSETA	Public Service Sector Education Authority
PSR	Public Service Regulations, 2016
SMS	Senior Management Service
TIL	Temporary Incapacity Leave

EXECUTIVE SUMMARY

The PSC is mandated in terms of Section 196(4)(b) of the Constitution of the Republic of South Africa, 1996, to investigate, monitor and evaluate the organisation, administration, and personnel practices of the Public Service. In implementing its mandate, the PSC contributes towards building a capable, ethical and developmental State, therefore a need was identified to produce a report on the utilisation of specific categories of leave in the Public Service. This report provides a statistical overview with respect of specific leave categories, such as capped leave, sick leave and study leave.

The report has demonstrated that the Public Service has extensive legislation that shapes how leave is expected to be managed. The relevant pieces of legislation as well as lessons from international literature and case law are discussed in Chapter 2 of this report.

The PSC study outlines observations and recommendations according to the categories of leave analysed and the influence of digitisation and hybrid working arrangement as follows:

Capped Leave

Available information illustrates that the contingent liability of capped leave will increase based on the cost-of-living adjustments and remains a moving target. Therefore, the cost today versus that of 5 or 10 years from now will be monumentally higher in terms of payouts.

Whilst most departments have employees with capped leave, the highest number of employees who have capped leave are from the Education and Health sectors. These are direct service delivery sectors that provide services which are critical to economic growth and development. In addition to the expected future costs of payouts, the concern is the loss of experienced people from the Public Service through retirement.

It is recommended in terms of costs, that the National Treasury do a cost-based analysis to determine the feasibility of payouts of capped leave today vs future costs. Given that the Government Employee Pension Fund (GEPF) also offers an option to purchase additional pension, it would be another recommended option to consider allowing employees with capped leave to buy back pension with the current value of capped leave credits they have. In relation to skills attrition, it is recommended that a comprehensive Human Resource planning exercise must be done by the Health and Education sectors and supported by the DPSA.

Sick Leave (Including temporary and permanent incapacity leave)

In 2022, there was a spike in the utilization of normal sick leave in the Public Service which is associated with the impact of the CORONA Virus (Covid-19) and the return to work at full capacity. However, according to the analysis performed, the number of employees who used

temporary incapacity leave declined. The average number of Temporary Incapacity Leave (TIL) days across the Public Service between 2020-2023 was 44 days per year in relation to the number of employees that took leave versus the number of leave days taken. This means that the absence of the incumbents put a strain on staff who need to ensure business continuity. Therefore, it is vital that the DPSA, subject to collective bargaining processes, considers the capping of TIL with respect to the maximum days that can be applied for by an employee annually, with due consideration to the severity of illness and/or injury.

In contrast, the use of Permanent Incapacity Leave (PIL) is significantly low, including the costs involved because PIL is not a type of leave that employees can apply for. Employers must therefore be proactive with respect to the signs of illnesses that are debilitating to the operational ability of the employee. When dealing with PIL supervisors should, through Human Resource sections, guide employees in a sensitive, caring and humane manner.

It is recommended that Departments (inclusive of supervisors and HR units) should audit sick leave records annually to identify instances of excessive usage across various units of the organisation and possible misuse by employees. Departments should consistently and strictly monitor the submission of medical certificates as proof of application for sick leave to curb potential misuse. The National School of Government (The NSG) should further consider developing an e-learning course on the management of leave, specifically sick leave, in the Public Service in conjunction with the DPSA.

To manage the reduction of sick leave, as well as incapacity leave, Departments must encourage staff to use Employee Health and Wellness (EHW) programmes to manage different types of health challenges, including mental health issues and fatigue. Due to some individuals feeling nervous to access the services, consider group information sessions to improve larger participation. The Government Employee Medical Scheme (GEMS) health screening adds a lot of value and should take place often in departments.

Study Leave

Given that a small number of the overall number of Public Service employees took study leave between 2020-2023 (national departments averaging 19 353 over four years and provincial departments averaging 21 862), which represents approximately 1,4% of the total employee population and the average number of study leave days per employee per annum ranges between 4 and 8 days, it may be argued that there is 'generally' no study leave misuse in the Public Service. However, the potential for study leave misuse at the level of individual employees cannot be completely ruled out and must be closely monitored.

The national departments show that 17 733 – 20 651 employees took study leave from 2020 to 2023. At provincial level 21 004 – 23 265 employees took study leave from 2020 to 2023. Gauteng ranked the highest. However, there are variations on the usage of study leave

between departments at the national and provincial levels. Associated study leave costs followed a similar pattern.

Within the Health and Education sectors, the proportion of employees who took study leave is relatively higher than other departments provincially. In some provinces, employees from the departments of Health and Education made up more than 70% of the total number of employees who took study leave. This is good for these service delivery departments and shows that there is significant interest in improving skills.

Subject to negotiation in the various sectors in relation to collective bargaining, it may be of value to utilise the General Public Service Sectoral Bargaining Council (GPSSBC) Resolution 2 of 2024 as a benchmark for special leave in other sectors with due noting of the sectors specific conditions.

Given that approximately 1,4% of employees took study leave, more employees should be encouraged to improve their skills, knowledge and qualifications for their own and the employers' benefit as part of continuous learning and development, without impacting negatively on the overall service delivery performance of the Public Service. The Public Service can be applauded given that it affords its employees study opportunities by granting them the necessary leave days.

Hybrid working arrangements and digitisation

Remote working practices contributed to a reduction in the use of sick leave, the numbers of sick days taken by employees were considerably lower. However, the full return to work where workplaces were expected to be at 100% capacity, led to a significant increase in sick leave days taken.

During 2022, the spike in terms of sick leave despite it being a new 36-day sick leave cycle, may have been attributed to close contact with colleagues after a long period of time, exposure to different factors in the workplace and psychological challenges due to fear of exposure.

It is vital for the employer as part of supporting mental health and other health management issues, to consider the adoption of a hybrid working policy where feasible and carefully assess the benefits in terms of the management of leave as well as productivity and organisational performance.

Since leave is a condition of service, it is imperative for employees and employers to understand the policy context of leave management to ensure compliance with relevant labour laws and policies.

CHAPTER 1: INTRODUCTION AND PURPOSE OF THE STUDY

1.1 Background

The Public Service Commission (PSC) is mandated in terms of Section 196(4)(b) of the Constitution of the Republic of South Africa, 1996, to investigate, monitor and evaluate the organisation, administration, and personnel practices of the Public Service. As a result, a need was identified to conduct a study on the utilisation of categories of leave in the Public Service. The focus of this study is aligned to the National Development Plan (NDP), *“Building a capable, ethical and developmental State”*. Therefore, this report provides a statistical overview and analysis in respect of specific leave categories, such as capped leave, sick leave and study leave.

In simple terms leave of absence encompasses all instances of employees taking time off. These include anything from ordinary annual leave, sick to family responsibility leave and study leave, to mention a few. Provision is made in various pieces of legislation to accommodate the need for employees to take time off, not only for general leisure, but also during times of illness or for purposes of upgrading skills. This helps employees to feel confident that they can take leave whenever it is necessary. On the other end, it helps the employer to know which types of leave should be planned for in advance and which ones should be anticipated so that the employer can conduct human resource planning, properly manage staffing levels, and exercise legal compliance issues. However, there is a general perception that there are challenges when it comes to leave management in the Public Service.

There were also concerns raised within the PSC, Parliament and reporting from the media on the utilisation of leave. It was therefore vital for the PSC to conduct an analysis on the use of leave in the Public Service to understand leave patterns and how leave trends impact the delivery of services. It is important to note that the previous investigation conducted in 2012 by the PSC on the management of leave¹ resulted from concerns about the financial implications related to the possible abuse of sick leave; reported instances of officials taking leave without prior notification, and non-adherence to official work hours. This study is more detailed than the previous investigation and seeks to understand how specific categories of leave are being utilised. It further considers leave trends within the context of remote working and digitization factors.

1.2 Problem Statement

The pre-and-post Covid-19 pandemic has resulted in the imposition of certain changes in the management of organisations and the behaviour and actions of employees regarding the utilisation of leave. Research shows that pandemic effects felt by employees affected their

¹Public Service Commission (PSC), (2012), Report on the management of leave in the Public Service.

general work performance due to an increase in the severity of psychological symptoms, especially anxiety and depression, hence employees constantly find themselves away from work².

A fully capacitated Public Service is required to fulfil the service delivery imperatives. Therefore, public servants must be equipped and available to deliver on such imperatives. A lack of capacity due to excessive periods of absence does have an impact on the Public Service's ability to deliver. There is also an extensive cost attached to a person's leave of absence which needs to be considered.

In the current socio-economic context that requires the government to do more with less, assessment is necessary because it is the responsibility of the Public Service as an employer to offer a well-defined leave policy, which provides employees with clarity on the different types of leave they are allowed to take. On the employer's side of things, good leave management entails balancing the employees' needs and service delivery requirements as well as tracking how many days an employee has taken off. This ensures that both the employer and employee remain compliant with standing policies and the law.

To be progressive, there is also a need to understand how modern interventions like remote work arrangements and digitization of human resource management practices have impacted leave utilisation between 2020 and 2023 and infer lessons to influence policy now and in the future.

1.3 Scope of the study

The study included all national and provincial departments and looked at the following categories of leave over a 4-year period, spanning 1 January 2020 up to 31 December 2023:

- Sick leave (age, gender, salary level, cost);
- Special leave ³(total overall days, cost);
- Study leave (*special*) (age, gender, salary level, cost); and
- Capped leave (number of days, estimated cost as at 31 December 2023).

The report was initially planned as a factsheet but evolved during the study. The PSC was supported by the DPSA in relation to the provision of statistics from the PERSAL System.

1.4 Objectives of the study

Given the problem statement, the objectives of the study are as follows:

² Popa I, Ștefan SC, Olariu AA, Popa ȘC, Popa CF. Modelling the Covid-19 Pandemic Effects on Employees' Health and Performance: A PLS-SEM Mediation Approach. Int J Environ Res Public Health. 2022 Feb 7;19(3):1865. doi: 10.3390/ijerph19031865. PMID: 35162885; PMCID: PMC8834763.

³ Special leave constitutes different types of leave and has not been consistently practiced across departments, this type of leave includes study, religious, sporting activities etc. Statistics reflects total days taken for all types of leave as well as costs, however, the focus of this study was to consider the detail with respect to study leave

- a) To collect and analyse data in relation to leave (specifically sick and study leave from PERSAL) to establish whether there is an excessive utilization of such leave.
- b) To understand leave practices in relation to the policy context.
- c) To determine whether there is a connection between the implementation of digitised systems and work from home arrangements and the utilisation of leave.
- d) To conduct an analysis of the contingent liability of capped leave and propose measures to manage such liability.
- e) To develop a report that provides the analysis, recommendations and proposes measures to address challenges as identified in the problem statement.

1.5 Methodology

The methodology utilised for the study entailed an analysis of secondary data from PERSAL and review of historical and current policy documents. The DPSA played a crucial role in providing the consolidated leave data for all national departments and provincial administrations, including the policy documents. PERSAL data excludes the State Security Agency and the South Africa National Defence Force as these Departments are governed by their own Acts and do not utilise PERSAL. The data provided by the DPSA was organised in a manner that would enable the PSC to present the core data in relation to the objectives of the study without compromising on the ethical considerations of confidentiality in relation to departments' employees.

1.6 Limitations and delimitations of the study

The study on the utilisation of leave is limited to national and provincial departments (i.e. the Public Service) and included data for a period of four years (1 January 2020 to 31 December 2023) with the exception of capped leave which is as at 31 December 2023. Notwithstanding the importance of trends analysis over a longer period, a considered decision was taken to limit the study to a clearly defined and recent period to minimise extreme contextual differences from the current context and to strengthen the relevance of the recommendations to the current and immediate future context.

Although there are many different types of leave in the Public Service, the focus of the study was limited to three types of leave, namely sick leave (including temporary and permanent incapacity leave), study leave and capped leave. The focus on these types of leave was informed by capacity constraints and the view that the concerns raised by oversight institutions, stakeholders and the media were aligned to these categories of leave.

1.7 Structure of the report

The remainder of the Report is structured as follows:

Chapter 2: Legislation, policy and literature review.

Chapter 3: Analysis of capped leave.

Chapter 4: Analysis of sick leave, including temporary and permanent incapacity leave.

Chapter 5: Analysis of study leave.

Chapter 6: The influence of hybrid work arrangements and digitised workplaces on leave utilisation.

Chapter 7: Summary of findings, observations and recommendations.

1.8 Ethical considerations

The data being utilised does not carry any personal information or details of any employees in the Public Service. The data is statistical in nature. The information provided was obtained from the PERSAL System through the DPSA and utilised as provided.

1.9 Conclusion

The broad intentions of the study and report as outlined in this Chapter will allow for a better understanding of the utilisation of specific categories of leave in the Public Service. The Chapters that follow provide an analysis of the legal context and the statistics obtained to ascertain trends about the subject matter.

CHAPTER 2: LEGISLATION, POLICY AND LITERATURE REVIEW

2.1 Introduction

Legislation in the Public Service dictates how leave should be managed by departments. It is vital to understand the overarching pieces of legislation, together with the Directives issued by the Minister for Public Service and Administration (MPSA) as well as Collective Agreements between the employer and organised labour.

The MPSA has the legislative authority to issue Directives and Determinations with respect to human resource practices as reflected in the Public Service Act (PSA) 1994, as amended. This chapter provides an outline of the legislative, regulatory and policy frameworks that underpin the management of leave and human resources in the Public Service, and further highlights lessons and practices from case law and secondary literature.

2.2 Legislation

2.2.1 The Constitution of the Republic of South Africa, 1996⁴

Within the constituents of the supreme law of the land, it is clear under Section 10 that human dignity is paramount, and the protection of a person's dignity is imperative. In relation to leave of absence, specifically sick leave, such dignity must be respected.

Section 23 highlights the need for fair labour practices, which is relevant in relation to how leave agreements within the context of conditions of service of employees in the Public Service are effectively negotiated.

The employer must, in accordance with the constitutional rights to privacy and the Code of Conduct in the Public Service Regulations, always treat any information regarding the medical condition of an employee with the necessary respect and confidentiality.

2.2.2 The Public Service Act, 1994, as amended

Provision is made under Section 3(2) of Chapter 2 of the Act for the MPSA to issue determinations and directives in relation to Human Resources (HR) practices and conditions of service as reflected in Section 3(1).

In addition, Section 3(5) of Chapter 2 makes provision for the Minister to issue determinations regarding conditions of service of employees, subject to the Labour Relations Act (LRA) and any collective agreement.

⁴ The Constitution of the Republic of South Africa, 1996

2.2.3 The Public Service Regulations, 2016

Chapter 4, Part 2 stipulates that a Head of Department (HoD) shall ensure that (a) employees are encouraged to fully utilise their annual leave and such shall be recorded, and (b) employees do not abuse sick leave.

2.2.4 The Basic Conditions of Employment Act, 1997 as amended.

Chapter 3, sub-sections 19-27 of the Act, provides for leave, inclusive of annual, sick, maternity and family responsibility leave. Section 23 of the Basic Conditions of Employment Act (BCEA) states that attendance should be closely monitored by employers and any irregular attendance should be discussed with the employee and investigated, when required. If there is a pattern of excessive sick leave usage, the HR department should conduct a counselling session with the employee concerned and keep records. All employees are entitled to sick leave. However, if this is not managed carefully to identify whether employees are taking advantage, employers can suffer tremendously should there be misuse thereof.

2.3 Directives, Collective Agreements and Resolutions

2.3.1 Determination and Directive on Leave of Absence in the Public Service, 2021

This Directive was issued by the MPSA in August 2021 and is the latest of a series of Directives issued previously regarding leave of absence. The Directive makes provision for different types of leave, inclusive of those being discussed in this report. Directives have been issued in accordance with Resolutions and collective bargaining processes in relation to leave as discussed below.

2.3.2 PSCBC Resolution No. 3 of 1999⁵

The Public Service Co-Ordinating Bargaining Council (PSCBC) Resolution 3 of 1999 dealt with remunerative allowances and benefits. Annexure B (II) dealt with matters related to leave and set the tone for the management of leave. It specified that the employer shall grant an employee leave for normal vacation requirements, for purposes of recovery from an illness and for any other specified reasons.

In terms of eligibility, the resolution stated that an employee will receive leave if he or she has a permanent or fixed-term contract which is for at least 1 year. It provided for sick leave days over a three-year period, ranging from 90 to 120 days either on full pay or half pay. Medical certificates were required. It further stipulated the conditions for which a leave gratuity can be paid, inclusive of resignation under specific circumstances.

⁵ DPSA. (1999-2018) GPSSBC and PSCBC resolutions. (www.dpsa.gov.za/policy-updates/gpssbc-and-pscbc-resolutions/)

The allocation of annual leave days was based on years of service being more than 10 or up to 10 years and was categorised for employees within educational and training institutions within the health sector for example, and those not in such institutions.

Another category of sick leave was “**special sick leave**”, this was granted by the employer if an employee suffers an injury or contracts a disease for a period in which they cannot work.

Special leave was also covered in this resolution. This provision stated that should a department not have a written policy for same, the Executive Authority (EA) would need to negotiate policy in the relevant bargaining council. The special leave policy “*may provide paid leave for family requirements such as childcare, study, examinations, military service, resettlement due to a transfer, collective bargaining or other labour-relations requirements, participation in sports, sabbaticals where appropriate, or any other purpose.*”

2.3.3 PSCBC Resolution No. 12 of 1999⁶

This resolution was significant as it is related to the adoption of the incapacity code and procedures in respect of ill-health, setting out the requirements to be followed by the employer in instances where an employee is not performing in accordance with the job requirements that the employee has been employed to do because of poor health or injury.

The resolution outlines the following measures or requirements:

- The employer must investigate the extent of the incapacity or injury.
- The employer must give the employee, and the employee’s trade union representative of his/her choice, the opportunity of stating the employee’s case and being heard on all the issues that the employer is investigating and considering.
- After the investigation the employer must provide the employee with a written report setting out the results of the investigation.
- If the nature of the employee’s ill-health or injury is of a permanent nature, the employer must investigate the possibility of –
 - a) securing alternative employment for the employee; and
 - b) adapting the duties or work circumstances of the employee to accommodate the employee’s disability; or
 - c) offer ‘boarding’ on the grounds of ill-health or injury.
- If the investigation conducted by the employer suggests that the employee’s ill-health is because of alcohol or drug abuse, the employer may:
 - a) counsel the employee;
 - b) encourage the employee to attend rehabilitation;
 - c) establish a formal rehabilitation programme which the employee will be expected to follow; or

⁶ *Ibid*

- d) terminate the employment of the employee after following fair procedures, if the behaviour is persistent.

2.3.4 PSCBC Resolution No. 7 of 2000⁷

This resolution made provision for the accrual of annual leave and leave pay-out. For leave accrued before 1st July 2000, the employer could pay such accrued leave when the employee dies, retires or if medically boarded. [Such accrued leave does not apply to dismissals and resignation].

In relation to sick leave, the changes in this resolution were that employees were granted 36 working days of sick leave with full pay in a three-year cycle. A further provision was that unused sick leave credits would lapse at the end of a three-year cycle.

Regarding special leave, the resolution stated that the employer [i.e. relevant Ministers in relation to specific sectors] shall negotiate a policy in the relevant bargaining council instead of the EA, as previously reflected in Resolution 3 of 1999.

2.3.5 PSCBC Resolution No. 5 of 2001⁸

The additions in the resolution relating to annual leave stipulated that any refusal for annual leave must be in writing. For purposes of leave pay-outs employees shall be paid a maximum of 22 days however, where such days are more than 22, Annexure A of the Resolution in relation to the different categories applied. The Annexure provided criteria and conditions to determine the maximum number of days above 22 (days) that can be paid out.

The resolution did not amend the sick leave and study leave provisions as contained in Resolution 7 of 2000.

2.3.6 PSCBC Resolution No. 15 of 2002⁹

This resolution dealt with the capping of leave during the transitional period. It provided for an arrangement for a once off leave entitlement of “50%, or any portion thereof” which was due to employees for the period of 1 July 2000 to 31 December 2000 which could not be used before 30 June 2001. The capped leave days were added to leave days accrued before 1 July 2000, as provided for in Resolution No. 7 of 2000. Furthermore, the resolution dealt with annual leave for non-teaching staff at schools/training institutions and emphasised the need for scheduling of such leave.

In relation to medical certificates, there was an amendment to Paragraph 7.4 (c) of PSCBC Resolution 7 of 2000 and Resolution 5 of 2001 as follows: “Practitioners shall, for this

⁷ *Ibid*

⁸ *Ibid*

⁹ *Ibid*

purpose include all practitioners as defined by the Health Professional Council of South Africa (HPCSA) and who are legally certified to diagnose and treat patients.”

2.3.7 PSCBC Resolution No. 1 of 2007¹⁰

One of the aspects related to leave in this resolution was that of annual leave entitlements for nurses, was to be aligned to the annual leave entitlements applicable to the rest of the Public Service. Other leave matters for example family responsibility leave, contained in this agreement have no direct bearing on the focus areas of the study.

2.3.8 PSCBC Resolution No. 1 of 2012¹¹

The other leave matters for example leave for shop stewards, contained in this agreement have no direct bearing on the focus areas of the study.

2.3.9 PSCBC Resolution No. 2 of 2015¹²

Although the leave matters contained in this agreement have no direct bearing on the focus areas of the study, it is important to note that this resolution covered pre-natal leave and extended family responsibility leave.

2.3.10 PSCBC Resolution No. 1 of 2018¹³

This resolution introduced surrogacy leave, which is another type of leave that is not covered in this study. In addition, the resolution required the employer to develop a guiding document on the implementation of temporary incapacity leave.

2.3.11 Policy and Procedure on Incapacity Leave and Ill-Health Retirement (PILIR)¹⁴

This policy applies to all employees who are appointed in terms of the Public Service Act, 1994, as amended, “*whereas persons employed in the services or state educational institutions are not excluded from the provisions of the PILIR, those provisions apply only in so far as they are not contrary to the laws governing their employment*”.

The policy, which was introduced in 2006 and reviewed in 2021, is unique to the Public Service because it provides an integrated approach to sick leave management in relation to the LRA (1995), BCEA (1997), the Occupational Injuries and Diseases Act (1993) and the Government Employees Pensions Laws and use sector specific regulatory frameworks and agreements. The policy is instituted in relation to temporary incapacity leave. When an employee has exhausted their allotted 36 days of sick leave which is provided for over a

¹⁰ *Ibid*

¹¹ *Ibid*

¹² *Ibid*

¹³ *Ibid*

¹⁴ DPSA. (2021). Policy and procedure on incapacity and ill-health. (www.dpsa.gov.za)

three-year cycle, they may apply for such whilst permanent incapacity leave is employer initiated and not something an employee can apply for. The policy does not stipulate the minimum or maximum period however it stipulates short (less than 30 days) and long periods (more than 30 days) for temporary incapacity leave that can be applied for, as such, employees who have exhausted their normal sick leave days can apply within the auspices of such periods.

2.4 Recent developments

2.4.1 Determination and Directive on Special Leave in the General Public Service Sectoral Bargaining Council, 2024¹⁵

This Determination and Directive applies specified to employees and Departments under the scope of the GPSSBC. This Determination and Directive also applies to members of the Senior Management Service. The intention was to give effect to GPSSBC Resolution 2 of 2024.

2.4.2 GPSSBC Resolution 2 of 2024: Special Leave¹⁶

The General Public Service Sector Bargaining Council (GPSSBC) Resolution 2 of 2024 came into effect on 11 March 2024 for all departments and employees falling within its scope. This was an important development which aimed to create consistency across public service departments and sort to foster controls on the nature and types of special leave categories. The previous PSCBC Resolutions called for special leave to be negotiated and the GPSSBC Resolution was the culmination of such for Public Service sector. The resolution introduced new changes on special leave, particularly study leave days. These changes include, amongst others, the eligibility criteria and benefits as explained below.

It is also important to note that some departments had their own special leave policies prior to the adoption of the GPSSBC Resolution 2 of 2024. Furthermore, since this resolution falls within the scope of that council, other sectors continue to follow their own policies.

In relation to general measures the resolution also provides for accessing the same special leave benefits for further studies after a period of one (1) year. This is an important addition as it allows for a delayed period for further access in a manner that will enable the employer to manage an employee's contribution to organisational performance whilst also extending the benefit to other qualifying employees without excessively reducing the organisation's manpower/capacity.

¹⁵ DPSA. (2024). Determination and Directive on Special Leave in the General Public Service Sectoral Bargaining Council.

¹⁶ DPSA. (2024). GPSSBC and PSCBC resolutions. (www.dpsa.gov.za/policy-updates/gpssbc-and-pscbc-resolutions/gpssbc)

2.4 Applicable literature and case law

2.5.1 Sick leave in various countries - comparative analysis

Sick leave calculation and provision varies across African countries. While some countries calculate it based on a formula per cycle of workdays, others, like Mauritius, have a set number of days per worker, applicable from the end of a year of work, with full costs covered by the employer.

The most substantial sick leave on the African continent is in Egypt. Workers are eligible to a year of paid sick leave for every three years of work¹⁷. The South African Public Service offers 100% of the employee's salary for normal paid sick leave (36 working days within a 3-year cycle), then a short period of incapacity leave, if the employee is absent for not longer than 29 working days per occasion, after the normal sick leave credit has been exhausted, and a long period of incapacity leave, if the employee is absent for 30 working days or more per occasion.

In contrast to Zimbabwe, the South African Public Service appears to have no specific cut of days for incapacity leave. In Zimbabwe, an employee is eligible for up to 180 days of paid sick leave per year. As such, during a year, an employee may take up to *90 days of fully paid sick leave*, if an employee takes all their paid sick leave days within one year (the initial 90 days), they can ask for extended medical leave which is up to *another 90 days of half-paid sick leave*¹⁸. If the period of half paid sick leave is exhausted, unpaid sick leave becomes effective, followed by termination of service in terms of Section 14(4) of the Labour Act of Zimbabwe.

European countries offer the most substantial sick leave in the world. Sick leave often paid at 70-100% of the employee's salary, and allowances of up to 2 years. Norway offers 100% pay for up to one year of sickness, Switzerland offers 103 weeks which is the longest in the world, and Luxembourg, as one of the richest countries in the world, staff are entitled up to 89 weeks, which is more than 1,5 years of paid sick leave. However, an employee who is on sick leave is not allowed to leave their home within the first 5 days of sick leave. Health officials can visit between 8am and 9pm to check on the sick employee at home and if not found, can impose a fine.

However, countries like Japan and the United States (US) offer limited benefits for workers, while countries like Montenegro provide generous sick leave despite being one of the poorest countries in Europe¹⁹. According to the Family and Medical Leave Act (FMLA) of the US, 12 weeks of unpaid leave is provided for certain medical situations for either the employee or a member of the employee's immediate family subject to criteria in relation to

¹⁷ <https://africa-hr.com/blog/employee-leave-in-africa-what-employers-need-to-know/>

¹⁸ Local Laws & Regulations, <https://www.atlashxm.com/en/countries/zimbabwe>

¹⁹ <https://mauvegroup.com/innovation-hub/blog/top-5-countries-for-sick-leave-allowance>

the period of employment and other requirements as stipulated in the Act²⁰. In many instances paid leave may be substituted for unpaid FMLA leave.

2.5.2 Case Laws in relation to sick leave

In terms of the Public Service Determination on Sick Leave in the Public Service, the employer cannot terminate employment without investigating the matter. This exercise appears to be cumbersome hence the employer is mostly reluctant or unable to follow this approach. As such, the employer is usually unable to find employees guilty of misuse of sick leave and tender absolute charges of misconduct or automatically terminate employment because the onus to prove abuse or misuse of sick leave therefore remains the employer's responsibility in the Public Service.

Recent cases, such as *Epibiz (Pty) Ltd v Commission for Conciliation, Mediation and Arbitration (CCMA) and Others* [2023] 44 ILJ 2226 (LC). In this case, a credit manager was placed on precautionary suspension during a misconduct investigation. The employee did not return to work but resolved to obtain multiple sick notes. The sick notes cited "consultation" as the reason for her absence. The employer eventually terminated her employment on the grounds of misuse or abuse of sick notes. Interestingly, the CCMA found the dismissal to be both procedurally and substantively unfair. However, upon review, the Labour Court overturned the CCMA's decision and found the dismissal to be procedurally and substantively fair. The Labour Court found that sick notes furnished by the employee's doctor had no nature of illness but symptoms that do not render an employee incapacitated to perform work activities. These findings rendered the sick notes invalid in terms of the Ethical and Professional Rules of the Health Professions Council of South Africa (HPCSA) which stipulates the required information on a sick note to be rendered valid. As a result, the employee was found guilty of gross misconduct and the services were terminated. In consideration of the above court's ruling, it is equally important for the employer to assess the extent of the employee's incapacity to justify sick leave.

Another case of dismissal on the grounds of misuse of sick leave is that of the *Hans v Montego Pet Nutrition* [2024] 2 BALR 196 (CCMA). In Hans, the CCMA had to determine whether an employee's attendance at a rugby match during which he was seen consuming alcohol while on sick leave, warranted his dismissal on grounds of misconduct. The CCMA found that the employee violated sick leave policies, and that he should have been aware. This was further elucidated given the attendance of induction sessions and signed attendance registers confirming his understanding of the company's sick leave policies. As a result, a dismissal was confirmed as an appropriate sanction. This judgement reveals the importance for the employer to induct new employees on work policies, procedures and protocols, on a continuous basis.

²⁰ Department of Labour. Family and Medical Leave Act of the United States (<https://www.usa.gov/family-leave-act>)

In supplementing the fairness of Hans's dismissal, the Commissioner also cited relevant case between *Woolworths (Pty) Ltd v the CCMA and Others* (PA12/2020) [2021] ZALAC 49 (10 December 2021) , where the Labour Appeal Court held that dismissal is justified in instances of sick leave abuse, which is considered dishonest conduct, as an "employee is required to act with integrity and abide by the company's policies, procedures, and codes".

In Zimbabwe, there was also a case which provided insight on the issue of sick leave misuse by employees. The case was registered between *Zulu v ZB Financial Holdings (Private) Limited* (Civil Appeal SC 190 of 2015; SC 48 of 2018) [2018] ZWSC 48 (27 July 2018).

"The appellant (Zulu) was employed as a clerk by the respondent (ZB Financial Holdings (private Limited) from 2 September 1991 to 31 October 2009. In January 2009, the appellant fell ill and was granted paid sick leave from 22 January 2009 to 8 February 2009. Thereafter, the leave was extended by 15 days covering the period from 10 February 2009 to 24 February 2009. The appellant then submitted another sick leave application for an indefinite period from 24 February 2009 onwards. By August 2009, the appellant had not yet reported to work and upon enquiry by the respondent, she produced a letter from her medical doctor which confirmed his advice to her to take bed rest from February 2009 onwards. By October 2009, the appellant had still failed to report for work and upon enquiry she indicated that she was not feeling well and was unsure as to when she would return to work. As of 30 October 2009, the appellant's cumulative period of absence amounted to 251 days, which exceeded paid sick leave of 90 days including additional 90 days of half-paid sick leave in terms of Labour Act in Zimbabwe. The respondent unilaterally terminated the appellant's employment with effect from 31 October 2009. On appeal of the termination of employment the court found that the appellant clearly exceeded the number of days an employee is entitled to. The court also maintained that it would be unjust for the respondent to be compelled to keep the appellant in employment even after she has been away for an unreasonable period". To support the ruling, the judge also cited the court's ruling in *Girjac Services (Pvt) Ltd v Mudzingwa* 1999 (1) ZLR 243 SC at p246, said:

"... Nonetheless, the fact that the employee is incapacitated by a cause beyond his control - by an act of God, if you like - does not deprive the employer of the right to terminate the contract where the absence was unreasonable. Non-performance by the employee of his duties for an unreasonable time justifies the employer in refusing to perform his part of the contract and considering his obligation at an end."

The citation of the Girjac's judgement in the Zulu case serves to affirm that an employer has justifiable reasons to terminate services of employees based on incapacity due excessive sick leave which compromises the operational requirements. Therefore, the decision of the employer was not subjective because the appellant (Zulu)'s conduct was proven under the law as a miscarriage of the code of conduct and as such the termination of service was a correct decision in that regard. Recent cases, such as *Epibiz (Pty) Ltd v CCMA and Others* [2023] 44 ILJ 2226 (LC) ; *Hans v Montego Pet Nutrition* [2024] 2 BALR 196 (CCMA) and *Zulu v ZB Financial Holdings (Private) Limited* (Civil Appeal SC 190 of 2015; SC 48 of 2018)

[2018] ZWSC 48 (27 July 2018), provided insight on the issue of sick leave misuse by employees.

2.5.3 Grounds and ethical considerations for sick notes

Case law and Public Service practice have established that sick notes are not an absolute guarantee for sick leave approval due to unethical conduct by employees and medical practitioners.²¹ Thus, the employer must ensure that: employees are aware of and are able to access their sick leave policies; policies are updated regularly; and disciplinary action taken due to sick leave abuse is fair, consistent, and in accordance with policies. According to the cited article from Cliffdekkerhofmeyer.com and the MPSA's 2021 Determination²², the employer should consider Rule 16(1) of the Ethical and Professional Rules of the HPCSA²³, including the Labour Guide in South Africa²⁴ in terms of which a medical practitioner shall grant a sick note only if such sick note contains the following information:

- a) the name, address, and qualification of such practitioner;
- b) the name of the patient; the date and time of the examination;
- c) whether the certificate is being issued as a result of personal observations by such practitioner during an examination, or as a result of information which has been received from the patient and which is based on acceptable medical grounds; a description of the illness, disorder, or malady in layman's terminology with the informed consent of the patient provided that if such patient is not prepared to give such consent, the practitioner shall merely specify that, in his or her opinion based on an examination of such patient, such patient is unfit to work;
- d) whether the patient is totally indisposed for duty or whether such patient can perform less strenuous duties in the work situation;
- e) the exact period of recommended sick leave;
- f) the date of issue of the certificate of illness; and
- g) the initial and surname in block letters and the registration number of the practitioner who issued the certificate.

There is a good reason why doctors' certificates are used, as a result they should be accurate and authentic. This practice would prevent the need to call the doctor as a witness as they are expected to act ethically in the execution of their professional duties. The submission of a medical certificate should not prevent an employer from investigating if the employer has concerns about the authenticity of the medical certificate or the severity of the employees' illness.²⁵ Other issues to be established should be any underlying problems such

²¹ Cliffdekkerhofmeyer.com. 2024. Sick leave and the sick note: Entitlement and abuse

²² Minister for the Public Service and Administration. 2021. Determination and Directive on Leave of Absence in the Public Service

²³ <https://www.hpcsa.co.za/professional-practice/ethics/guidelines-for-good-practice>. Dec -2021

²⁴ <https://labourguide.co.za/general/medical-certificates-what-constitutes-a-valid-medical-certificate>

²⁵ See: Labourguide.co.za. 2024. Bogus medical certificates; Labourlawadvice.co.za. 2018. Proof of illness a vexed issue; Labourguide.co.za. [nd]. Sick leave abuse, poor performance and the disciplinary code.

as domestic violence or depression, that might explain the absences. The medical certificate submitted by the employee can be challenged by the employer if it is established, after investigation that the employee was not ill.

These investigations may include, for example, visits to the employees' home when absent due to sickness or investigating clinics which are suspicious for issuing medical certificates to those employees who are habitually 'off sick'. If no severe health issues are found, further investigation into sick leave absences may lead to charges of misconduct, potentially resulting in a disciplinary hearing. In turn, the employee intending to rely on the medical certificate should be prepared to call the doctor who issued the medical certificate as a witness to testify during a disciplinary hearing²⁶.

2.6 Conclusion

This chapter examined the relevant legal prescripts, resolutions, case law and secondary literature in respect to leave, with specific focus on sick leave and special leave due to their relevance for the study. The importance of this is to understand the historical and current legal foundation as well as challenges and practices from other sectors and countries to enhance the analysis and interpretation of data in the following chapters.

²⁶ <https://elr.co.zw/can-an-employer-challenge-a-medical-certificate/>

CHAPTER 3: ANALYSIS OF CAPPED LEAVE

3.1 Introduction

According to Law Insider²⁷, “Capped leave refers to leave accrued prior to 1 July 2000, which employees can only utilize after exhausting their previous and current leave cycle annual leave credits.”

In the Public Service, Resolution 7 of 2000 and Resolution 15 of 2002, as explained in Chapter 2 of this report, provided a framework to deal with capped leave. The pay-out of capped leave is calculated in line with the Determination and Directive on Leave of Absence in the Public Service, 2021, which provides the formulae used for calculation based on categories of employees i.e. salary levels 1-10, Middle Management Service and Senior Management Service (SMS).

The data provided stipulates the contingent liability for capped leave as at 31 December 2023. Therefore, should an employee exit through retirement, death or ill-health, a department would be liable for payment of such capped leave at the time of the employee’s exit. This makes capped leave a rapidly changing target, if employees who have accrued such leave remain in the system due to annual cost of living adjustments, pay progression and movement to higher levels.

3.2 Overall statistics pertaining to capped leave

The table below provides the general statistics in relation to capped leave across the Public Service for the period as at 31 December 2023.

National/Provincial department	Total number of employees	Employees with Capped Leave	Capped Leave Days	Rand Value
National	349 123	51 403	2 151 714,38	3 940 293 666,00
Eastern Cape	132 629	21 919	1 453 472,74	2 558 138 252,00
Free State	63 874	9 019	334 220,60	556 892 184,00
Gauteng	203 389	17 721	731 389,60	1 304 314 335,00
KwaZulu-Natal	270 019	29 587	1 375 824,34	2 370 010 417,00
Limpopo	105 845	22 945	1 427 638,49	2 443 703 071,00
Mpumalanga	78 269	13 088	724 595,54	1 257 273 059,00
North West	71 156	10 365	519 334,72	879 534 262,00
Northern Cape	26 023	3 301	137 857,38	250 411 687,00
Western Cape	87 064	9 691	374 988,46	679 441 580,00
Total	1 387 391	189 039	9 231 036,25	16 240 012 513,00

Table 1: Overall Public Service statistics pertaining to capped leave (as at 31 Dec 2023)

²⁷ <https://www.lawinsider.com/dictionary/cappedleave>

3.3 Analysis of capped leave for national departments

The total cost of capped leave as of 31 December 2023 was just under R4 billion at National. The Department with the highest rand value of capped leave is the South African Police Service (Police), with 29 989 employees who have capped leave amounting to 1 489 663 days. As shown in **Table 2** below, the second and third departments with the highest number of employees with capped leave are Correctional Services and Justice and Constitutional Development. These top three departments with the highest number of employees with capped leave are from the Justice, Crime Prevention and Security (JCPS) Sector.

This could be attributed to the sizes of these departments in terms of employee numbers and high levels of staff retention. Across all national departments there were 349 123 employees up to December 2023 of which 51 403 had capped leave days amounting to 2 151 714 days.

The table below depicts the status of capped leave in reference to cost, number of employees and number of capped leave days.

National Departments	Employees with Capped Leave	Capped Leave Days	Rand Value
Agriculture, Land Reform and Rural Development	1 082	26 527,97	53 358 046,00
Basic Education	132	5 948,36	16 265 268,00
Civilian Secretariat for the Police Service	3	40,21	117 462,00
Communications and Digital Technologies	58	1 333,24	3 840 887,00
Cooperative Governance	57	1 777,02	4 545 921,00
Correctional Services	9 662	223 065,10	390 866 544,00
Employment and Labour	1 159	26 567,11	46 654 643,00
Forestry, Fisheries and the Environment	796	60 118,72	63 528 422,00
Government Communication and Information System	53	1 560,34	3 618 111,00
Health	186	5 387,57	11 774 820,00
Higher Education and Training	793	37 847,02	62 656 324,00
Home Affairs	1 236	43 067,77	67 912 867,00
Human Settlements	54	1 816,31	4 339 979,00
Independent Police Investigative Directorate	40	1 532,63	3 664 072,00
International Relations and Cooperation	501	15 093,90	37 523 067,00
Justice and Constitutional Development	2 641	100 580,89	203 196 891,00
Military Veterans	6	151,63	323 345,00
Mineral Resources and Energy	137	2 446,51	5 681 093,00
National School of Government	27	1 063,38	3 208 634,00
National Treasury	199	4 847,08	10 828 991,00
Office of the Chief Justice	185	5 463,62	8 126 978,00
Office of the Public Service Commission	40	950,5	2 092 790,00
Planning, Monitoring and Evaluation	29	668,41	1 953 808,00
Police	29 989	1 489 663,46	2 766 198 906,00
Public Enterprises	18	520,37	1 397 237,00
Public Service and Administration	57	1 315,55	3 383 207,00
Public Works and Infrastructure	668	25 434,07	34 632 912,00
Science and Innovation	42	1 003,79	2 740 771,00
Small Business Development	10	317,49	832 716,00
Social Development	88	2 456,32	6 715 279,00

Sport, Arts and Culture	88	2 538,09	6 241 925,00
Statistics South Africa	202	5 383,80	13 103 455,00
The Presidency	62	1 721,72	3 661 415,00
Tourism	40	999	2 470 030,00
Trade, Industry and Competition	129	3 028,51	8 543 821,00
Traditional Affairs	19	590,51	1 783 800,00
Transport	91	2 964,69	8 555 426,00
Water and Sanitation	809	45 610,64	73 128 636,00
Women, Youth and Persons with Disabilities	15	311,08	825 164,00
Total	51 403	2 151 714,38	3 940 293 666,00

Table 2: Capped leave statistics for national departments (as at 31 Dec 2023)

3.3 Analysis of capped leave for provincial departments

3.3.1 Eastern Cape

Table 3 below shows the total number of employees with capped leave in the Eastern Cape Province as at December 2023. The province had a total of 132 629 employees as at December 2023 of which 21 919 have capped leave days totalling 1 453 472 with a total rand value of just over R 2.5 billion. The departments of Education and Health had high rand values, as those departments constituted 20 048 out of 21 919 of employees with capped leave in the province.

Eastern Cape	Employees with Capped Leave	Capped Leave Days	Rand Value
Community Safety	8	474,35	1 303 983,00
Cooperative Governance and Traditional Affairs	100	7 382,88	14 547 676,00
Economic Development, Environmental Affairs and Tourism	98	8 055,38	12 968 433,00
Education	17 647	1 156 499,97	2 057 941 418,00
Health	2 401	146 748,16	250 005 629,00
Human Settlements	59	4 584,43	10 631 826,00
Office of the Premier	27	1 854,74	4 847 756,00
Provincial Treasury	48	4 400,72	9 809 753,00
Public works and Infrastructure	221	21 112,47	27 377 846,00
Rural Development and Agrarian Reform	488	43 813,88	76 395 897,00
Social Development	268	12 102,56	24 190 457,00
Sport, Recreation, Arts and Culture	189	10 574,90	20 443 811,00
Transport	365	35 868,30	47 673 768,00
Total	21 919	1 453 472,74	2 558 138 252,00

Table 3: Eastern Cape capped leave (as at 31 Dec 2023)

3.3.2 Free State

The Free State Province had a total of 63 874 employees of which 9 019 have capped leave, totalling a combined 334 220 days. The total cost is under R600 million. Within the Free State, Health and Education had most employees (i.e.7 599) with a combined amount of capped leave days of 277 373.

Free State	Employees with Capped Leave	Capped Leave Days	Rand Value
Agriculture and Rural Development	221	11 045,58	14 441 049,00
Co-operative Governance and Traditional Affairs	43	1 169,89	2 209 174,00
Community Safety, Roads and Transport	417	21 160,90	24 389 456,00
Economic, Small Business Development, Tourism & Environmental Affairs	110	3 288,31	5 636 731,00
Education	5 784	228 054,29	399 138 270,00
Health	1 815	49 819,71	81 023 867,00
Human Settlements	42	875,79	1 536 819,00
Office of the Premier	69	1 735,97	3 076 740,00
Provincial Treasury	89	2 340,57	5 584 606,00
Public Works and Infrastructure	190	8 699,32	10 523 241,00
Social Development	180	4 375,87	6 433 150,00
Sport, Arts, Culture and Recreation	59	1 654,40	2 899 081,00
Total	9 019	334 220,60	556 892 184,00

Table 4: Free State capped leave (as at 31 Dec 2023)

3.3.3 Gauteng

Of the 203 389 employees in the Gauteng Province, 17721 had capped leave, which totalled 731 389 days, and a estimated cost of over R13, billion. As departments with the highest number of employees, Education and Health had the highest number of capped leave days totalling 684 392, with an estimated cost of over R1,2 billion. Other departments that had more capped leave days, with a combined estimated cost of R45 billion are Social Development, Roads and Transports, Infrastructure Development and Community Safety.

Gauteng	Employees with Capped Leave	Capped Leave Days	Rand Value
Agriculture and Rural Development	96	3 203,73	4 759 575,00
Co-operative Governance and Traditional Affairs	30	533,14	1 211 728,00
Community Safety	163	5 113,82	8 805 554,00
E-Government	74	1 802,46	3 845 160,00
Economic Development	29	497,48	1 103 315,00
Education	11 323	566 714,81	1 028 276 292,00
Health	4 789	117 680,14	201 274 752,00
Human Settlements	130	2 902,21	5 267 285,00
Infrastructure Development	233	9 024,95	11 699 410,00
Office of the Premier	60	1 527,03	3 810 062,00
Provincial Treasury	78	2 190,18	4 858 575,00
Roads and Transport	316	10 070,76	13 226 375,00
Social Development	347	9 024,22	14 572 603,00
Sports, Arts, Culture and Recreation	53	1 104,67	1 603 649,00
Total	17 721	731 389,60	1 304 314 335,00

Table 5: Gauteng capped leave (as at 31 Dec 2023)

3.3.4 KwaZulu-Natal

Of the 270 019 employees in the KwaZulu-Natal Province, 29 587 had capped leave, with a combined total of 1 375 84 days. The departments of Education and Health had the highest number of capped leave days totalling 1 198 081, amounting to R1,7 billion and R330 million respectively.

KwaZulu-Natal	Employees with Capped Leave	Capped Leave Days	Rand Value
Agriculture and Rural Development	747	65 759,33	86 213 109,00
Co-operative Governance and Traditional Affairs	208	13 431,00	19 916 018,00
Community Safety and Liaison	15	717,78	1 935 858,00
Economic Development, Tourism and Environmental Affairs	55	2 834,30	6 351 970,00
Education	21 385	981 956,04	1 791 719 361,00
Finance	33	967,43	2 656 185,00
Health	5 437	216 125,20	330 477 262,00
Human Settlements	132	7 172,76	11 607 669,00
Office of the Premier	87	5 115,23	8 278 047,00
Public Works	348	24 485,66	26 632 357,00
Social Development	328	17 434,67	28 520 164,00
Sports, Arts & Culture	117	5 169,71	9 586 205,00
Transport	695	34 655,23	46 116 211,00
Total	29 587	1 375 824,34	2 370 010 417,00

Table 6: KwaZulu-Natal capped leave (as at 31 Dec 2023)

3.3.5 Limpopo

Within Limpopo Province, of the 105 845 employees as at December 2023, 22 945 had capped leave totalling 1 427 638,49 days. The highest numbers are in Education and Health. The total number of employees in those sectors with capped leave is 19 780.

Limpopo	Employees with Capped Leave	Capped Leave Days	Rand Value
Agriculture and Rural Development	758	84 855,05	117 199 809,00
Co-operative Governance, Human Settlements and Traditional Affairs	179	12 520,58	23 194 711,00
Economic Development, Environment and Tourism	279	22 327,22	33 953 317,00
Education	15 552	886 146,06	1 602 696 976,00
Health	4 228	255 690,71	420 856 984,00
Office of the Premier	88	5 449,66	12 178 726,00
Provincial Treasury	87	7 890,01	18 776 178,00
Public Works, Roads and Infrastructure	1 037	85 092,46	102 137 856,00
Social Development	155	10 881,37	19 533 903,00
Sports, Arts and Culture	73	5 498,67	8 043 356,00
Transport and Community Safety	509	51 286,70	85 131 256,00
Total	22 945	1 427 638,49	2 443 703 071,00

Table 7: Limpopo capped leave (as at 31 Dec 2023)

3.3.6 Mpumalanga

As at 31 December 2023, there were 78 269 employees in the Mpumalanga Province, and 13 088 had capped leave with a combined total of 724 595 days. Due to the high number of employees in these departments, Education and Health had the highest number of employees with capped leave, 11 297, with a combined estimated cost of R1 076 112 374.

Mpumalanga	Employees with Capped Leave	Capped Leave Days	Rand Value
Agriculture, Rural Development, Land and Environmental Affairs	376	28 750,63	44 288 876,00
Co-operative Governance and Traditional Affairs	81	4 712,61	9 455 909,00
Community Safety, Security and Liaison	217	14 125,00	24 307 568,00
Culture, Sport and Recreation	55	3 429,05	6 883 613,00
Economic Development and Tourism	53	2 832,19	5 682 055,00
Education	9 116	515 439,32	911 587 428,00
Health	2 181	93 260,56	164 524 946,00
Human Settlements	53	3 169,99	6 406 430,00
Office of the Premier	67	3 156,78	7 189 123,00
Provincial Treasury	56	2 884,14	5 947 904,00
Public Works, Roads and Transport	700	47 244,37	59 550 853,00
Social Development	133	5 590,90	11 448 355,00
Total	13 088	724 595,54	1 257 273 059,00

Table 8: Mpumalanga capped leave (as at 31 Dec 2023)

3.3.7 North West

In total, 10 365 of the 71 156 employees in the North West Province had capped leave with a combined total of 519 334 days. As is the case in other provinces, the departments of Education and Health had the highest number of employees with capped leave, 8 444, at an estimated cost of R738 million.

North West	Employees with Capped Leave	Capped Leave Days	Rand Value
Agriculture and Rural Development	357	9 052,56	13 163 878,00
Arts, Culture, Sports and Recreation	81	3 919,59	6 984 052,00
Community Safety and Transport Management	238	15 310,64	25 819 749,00
Cooperative Governance and Traditional Affairs	110	8 045,63	11 105 220,00
Economic Development, Environment, Conservation and Tourism	99	4 820,33	8 120 305,00
Education	6 539	351 073,04	624 966 028,00
Health	1 905	72 409,98	113 170 994,00
Human Settlements	43	3 761,86	6 579 761,00
Office of the Premier	65	3 750,17	7 015 872,00
Provincial Treasury	59	2 070,96	3 787 999,00
Public Works and Roads	721	39 846,40	48 034 706,00
Social Development	148	5 273,56	10 785 696,00
Total	10 365	519 334,72	879 534 262,00

Table 9: North West capped leave (as at 31 Dec 2023)

3.3.8 Northern Cape

Since Northern Cape Province is the smallest in terms of employee numbers, as at 31 December 2023, there were 26 023 employees in the Province, and 3 301 had capped leave totalling 137 857 days. At 2 722 capped leave days, Education and Health had the highest number of employees with capped leave with a combined cost of approximately R220 million.

Northern Cape	Employees with Capped Leave	Capped Leave Days	Rand Value
Agriculture, Environmental Affairs, Rural Development and Land Reform	99	2 740,64	5 004 263,00
Co-operative Governance, Human Settlements and Traditional Affairs	53	864,12	1 632 713,00
Economic Development and Tourism	14	349,06	969 971,00
Education	2 192	107 734,71	199 784 694,00
Health	527	13 038,56	21 178 320,00
Office of the Premier	38	1 044,09	2 456 637,00
Provincial Treasury	29	568,8	1 415 384,00
Roads and Public Works	153	6 013,60	7 714 604,00
Social Development	118	2 314,56	4 533 249,00
Sport, Arts and Culture	30	957,81	1 457 479,00
Transport, Safety and Liaison	48	2 231,43	4 264 374,00
Total	3 301	137 857,38	250 411 687,00

Table 10: Northern Cape capped leave (as at 31 Dec 2023)

3.3.9 Western Cape

Of the 87 064 employees in the province, 9 691 employees had capped leave with a combined total of 374 988 days. The Education and Health departments had the highest number of employees with capped leave totalling 8 688. The estimated cost of the accrued capped leave amounted to just over R620 million.

Western Cape	Employees with Capped Leave	Capped Leave Days	Rand Value
Agriculture	150	3 836,58	8 230 534,00
Cultural Affairs and Sport	80	2 420,12	3 207 993,00
Economic Development and Tourism	14	83,65	213 430,00
Education	5 633	272 074,89	501 357 214,00
Environmental Affairs and Development Planning	30	685,31	1 668 734,00
Health and Wellness	3 055	73 954,55	124 045 744,00
Infrastructure	193	6 064,63	10 230 303,00
Local Government	21	631,17	1 645 579,00
Mobility	137	4 153,67	7 438 834,00
Police Oversight and Community Safety	53	2 267,62	3 808 306,00
Provincial Treasury	31	977,51	2 219 301,00
Social Development	198	5 267,67	9 180 055,00
The Premier	96	2 571,09	6 195 553,00
Total	9 691	374 988,46	679 441 580,00

Table 11: Western Cape capped leave (as at 31 Dec 2023)

3.4 Combined analysis of capped leave

3.4.1 Public Service capped leave totals

Figure 1 below shows that the total committed cost of capped leave as at 31 December 2023 was R 16 240 012 513. The number of employees with capped leave during the reporting period was 189 039, which is roughly 14% of the Public Service. The highest cost is within national departments, followed by provincial departments in the Eastern Cape, then Limpopo and KwaZulu-Natal respectively. The Eastern Cape is an interesting case given that it has 50,1% fewer employees and 25,9% less employees with capped leave than KwaZulu-Natal departments as shown in **Table 1** above.

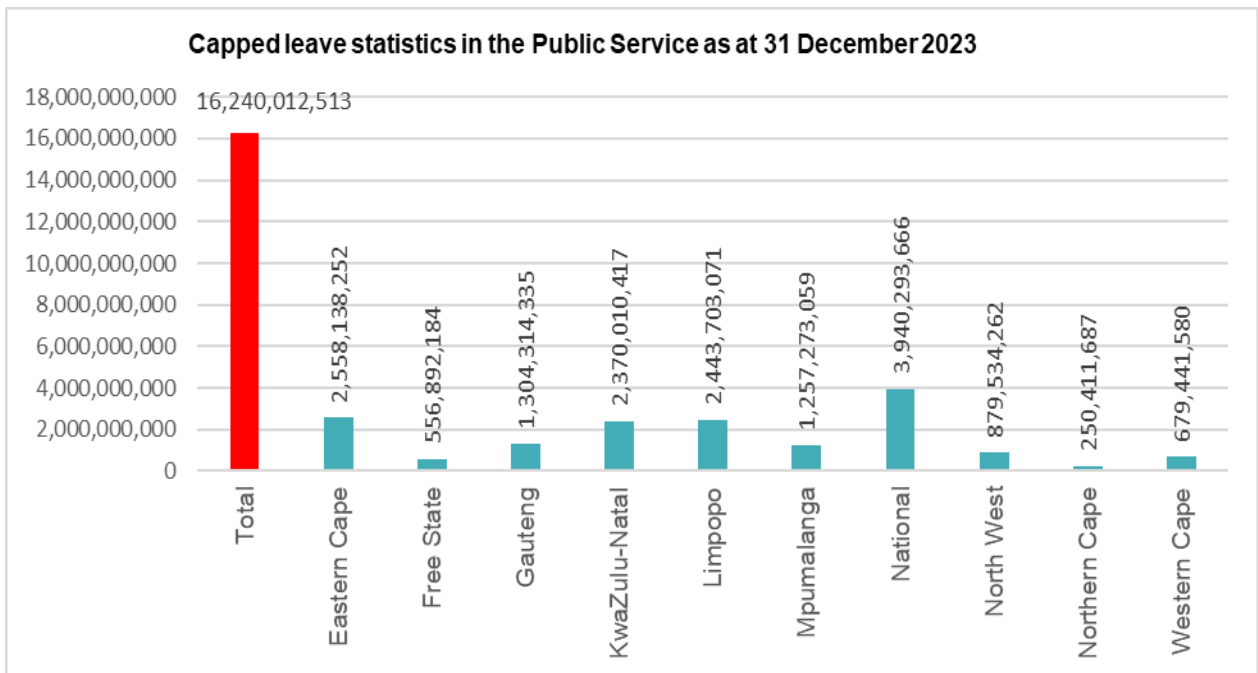


Figure 1: Combined cost of capped leave (as at 31 Dec 2023)

3.4.2 Education and health across the Public Service

3.4.2.1 Education departments

According to **Figure 2** below, education departments across all provinces dominate the number of employees with capped leave in the Public Service, totalling 96 096. The province with the highest number is Eastern Cape with a cost of over R 2,05 billion, followed by KwaZulu-Natal with a cost of R1,79 billion and then Limpopo with R1, 60 billion. These numbers are likely to be dominated by educators, which is a concern as they suggest that thousands of educators are older and eligible for retirement, which lends itself to the question as to whether the State is ready for such.

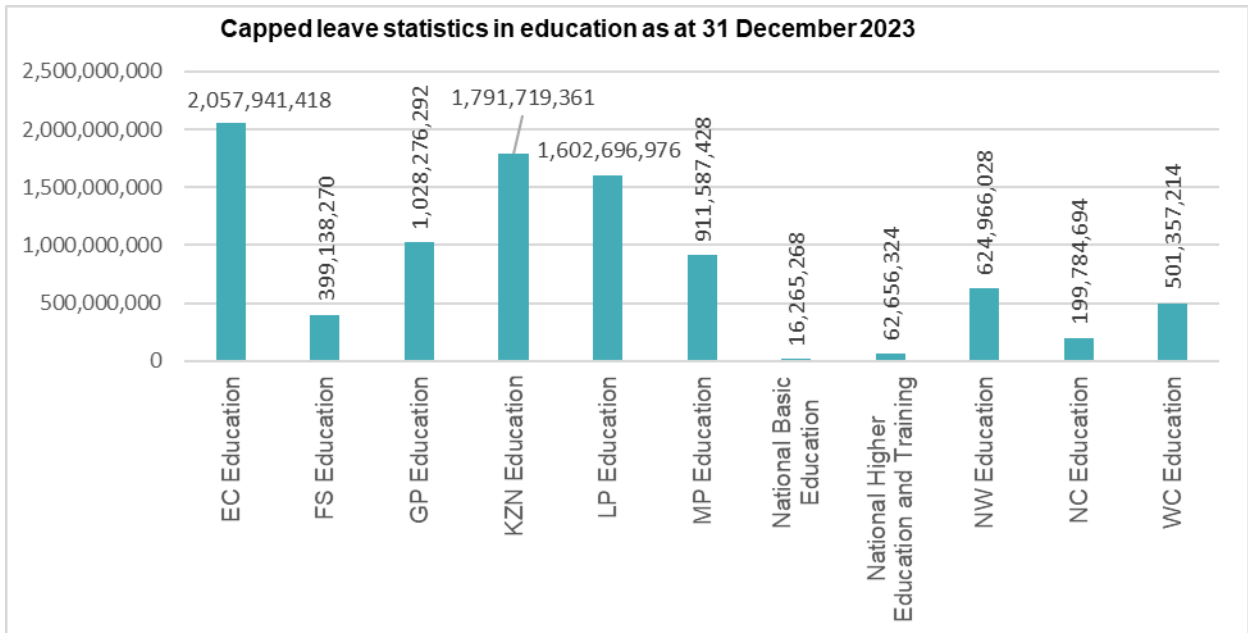


Figure 2: Cost of capped leave - education departments (as at 31 Dec 2023)

3.4.2.2 Health departments

Figure 3 below shows that the national and provincial departments of health account for the second highest number of employees with capped leave, totalling 26 524. The numbers suggest that there are many health care workers are approaching or have reached the retirement age. Majority of the employees are situated in Limpopo Province, amounting to 4 228, followed by KwaZulu-Natal with 5 437 and then Eastern Cape at 2 401.

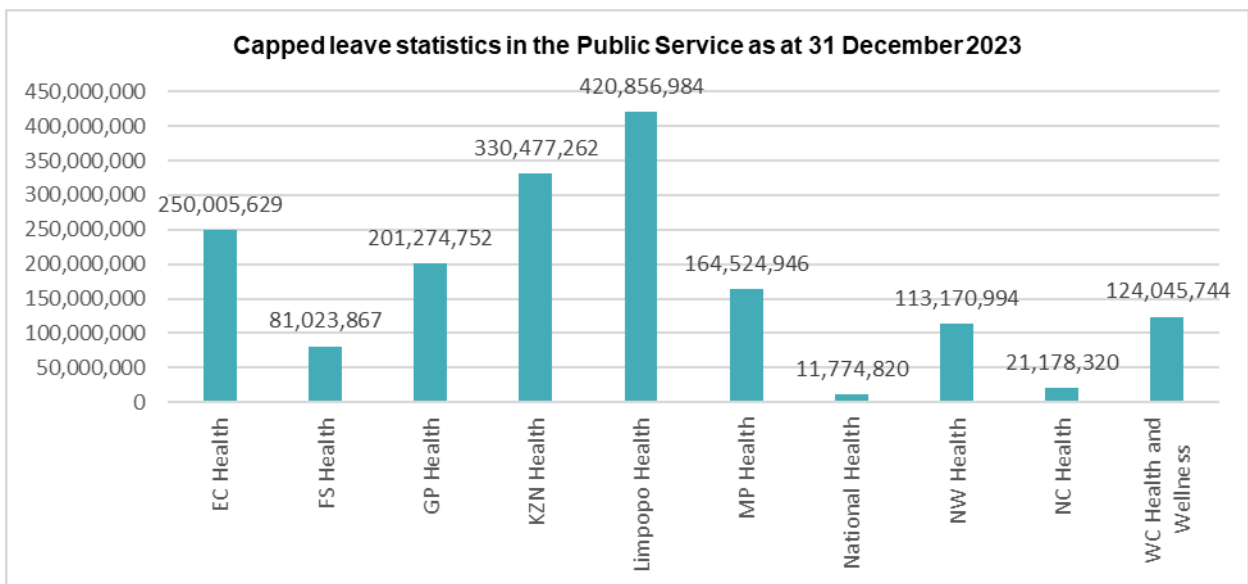


Figure 3: Cost of capped leave - health departments (as at 31 Dec 2023)

3.5 Observations and concerns relating to capped leave

Capped leave is a moving target with respect to cost. Every year the cost of capped leave per employee increases based on salary level of the employee and the cost-of-living adjustments.

Therefore, the cost today versus that of five (5) or 10 years from now will be monumentally higher in terms of pay-outs, especially if most/many of the employees remain in the system and some are promoted to higher salary levels.

Of greater concern is that the highest number of employees who have capped leave are from the departments of Education and Health. These are direct service delivery departments that provide services which are critical to economic growth and development. The potential of an exodus of skills because of retirement is evident given that of the 189 039 employees who had capped leave as at 31 December 2023, 122 620 are from education and health, inclusive of teachers, nurses, doctors, and other health care professionals.

In addition to the expected future costs of pay-outs, the concern is the loss of experienced people from all the Public Service departments, especially critical and essential service departments such as education and health.

3.6 Recommendations

In relation to costs, the following is recommended with due consideration to collective bargaining processes and potential renegotiation thereto:

- a) Actuaries and economists from National Treasury need to do a comprehensive cost-based analysis to understand what the cost of capped leave will be over the next 5 and 10 years. With due consideration to the future costs and available funds, cogitate the option of a once off pay-out now of two thirds of the capped leave.
- b) The DPSA, in conjunction with the National Treasury, must determine a mechanism to manage the future cost by either considering earlier pay-outs or engaging employees on the mandatory utilisation of capped leave as an option.
- c) Another option would be to consider allowing employees with capped leave to buy back pension with the current value of their capped leave credits. The Government Employee Pension Fund (GEPF)²⁸ offers an option to purchase additional pension. This will result in improved retirement benefits. The DPSA, in conjunction with the GEPF as well as Government Pensions Administration Agency (GPAA), would need to explore this option from a cost benefit perspective to allow employees to have the rand value of the amount they have in capped leave to be transferred to their pension in the GEPF. This will benefit the employer, the employee and the GEPF.

In relation to skills the following is recommended:

- d) A comprehensive HR planning exercise must be done by the national and provincial departments of health and education, supported by the DPSA in relation to future skills planning.

²⁸ <https://www.GEPF.co.za/Wp-Content/Uploads/2022/02/Fundtalk-Web>

- e) The DPSA must, together with the departments of health and education and in collaboration with the Public Service Sector Education and Training Authority (PSETA) develop a plan of action to determine how to close the gap in relation to the nature of specialist skills that will exit the Public Service due to retirement.

3.7 Conclusion

The analysis has demonstrated that the estimated cost of capped leave is exorbitant because of how it is calculated and has been managed. Although it is common knowledge that the framework governing this dispensation was agreed between the employer and organised labour, an analysis of the actual and projected future cost should have prompted the employer to negotiate to pay-out the capped leave in part or full to interested employees more than two decades ago when the dispensation was changed. In the absence of effective controls to limit or manage the linking of capped leave to salary adjustments and promotions within the Public Service and mechanisms to enable pay-outs whilst people were still employed, the cost was allowed to and will continue to escalate.

It would therefore be vital to cost and consider options to be put in place, inclusive of those recommended in section 3.6 above, to avoid the same argument as to why a viable solution was not explored more than 2 decades ago.

CHAPTER 4: ANALYSIS OF SICK LEAVE

4.1 Introduction

Sick leave and measures to use and manage it sensibly are provided for in the Basic Conditions of Employment Act (BCEA) to enable employees to recover and to protect other employees. In the Public Service, measures to implement the provisions of the BCEA are elaborated in numerous bargaining council resolutions and Directives issued by the MPSA. Essentially, sick leave management is not just a fundamental basic condition of employment, it is also a determinant of employee productivity (for both employees who are sick and those who are required to step in), organisational performance against set indicators, and service delivery effectiveness and efficiency. Thus, the implications of sick leave and its effect on the delivery of services by government departments cannot be over emphasised. However, in terms of the applicable legislation, resolutions and directives, if an employee is unwell and/or there is reason to believe that a risk is posed to others in terms of the spread of infection, such employee should not report for duty but seek medical attention.

Normal sick leave is covered in the Determination on Leave of Absence in the Public Service and provides for an entitlement of 36 working days inclusive of full pay over a three-year period. Sick leave is not carried over if not exhausted. Employees who require sick leave must do so responsibly; they must show medical proof when such leave goes beyond two (2) consecutive days. Employees are allowed to take two (2) consecutive days of sick leave without a medical certificate. However, there are provisions in the Determination which create controls regarding the two (2) consecutive days without a medical certificate, which is the application of the eight (8) week rule. The rule requires an employee who has been absent from work on more than two occasions during an eight-week period, to submit a medical certificate.

If an employee exhausts the allotted 36 days of normal sick leave, the employer has the discretion of granting incapacity leave in line with the PILIR, as explained in Chapter Two. Incapacity leave is made up of temporary incapacity and permanent incapacity, and there are no stipulated maximum periods in terms of additional numbers of days per annum or years. The assumption is that as part of managing sick leave, based on information provides by medical practitioners and health risk managers, the employer will make an informed decision to approve or disapprove incapacity leave applications and further decide on when to institute incapacity proceedings. It is in this open-endedness to management discretion that 'poor management' of sick leave and misuse by employees occurs.

4.2 General statistics of employees in the Public Service

As indicated in **Table 12** below, many employees in the Public Service are situated at the national level. The Northern Cape Province has the lowest number of public servants, followed by the Free State Province, whereas provinces with the highest numbers are KwaZulu-Natal, Gauteng and the Eastern Cape. The variance in numbers could be informed by population ratios across the provinces.

National Departments and Provincial Administrations	2020	2021	2022	2023
National	382 824	372 927	488 976	382 215
Eastern Cape	182 911	216 483	181 781	183 087
Free State	71 157	71 689	71 914	71 069
Gauteng	224 608	238 791	224 366	229 216
KwaZulu-Natal	294 475	375 204	366 046	378 461
Limpopo	122 838	122 931	121 100	119 853
Mpumalanga	91 885	94 361	87 864	86 684
North West	90 686	93 477	91 856	83 293
Northern Cape	35 687	40 807	38 908	38 457
Western Cape	102 157	103 524	104 747	109 421
Total	1 599 228	1 730 194	1 777 558	1 681 756

Table 12: General statistics of employees in the Public Service

Overall, the data also shows a slight growth of employee numbers in the Public Service from year 2020 to 2022, and a slight decline in 2023. The decrease in 2020 could be attributed to the effects of Covid-19 hence departments were not able to fill vacancies due to full scale lockdown. Other factors could be death or retirement. In the section that follows, a general reflection of sick leave statistics in the Public Service, from 2020 until 2023, is illustrated.

4.2.1 Number of employees that took sick leave in the Public Service

In **Figure 4** below, the total number of employees that took sick leave in the Public Service between January 2020 and December 2023. Overall, between 2020 and 2021, fewer employees took sick leave, when compared to 2022 and 2023.

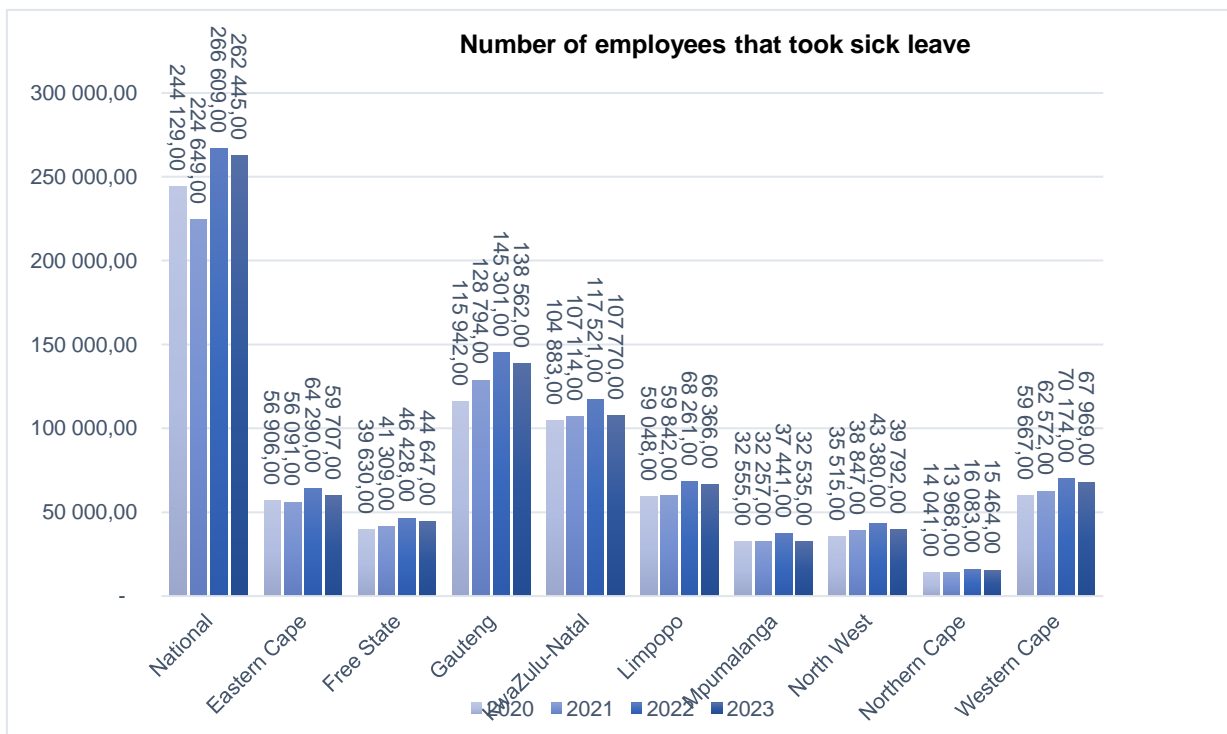


Figure 4: Total number of employees that took sick leave in the Public Service

Both at national and provincial levels, many employees took sick leave in 2022. This increase is congruent to public servant numbers during the same year. The other contributing factors were that 2022 was the beginning of a new sick leave cycle and the Public Service returned to full capacity at the office, following the Covid-19 risk adjustment levels as per DPSA Circulars number 5, 7, 22 and 38 of 2022, No. 22 of 2022 that were issued between January and June 2022.

It is evident that the gradual return to office-based work and eventually the move toward 100% capacity at work played a significant role. Covid-19 lockdowns were predominant during 2020 and 2021. During 2021, risk adjustment levels fluctuated up to October 2021 where it was adjusted to level one (1). Risk adjustment level one (1) meant that 75% of the workforce had to return, however, there was still rotational and remote working during that period.²⁹ With due noting of the spike in 2022, during 2023 sick leave declined marginally, but it remained high compared to 2020 and 2021, which were the peak periods of the lockdown.

The proportion of employees who took sick leave is also relative to the total number of employees at both national departments and provincial administrations, with national being the highest followed by Gauteng and KwaZulu-Natal.

4.2.2 Analysis of sick leave days taken in the Public Service

The overall number of sick leave days taken during the 2020 to 2023 calendar years, as presented in **Table 13**, shows that 2022 remains the highest in terms of the usage of sick leave at both national and provincial levels.

Total sick leave days taken				
National Departments and Provincial Administrations	2020	2021	2022	2023
National	1 879 226	1 808 273	2 828 449	2 257 487
Eastern Cape	410 830	372 345	534 284	423 579
Free State	282 968	294 353	396 321	333 250
Gauteng	762 581	902 185	1 146 455	933 514
KwaZulu-Natal	779 570	758 654	951 172	762 475
Limpopo	358 599	405 621	497 667	423 355
Mpumalanga	202 296	200 068	264 402	208 819
North West	230 573	264 184	334 859	259 271
Northern Cape	98 984	99 580	147 084	115 393
Western Cape	415 605	421 342	581 096	473 376
Total	5 421 232	5 526 605	7 681 789	6 190 519

Table 13: Sick leave days taken overall

The high sick leave usage in 2022 may have been influenced by the high number of active employees when compared to other years. Compared to other provinces, the high number of sick leave days in KwaZulu-Natal and Gauteng is understandable because of the high

²⁹ DPSA circular no. 09 of 2021, State of Disaster Covid-19: Public Service Adjustments to risk adjusted level 1 Regulations, issued 04 October 2021.

employee numbers (see *Table 12*), but in 2022 Gauteng experienced excessively high numbers despite having fewer employees than KwaZulu-Natal. Interestingly, the Western Cape Province registered a higher number of sick leave days taken during 2020 until 2023 calendar years compared to Limpopo Province, while the latter had a higher number of employees (see *Table 12*) during the same period (Equally, the North West province experienced a similar trend of high usage of sick leave compared to Mpumalanga Province which had more employees than North West).

4.2.3 Overall sick leave costs in the Public Service

The data presented in **Table 14** below shows that the cost of sick leave was between R8 billion and R11 billion between 2020 and 2023. These costs have fluctuated over the 4 year period and is linked to the number of employees who were employed over the period, this can be seen for example in National Departments, the highest cost was in 2022, this was attributed to the number of employees employed in 2022 being more than R4 billion as opposed to the previous years which was less than R4 billion. Hence more employees were employed and therefore accessed sick leave.

National Departments and Provincial Administrations	Costs (Rand value)			
	2020	2021	2022	2023
National	2 707 958 970,00	2 598 743 842,00	4 154 256 667,00	3 635 419 321,00
Eastern Cape	622 327 346,00	571 867 122,00	826 828 597,00	715 714 483,00
Free State	406 118 785,00	427 189 251,00	566 783 767,00	526 137 498,00
Gauteng	1 128 992 371,00	1 316 548 322,00	1 687 163 074,00	1 499 458 511,00
KwaZulu-Natal	1 206 796 016,00	1 196 343 863,00	1 518 291 140,00	1 313 643 599,00
Limpopo	567 640 049,00	651 915 913,00	815 189 546,00	762 819 213,00
Mpumalanga	307 593 870,00	307 728 080,00	412 388 519,00	360 050 473,00
North West	335 026 401,00	383 629 997,00	491 261 482,00	409 459 438,00
Northern Cape	153 084 112,00	155 796 344,00	231 943 541,00	199 377 736,00
Western Cape	603 167 423,00	616 595 762,00	856 579 255,00	759 540 505,00
Total	8 038 705 343,00	8 226 358 498,00	11 560 685 588,00	10 181 620 776,00

Table 14: Cost of sick leave in the Public Service (2020-2023)

There is a correlation between leave expenditure and the proportion of employees at national departments and provincial administrations; national departments account for a larger portion of expenditure, followed by KwaZulu-Natal, Gauteng and Eastern Cape departments. The expenditure of the remaining provincial departments was under a billion, with the Northern Cape recording the lowest at R153 million, which is proportionate to the total number of employees in that province.

4.3 Analysis of sick leave for national departments

The data presented in **Table 15** shows a significant increase in the total number of national departments' employees between 2020 and 2022, (382,824 – 488,776), which is also congruent to an increase in employees that took leave, number of leave days taken, costs and average leave days during the same period.

Year	No. of employees	No. of employees that took sick leave	Total sick leave days	Average sick leave days	Total Cost (Rand)
2020	382 824	244 129	1 879 226	7,70	2 707 958 970,00
2021	372 927	224 649	1 808 273	8,05	2 598 743 842,00
2022	488 976	266 609	2 828 448	10,61	4 154 256 667,00
2023	382 215	262 445	2 257 487	8,60	3 635 419 321,00

Table 15: Sick leave taken at national departments

There was a slight decrease in the total number of employees in 2021 compared to 2020, which was during the full-scale lockdown due to Covid-19. The decline in 2023 is consistent with other variables during the same period, such as retirement, death, inability to fill vacancies due to financial constraints as well as general exit (through resignations) from the Public Service.

4.3.1 Employees per age group for national departments

The age profile shown in **Table 16** indicates that the majority of employees in national departments are between the 30-39 and 40-49 age groups, followed by the 50-59 age group.

Total number of employees per age group for national departments				
Age Group	Year			
	2020	2021	2022	2023
20-29	42 472	38 446	106 816	44 890
30-39	126 946	119 540	148 688	109 369
40-49	129 241	130 318	141 793	135 124
50-59	76 329	77 170	80 572	83 677
60 and above	7 495	7 321	7 818	8 771

Table 16: Number of employees per age group for national departments

4.3.2 Sick leave by Age group for national departments

Table 17 below, depicts the number of employees by age that took sick leave from 2020 to 2023 calendar years as well as the number of days taken at national departments. It also presents a profile of the number of sick leave days taken and the associated costs per age group. For the period under review, the number of employees in the 50-59 age group been increasing steadily.

Number of employees that took sick leave by age and days taken in national departments								
Age Group	Year							
	2020		2021		2022		2023	
	Employees	Days	Employees	Days	Employees	Days	Employees	Days
20-29	22 415	169 525	18 649	160 814	17 772	173 850	19 891	152 860
30-39	87 129	652 810	77 779	613 457	86 039	884 419	80 334	678 054
40-49	86 816	669 939	83 342	663 591	103 293	1 084 136	101 723	876 257
50-59	45 277	369 963	42 787	354 385	56 219	650 115	57 049	519 915
60 and above	2 432	16 489	2 087	16 009	3 281	35 912	3 439	30 357

Table 17: Sick leave by number of employees and total number of days in national departments

The analysis of data from **Table 17** indicates that more employees between the ages 30-39 and 40-49 took sick leave during the 2020 to 2023 calendar years compared to other age groups. This trend is aligned with higher number of total employees in this age group, as shown in Table 16 above, including the associated costs.

4.3.3 Sick leave by gender, average days and cost in national departments

At national government, there is a higher number of males employed, and this is congruent to the total sick leave days taken by male employees including total costs. **Table 18** below provides sick leave statistics per gender and the associated total costs.

Year	Gender	No. of employees	No. of employees that took sick leave	Total sick leave days	Average sick leave days	Total Cost
2020	Male	208 968	132 238	1 022 247	7,73	1 514 258 432,00
	Female	173 856	111 891	856 979	7,66	1 193 700 538,00
2021	Male	201 158	121 326	963 407	7,94	1 420 977 287,00
	Female	171 769	103 323	844 866	8,18	1 177 766 556,00
2022	Male	237 776	140 735	1 471 784	10,46	2 202 860 394,00
	Female	251 200	125 874	1 356 664	10,78	1 951 396 274,00
2023	Male	205 316	137 357	1 147 624	8,36	1 878 345 190,00
	Female	176 899	125 088	1 109 863	8,87	1 757 074 131,00

Table 18: Sick leave by gender, average days taken and costs in national departments

There was a general increase on the average sick leave days for both male and female employees in 2022. Interestingly, 2022 was the beginning of a new sick leave cycle for all employees in the Public Service and the end of the Covid-19 lockdown.

4.3.4 Sick leave non-(SMS) members in national departments

Table 19 below, depicts sick leave statistics for non-SMS employees in national departments.

National Departments	Financial Year	Total number of non-SMS employees	Non-SMS employees that took leave	Total sick leave days	Average leave days	Total cost
	2020	376616	241440	1 862 150	7,71	2 627 853 340,00
	2021	367096	222447	1 791 934	8,06	2 521 906 859,00
	2022	483107	263389	2 802 386	10,64	4 030 390 562,00
	2023	376344	259137	2 233 703	8,62	3 516 058 260,00

Table 19: Sick leave for non-SMS members in national departments

The table above indicates that in 2021 there was a slight decrease in the number of non- SMS employees, as well as those that took sick leave compared to year 2020. This variance also had a similar impact on the total leave days taken and the associated costs.

The difference in numbers could be associated with either the effects of post Covid-19 or termination of employment due to ill-health, retirement age, death, or general exit from the Public Service.

4.3.5 Sick leave taken by SMS members in national departments

The data in **Table 20** below shows that the average number of sick leave days taken by SMS members was less than the average taken by non-SMS members as depicted in Table 19 above.

National Departments	Financial Year	Total number of SMS employees	SMS took leave	Total sick leave days	Average leave days	Total cost
	2020	6 208	2 689	17 076	6,35	80 105 630,00
	2021	5 831	2 202	16 339	7,42	76 836 983,00
	2022	5 869	3 220	26 063	8,09	123 866 106,00
	2023	5 871	3 308	23 784	7,19	119 361 062,00

Table 20: Sick leave taken by SMS members, total days and costs in national departments

Furthermore, **Table 20** above shows a slight decrease in the number of SMS employees that took sick leave in 2021 when compared to year 2020, which also had similar impact on the total leave days taken and the associated costs.

This is congruent with the decrease in the total number of senior managers during the same period compared to 2020 calendar year. Despite the slight decrease of SMS members between 2021 and 2023 as compared to 2020, there was a significant increase in the number of employees that took sick leave and the total costs increased exponentially in 2022 and 2023.

4.4 Analysis of sick leave for provincial departments

An aggregated approach per province has been used to form conclusive analysis. This approach has been applied to national departments as well.

4.4.1 Analysis of sick leave costs in provincial departments

The overall number of employees who took sick leave in the Public Service, inclusive of provincial departments, and the number of sick leave days taken and the associated costs are provided in Figure 4 as well as Tables 13 and 14 above. **Table 21** below depicts sick leave costs at the provincial level only for the period 2020 to 2023 calendar years.

National Departments and Provincial Administrations	2020	2021	2022	2023
Eastern Cape	622 327 346,00	571 867 122,00	826 828 597,00	715 714 483,00
Free State	406 118 785,00	427 189 251,00	566 783 767,00	526 137 497,00
Gauteng	1 128 992 371,00	1 316 548 322,00	1 687 163 074,00	1 499 458 511,00
KwaZulu-Natal	1 206 796 016,00	1 196 343 863,00	1 518 291 140,00	1 313 643 599,00
Limpopo	567 640 049,00	651 915 913,00	815 189 546,00	762 819 213,00
Mpumalanga	307 593 870,00	307 728 080,00	412 388 519,00	360 050 473,00
North West	335 026 401,00	383 629 997,00	491 261 482,00	409 459 438,00
Northern Cape	153 084 112,00	155 796 344,00	231 943 541,00	199 377 736,00
Western Cape	603 167 423,00	616 595 762,00	856 579 255,00	759 540 505,00
Total	5 330 746 373,00	5 627 614 654,00	7 406 428 921,00	6 546 201 456,00

Table 21: Sick leave costs in provinces

As shown above, every year Gauteng and KwaZulu-Natal departments incurred an average of R1,2 and R1,6 billion on sick leave costs during the period under review. However, the Gauteng province incurred the highest costs, followed by KwaZulu-Natal throughout the calendar years. The costs incurred by Eastern Cape, Western Cape and Limpopo provincial departments ranged between R571 and R856 million. The Northern Cape incurred the least costs, followed by Mpumalanga and North West provincial departments. This pattern is proportionate to the total number of employees in these two provinces. Notably, there was a significant increase of costs in all provinces in 2022 compared to the other years and the marginal reduction in 2023 remained higher than the 2020 and 2021 costs.

4.4.2 Sick leave taken by gender at provincial level

Figure 5 below presents trends on the utilisation of sick leave per province and by gender. The illustration applied only covers employees that took sick leave at provincial level during 2020 to 2023 calendar year.

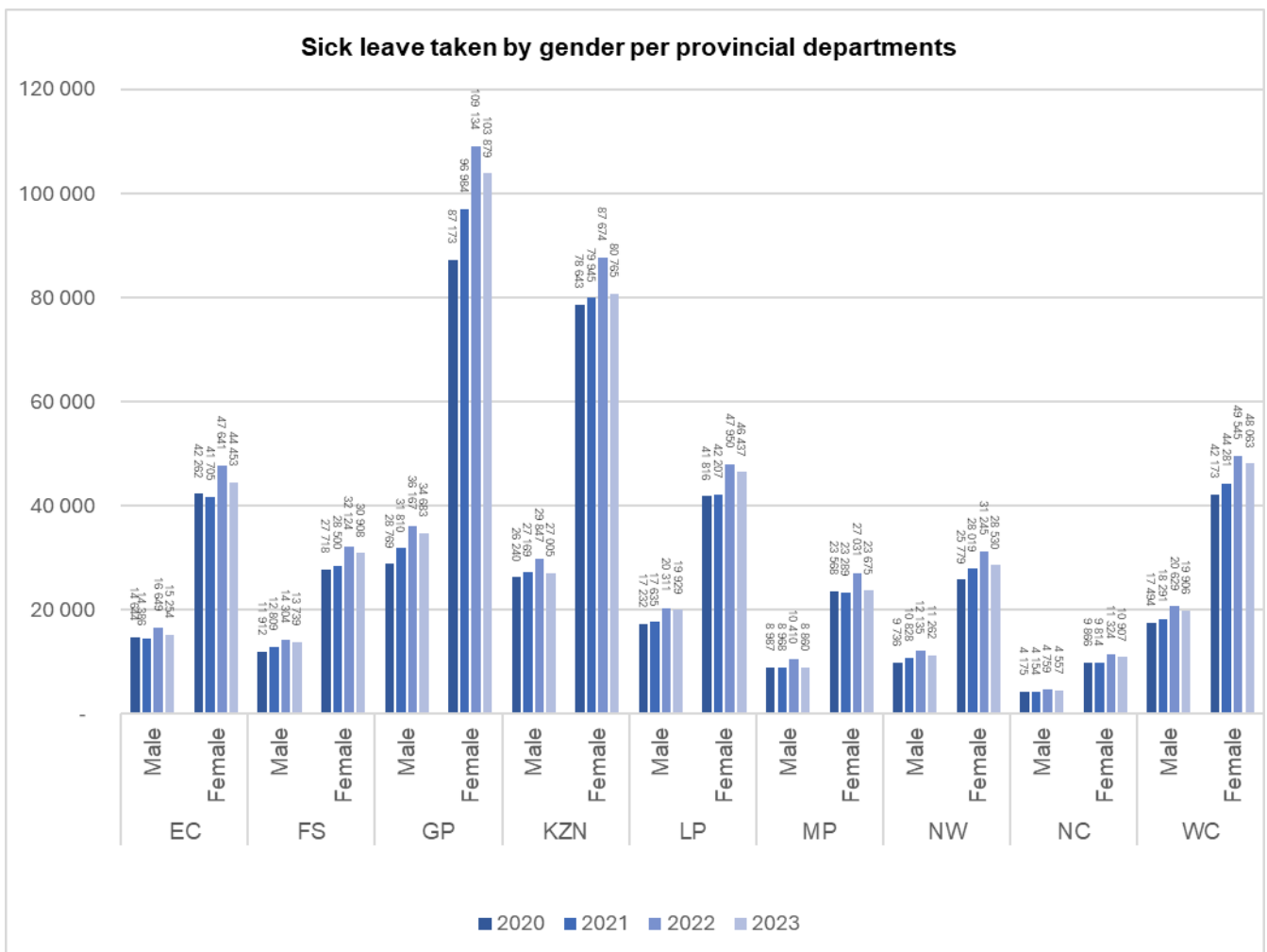


Figure 5: Sick leave by gender - Provincial Administrations

The information shown demonstrates a different pattern to that of national departments. Departments in Gauteng had the most female employees that took sick leave, followed by

KwaZulu-Natal, Limpopo and Eastern Cape. The statistics are relative to the total number of employees in relation to gender and therefore no significant differences can be drawn.

4.4.3 Sick leave by age group in provincial departments

Table 22 below presents the age groups and the respective number of employees that took sick leave per province.

Provinces	Age	2020	2021	2022	2023
Eastern Cape	20-29	5 803	5 955	6 142	5 644
	30-39	14 388	14 122	16 107	15 013
	40-49	17 215	16 826	19 059	17 458
	50-59	17 197	17 095	20 340	18 855
	60 and above	2 301	2 093	2 642	2 736
Free State	20-29	4 692	5 136	5 438	5 147
	30-39	9 857	10 858	12 353	12 058
	40-49	11 891	11 580	12 646	11 738
	50-59	11 811	12 184	14 204	13 819
	60 and above	1 379	1 548	1 786	1 885
Gauteng	20-29	16 559	19 967	20 402	19 296
	30-39	29 449	34 871	40 345	39 361
	40-49	33 170	34 709	38 382	35 360
	50-59	31 786	33 875	39 708	37 827
	60 and above	4 975	5 365	6 662	6 718
KwaZulu-Natal	20-29	11 630	12 002	11 938	10 387
	30-39	29 755	30 759	32 868	30 177
	40-49	32 841	32 881	36 097	32 963
	50-59	27 126	27 735	32 151	29 708
	60 and above	3 520	3 723	4 444	4 508
Limpopo	20-29	5 281	5 515	6 621	7 123
	30-39	12 460	12 209	13 984	13 923
	40-49	17 253	16 509	17 521	15 907
	50-59	21 608	23 031	27 094	26 135
	60 and above	2 445	2 578	3 041	3 278
Mpumalanga	20-29	3 868	4 043	4 438	3 744
	30-39	7 653	7 725	9 021	8 197
	40-49	9 591	8 803	9 883	8 516
	50-59	10 469	10 693	12 776	10 882
	60 and above	971	987	1 321	1 253
North West	20-29	4 730	5 429	5 483	4 783
	30-39	8 422	9 703	10 899	10 350
	40-49	10 534	10 797	11 703	10 496
	50-59	10 587	11 480	13 547	12 319
	60 and above	1 240	1 438	1 746	1 843
Northern Cape	20-29	1 740	1 770	1 833	1 865
	30-39	3 572	3 608	4 144	3 945
	40-49	4 178	4 080	4 586	4 284
	50-59	3 964	3 900	4 702	4 570
	60 and above	587	610	818	799
Western Cape	20-29	10 317	11 795	13 001	12 617
	30-39	15 479	16 976	19 453	19 399
	40-49	14 834	14 661	15 834	15 123
	50-59	16 034	16 045	18 422	17 318
	60 and above	2 488	2 686	3 093	3 044

Table 22: Sick leave by age group - Provincial Administrations

A large proportion of the Public Service workforce comprised of employees between the ages of 30 and 59 years, the ratio in terms of the total number of those who took sick leave is

considerably higher between the ages of 50-60 and in many provinces, especially Mpumalanga, Limpopo, Free State, Northern Cape, North West and Eastern Cape.

4.4.4 Sick leave by non-SMS members in provincial departments

The **Table 23** aggregated data of sick leave by non-SMS employees at provincial level shows that more employees took sick leave in 2022 compared to other years. The total number of sick leave days taken, including the total costs, follows a similar trend.

Provinces	Year	Total number of non-SMS employees	non- SMS employees that took leave	Total leave days taken	Average leave days taken	Total cost (Rand value)
Eastern Cape	2020	182 242	56 669	408 987	7,22	613 855 651,00
	2021	215 819	55 877	370 845	6,64	565 049 768,00
	2022	181 133	64 007	532 115	8,31	816 621 333,00
	2023	182 431	59 471	421 721	7,09	706 575 164,00
Free State	2020	70 754	39 478	281 734	7,14	400 326 330,00
	2021	71 289	41 146	293 130	7,12	421 358 779,00
	2022	71 531	46 231	394 757	8,54	559 286 884,00
	2023	70 682	44 439	331 876	7,47	519 228 417,00
Gauteng	2020	223 763	115 673	760 807	6,58	1 120 683 154,00
	2021	237 954	128 558	900 375	7,00	1 307 902 713,00
	2022	223 531	144 960	1 143 883	7,89	1 674 987 438,00
	2023	228 380	138 246	931 477	6,74	1 489 143 859,00
KwaZulu-Natal	2020	293 799	104 642	777 899	7,43	1 199 175 186,00
	2021	374 554	106 881	757 040	7,08	1 188 831 060,00
	2022	365 357	117 234	948 900	8,09	1 507 640 283,00
	2023	377 802	107 498	760 556	7,08	1 304 071 173,00
Limpopo	2020	122 332	58 844	357 160	6,07	561 052 440,00
	2021	122 437	59 634	404 018	6,77	644 476 144,00
	2022	120 605	68 019	495 648	7,29	805 762 668,00
	2023	119 374	66 121	421 695	6,38	754 551 208,00
Mpumalanga	2020	91 567	32 476	201 720	6,21	304 920 529,00
	2021	94 051	32 183	199 475	6,20	304 888 307,00
	2022	87 558	37 342	263 663	7,06	408 886 266,00
	2023	86 356	32 442	208 158	6,42	356 773 255,00
North West	2020	90 301	35 384	229 642	6,49	330 781 786,00
	2021	93 103	38 706	263 163	6,80	378 966 077,00
	2022	91 486	43 194	333 482	7,72	484 887 156,00
	2023	82 913	39 615	258 110	6,52	403 945 260,00
Northern Cape	2020	35 426	13 926	98 153	7,05	149 274 295,00
	2021	40 553	13 859	98 764	7,13	152 068 206,00
	2022	38 661	15 946	145 823	9,14	226 095 122,00
	2023	38 213	15 337	114 322	7,45	194 043 114,00
Western Cape	2020	101 736	59 478	414 544	6,97	598 139 542,00
	2021	103 119	62 381	420 033	6,73	610 506 761,00
	2022	104 336	69 941	579 378	8,28	848 609 488,00
	2023	108 982	67 728	471 942	6,97	752 287 551,00

Table 23: Sick leave taken by non-SMS members - Provincial Administrations

Although patterns differ in terms of leave days taken from province to province, Covid-19 had an effect because the usage of sick leave was less in 2020 and 2021, maybe because employees

were working from home during the lockdown period. Interestingly, across all provinces sick leave usage increased substantially in 2022 (the end of Covid-19 lockdown and start of a new sick leave cycle), followed by a marginal decline in 2023. Consequently, the average sick leave usage in many provinces has remained higher than the 2020 and 2021 averages.

4.4.5 Sick leave usage by SMS members in provincial departments

The detailed analysis presented in **Table 24** below, shows that there was a high proportion of SMS employees who utilised sick leave in 2022 in most provinces. As such, the total number of sick leave days taken including costs were higher than the other years in most of the provinces. There are few exceptions wherein the average sick leave days taken were higher in 2020 (Free State), 2020 and 2023 (Eastern Cape), and 2021 (Gauteng and Mpumalanga).

Provinces	Year	Total number of SMS employees	SMS employees that took leave	Total leave days taken	Average leave days taken	Total cost
Eastern Cape	2020	669	237	1 843	7,78	8 471 695,00
	2021	664	214	1 500	7,01	6 817 354,00
	2022	648	283	2 169	7,66	10 207 264,00
	2023	656	236	1 858	7,87	9 139 319,00
Free State	2020	403	152	1 234	8,12	5 792 455,00
	2021	400	163	1 223	7,50	5 830 472,00
	2022	383	197	1 564	7,94	7 496 883,00
	2023	387	208	1 374	6,61	6 909 081,00
Gauteng	2020	845	269	1 774	6,59	8 309 217,00
	2021	837	236	1 810	7,67	8 645 610,00
	2022	835	341	2 572	7,54	12 175 636,00
	2023	836	316	2 037	6,45	10 314 653,00
KwaZulu-Natal	2020	676	241	1 671	6,93	7 620 831,00
	2021	650	233	1 614	6,93	7 512 803,00
	2022	689	287	2 272	7,92	10 650 858,00
	2023	659	272	1 919	7,06	9 572 426,00
Limpopo	2020	506	204	1 439	7,05	6 587 610,00
	2021	494	208	1 603	7,71	7 439 769,00
	2022	495	242	2 019	8,34	9 426 878,00
	2023	479	245	1 660	6,78	8 268 005,00
Mpumalanga	2020	318	79	576	7,29	2 673 341,00
	2021	310	74	593	8,01	2 839 773,00
	2022	306	99	739	7,46	3 502 253,00
	2023	328	93	661	7,11	3 277 218,00
North West	2020	385	131	931	7,11	4 244 615,00
	2021	374	141	1 021	7,24	4 663 920,00
	2022	370	186	1 377	7,40	6 374 326,00
	2023	380	177	1 161	6,56	5 514 178,00
Northern Cape	2020	261	115	831	7,23	3 809 817,00
	2021	254	109	816	7,49	3 728 138,00
	2022	247	137	1 261	9,20	5 848 419,00
	2023	244	127	1 071	8,43	5 334 623,00
Western Cape	2020	421	189	1 061	5,61	5 027 881,00
	2021	405	191	1 309	6,85	6 089 001,00
	2022	411	233	1 718	7,37	7 969 767,00
	2023	439	241	1 434	5,95	7 252 954,00

Table 24: Sick leave taken by SMS members - Provincial Administrations

In relation to the average number of sick leave days taken there appears to be no negligible difference between these dispensations.

4.5 Consolidated average sick leave days for national and provincial departments

Figure 6 below depicts a trend on the average number of sick leave days taken between national departments and provincial administrations covering a four-year period from 2020 to 2023.

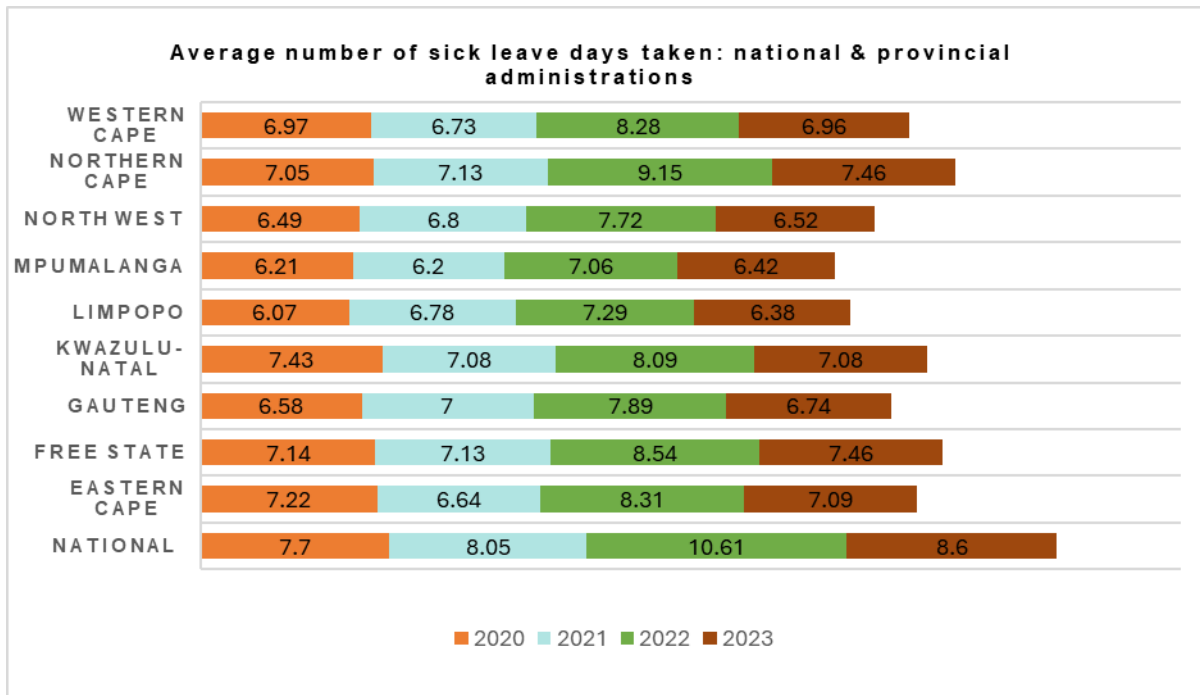


Figure 6: Average number of sick leave days Public Service wide

In general, **Figure 6** shows a consistent pattern of sick leave usage in the Public Service, with an average of six (6) to eight (8) days per individual employee per annum, except for Northern Cape and national departments whose averages range from seven (7) to ten (10) days per person per annual. It important to note that the average number of sick leave days utilised in 2022, ranging between seven (7) to ten (10) days, is higher in all the administrations compared to the other years. This trend is consistent with the previous sick leave analysis across all provinces, including national departments.

The Extension of Social Security paper number 27³⁰, published under the International Labour Organisation, covers paid sick leave in specific European Union countries, states that workdays lost due to sickness is 5-6% per year. Compared to South Africa’s Public Service, the average is 7,3 days for the 4-years under review. With the allotted sick leave days over the 3-year cycle being 36, this means the average public servant takes up to 21 of the 36 days in the 3-year cycle.

³⁰ Scheil-Adlung, Xenia; Sandner, Lydia, International Labour Organisation (2010), ESS Extension of Social Security, Paid Sick Leave (www.ilo.org)

Of course, there will be cases of higher or excessive usage for some employee, but the above suggests that sick leave is not necessarily misused. This is strengthened by the fact that medical certificates are required after a specific period of sickness and this practice largely adhered to in the Public Service. However, the conclusion does not negate the existence of sick leave abuse and use of fraudulent sick notes.

4.6 Temporary Incapacity Leave

4.6.1 National and provincial departments

The Public Service incapacity leave policy deals with the granting of additional sick leave days at the employer's discretion, if an employee has exhausted the allotted number of normal sick leave days. This type of leave has been determined by the MPSA in terms of the *Policy and Procedure on Incapacity Leave and Ill-health Retirement (PILIR)*.³¹ An employee must apply for such leave as prescribed in the policy.

The process requires that an employee, in accordance with item 10(1) of Schedule 8 to the Labour Relations Act, 1995, be given the opportunity to submit an application together with medical evidence and motivation. **Table 25** below shows the consolidated number of approved temporary incapacity leave (TIL) in the Public Service.

National Departments and Provincial Administrations	2020		2021		2022		2023	
	Number of employees that took TIL	Total TIL days	Number of employees that took TIL	Total TIL days	Number of employees that took TIL	Total TIL days	Number of employees that took TIL	Total TIL days
National	9 951	504 518	15 545	563 413	6 560	454 601	13 201	562 457
Eastern Cape	2 017	107 711	2 690	122 137	1 498	102 629	2 214	141 278
Free State	1 288	42 997	2 303	59 193	798	37 038	1 740	60 143
Gauteng	4 225	164 968	7 286	191 476	2 313	113 296	3 857	150 971
KwaZulu-Natal	4 364	161 051	6 435	181 841	2 390	122 769	3 832	165 138
Limpopo	1 129	55 804	1 849	59 911	680	39 194	1 106	44 120
Mpumalanga	693	32 357	900	32 387	424	26 187	624	29 394
North West	841	38 868	1 379	45 980	577	31 094	985	41 253
Northern Cape	896	37 222	1 226	43 816	576	29 619	910	38 719
Western Cape	2 449	95 246	4 265	114 991	1 517	77 095	2 599	94 716
Total	27 853	1 240 742	43 878	1 415 145	17 333	1 033 522	31 068	1 328 189

Table 25: Consolidated numbers of temporary incapacity leave in the Public Service

The data above indicates that 2-3% of the total number of public servants utilised TIL across the period under review. The average number of days taken over the period ranged between 32 and 59 days, averaging 44,5 days over the 4-years. The considerable decrease in the number of public servants who utilised TIL can be seen in 2022, which is understandable as 2022 was the start of the new sick leave cycle. In most provinces there was a substantial increase of TIL usage in 2023, which should be a cause for concern.

³¹ Policy and Procedure on Incapacity Leave and Ill-Health Retirement (PILIR); latest issued August 2021; www.dpsa.gov.za

The Departments of Police and Correctional Services, which have the highest number of employees, and the highest number of employees who utilised TIL. As such, 9212 employees from Correctional Services and 26 270 employees from Police utilised TIL over the 4-year period. The total number of employees at National who utilised temporary incapacity leave was 45 257 over the 4-year period, of which 35 482 were from the Departments of Police and Correctional Services. Provincially, Gauteng and KwaZulu-Natal departments had the highest recorded number of TIL days taken respectively. The highest number of employees in provinces are from the departments of Health and Education, and these departments have the highest number of employees when compared to all provincial departments.

4.6.2 Total cost of temporary incapacity leave at national and provincial levels

Figure 7 below shows the total cost of temporary incapacity leave in the Public Service.

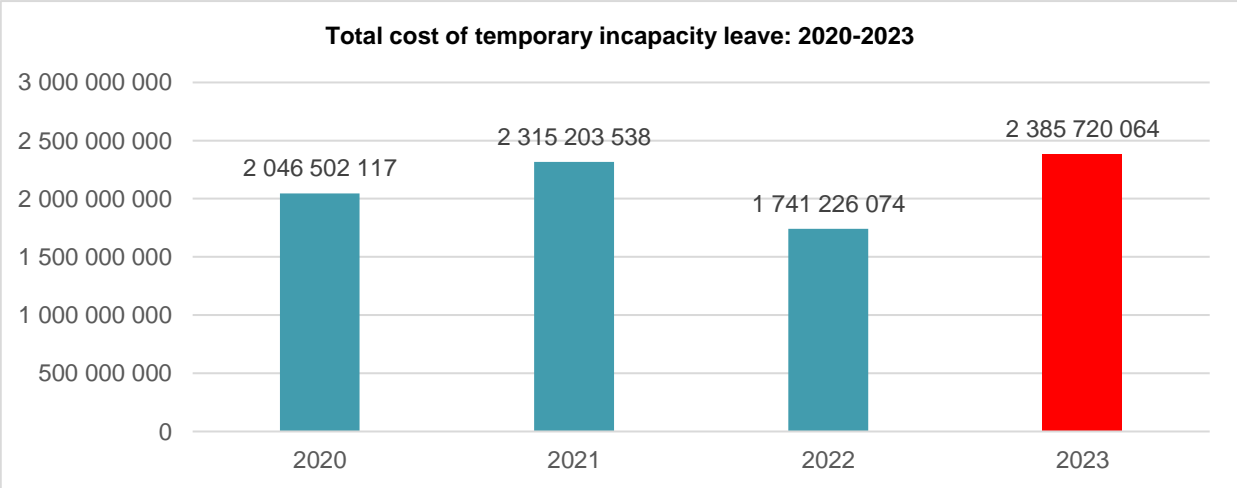


Figure 7: Total cost of temporary incapacity leave for the Public Service

The cost as reflected in Figure 7 above, demonstrate that the highest TIL costs were increased in 2023, 2022 and 2021, which is consistent with the above analysis that highlighted reduced TIL usage in 2022. The national departments, followed by KwaZulu-Natal, Gauteng, Eastern Cape and Western Cape province respectively, share the largest proportion of the costs. Table 26 below shows a breakdown of cost of TIL across the Public Service.

National Departments and Provincial Administrations	2020	2021	2022	2023
National	832 350 806,00	914 906 184,00	766 900 479,00	988 910 539,00
Eastern Cape	181 420 159,00	206 904 230,00	176 686 168,00	262 860 859,00
Free State	69 027 858,00	92 211 035,00	55 777 738,00	105 054 257,00
Gauteng	265 852 352,00	308 039 134,00	189 307 221,00	273 599 382,00
KwaZulu-Natal	269 009 017,00	309 148 852,00	213 339 729,00	307 165 840,00
Limpopo	97 531 648,00	101 099 532,00	70 970 576,00	83 180 201,00
Mpumalanga	55 685 697,00	54 184 228,00	41 975 406,00	52 852 882,00
North West	62 098 974,00	72 362 868,00	53 086 603,00	72 783 124,00
Northern Cape	64 179 239,00	75 658 541,00	49 969 135,00	73 992 405,00

Western Cape	149 346 367,00	180 688 933,00	123 213 022,00	165 320 576,00
Total	2 046 502 117,00	2 315 203 538,00	1 741 226 074,00	2 385 720 064,00

Table 26: Detailed breakdown of costs of temporary incapacity leave across the Public Service

4.7 Permanent Incapacity Leave

4.7.1 National and provincial departments

Permanent incapacity leave³² is not a type of leave that employees can apply for; this is an employer-initiated process. The Head of Department (HoD) may grant a maximum of 30 working days' permanent incapacity. Such is granted following assessment and investigation to determine if the employee's condition is of a permanent nature. During this period of 30 days, which may, under specific circumstances, be extended by another 30 days, the employer with the advice of the Health Risk Manager would need to ascertain the plan of action for the employee. The intention is to determine alternative employment or adaption of duties to accommodate the employee. If it is determined that the employee is unable to render a service, the procedure to terminate services on grounds of ill-health is undertaken and dealt with in terms of section 17(2)(a) of the PSA.

Due to its complexity, the statistics shown in **Table 27** below indicate a slight increase in the total number of employees granted permanent incapacity leave in 2022 and 2023. In 2022, a total of 343 employees were granted permanent incapacity leave and this increased to 448 employees in 2023. Meaning, less than 1% of total Public Service employees were granted permanent incapacity leave in each year.

National Departments and Provincial Administrations	2020		2021		2022		2023	
	Number of employees granted PIL	Total leave days	Number of employees granted PIL	Total leave days	Number of employees granted PIL	Total leave days	Number of employees granted PIL	Total leave days
National	144	5 585	143	4 221	165	5 269	276	8 029
Eastern Cape	35	1 587	37	674	45	1 689	30	1 035
Free State	25	1 143	23	743	28	781	33	968
Gauteng	20	1 683	7	728	20	1 324	13	1 602
KwaZulu-Natal	28	1 664	37	1 917	12	744	21	1 540
Limpopo	3	159	2	288	2	120	3	218
Mpumalanga	1	183	2	124	5	485	6	416
North West	14	1 361	15	858	12	687	16	591
Northern Cape	8	842	9	735	17	1 304	6	509
Western Cape	29	4 778	19	2 200	37	3 920	44	2 150
Total	307	18 985	294	12 488	343	16 323	448	17 058

Table 27: Total number of permanent incapacity leave days taken across the Public Service

During the 4-year period, 1392 employees were granted permanent incapacity leave. Majority of the employees were employed by national departments. The Department of Police recorded the highest number of employees who were granted permanent incapacity leave, which was

³² *Ibid*

696 employees over the 4-year period. Provincially, the Western Cape recorded the highest number of permanent incapacity leave days across all 4-years under review. Majority of the employees were from the Western Cape Departments of Health and Wellness. In general, the prolonged periods of incapacity have significantly increased across the 4-years under review as reflected in the table above.

4.7.2 Total cost of permanent incapacity leave for national and provincial departments

The total cost of permanent incapacity leave in the Public Service, as reflected in **Figure 8**, shows that the highest costs were incurred in 2020, followed by 2023.

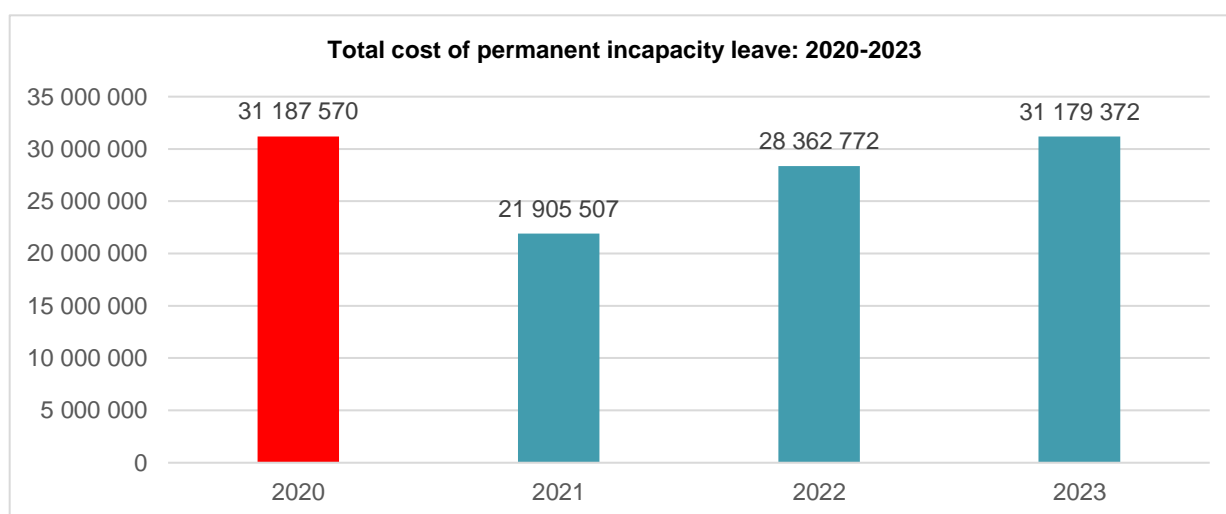


Figure 8: Cost of permanent incapacity leave in the Public Service

It is evident in the detailed analysis provided in **Table 28** below that national administration – followed by Western Cape, Gauteng, KwaZulu-Natal, Eastern Cape and North West province – share the largest proportion of the costs. The average least costs were incurred by Limpopo and Mpumalanga departments. Overall, the total cost on incapacity leave were the highest and almost equal in 2020 and 2023.

National Departments and Provincial Administrations	2020	2021	2022	2023
National	10 176 097,00	8 648 721,00	9 969 158,00	15 858 989,00
Eastern Cape	2 475 578,00	1 056 563,00	2 790 853,00	1 756 728,00
Free State	1 506 428,00	1 554 340,00	1 579 954,00	1 956 463,00
Gauteng	2 330 552,00	1 546 103,00	3 049 297,00	2 629 331,00
KwaZulu-Natal	2 357 096,00	2 462 059,00	1 441 476,00	2 381 575,00
Limpopo	283 277,00	379 968,00	113 773,00	302 603,00
Mpumalanga	379 579,00	258 106,00	500 056,00	578 596,00
North West	2 097 301,00	1 435 753,00	1 372 007,00	1 099 464,00
Northern Cape	1 486 942,00	1 225 358,00	2 211 886,00	830 424,00
Western Cape	8 094 720,00	3 338 536,00	5 334 313,00	3 785 198,00
Total	31 187 570,00	21 905 507,00	28 362 772,00	31 179 372,00

Table 28: Breakdown of costs of permanent incapacity in the Public Service

4.8 Observations and key findings pertaining to sick leave

The following observations are informed by sick leave data from national and provincial departments and the above analysis.

- In 2022, there was a spike in the utilization of normal sick leave in the Public Service. The contributing factor could be that 2022 was the beginning of the new sick leave cycle and there was a slight increase in the total number of employees compared to the other years. The return to office-based work, following the impact of the Covid-19 lockdown, is another factor.
- The general trend on sick leave utilisation follows the proportion of employees at each level, where the national level had many employees, followed by Gauteng Province and KwaZulu-Natal Province.
- Sick leave usage shows an average of six (6) to eight (8) days per individual employee per annum, except for Northern Cape and national departments whose averages range from seven (7) to ten (10) days per person per annual.
- The average number of sick leave days utilised in 2022, ranged between seven (7) to ten (10) days, which is higher in all the administrations compared to the other years.
- Given that the average number of temporary incapacity leave days across the Public Service is 44 days per year in relation to the number of employees that took leave versus the number of leave days taken, this means that the absence of some employees puts strain on staff who need to ensure business continuity.
- Permanent incapacity leave is significantly low, including the costs involved.
- Every year Gauteng and KwaZulu-Natal departments incurred an average of R1,2 and R1,5 billion on sick leave costs during the period under review.
- The costs have fluctuated over the 4-year period and is linked to the number of employees who were employed over the period, this can be seen for example in national departments, the highest cost was in 2022, this was attributed to the number of employees employed in 2022.

4.9 Recommendations

To promote the effective management of sick leave, and to reduce the costs of sick leave and impact on employee productivity, organisational performance and overall service delivery, the following recommendations are proffered:

- Departments (inclusive of supervisors and HR units) should audit sick leave records annually to identify instances of excessive usage across various units of the organisation and possible misuse by employees. Results from these units should be used to engage with affected units/employees and to devise intervention mechanisms. If this practice is applied consistently, it will drastically reduce or eliminate excessive usage and the potential of misuse of sick leave.
- Departments should consistently and strictly monitor the submission of medical certificates as proof of application for sick leave to curb potential misuse. Medical

certificates must be thoroughly checked to justify the leave taken and if necessary, follow-up confirmation should be done with the treating practitioners. Furthermore, the application process for temporary incapacity leave (TIL) is prescribed and such applications must be managed through such prescriptions.

- Subject to collective bargaining processes, the DPSA should consider the capping of TIL with respect to the maximum days that can be applied for by an employee annually, with due consideration to the severity of illness and/or injury.
- In relation to permanent incapacity leave (PIL), given that this is employer initiated, employers must be proactive with respect to the signs of illnesses that are debilitating to the operational ability of the employee. Supervisors play an important role in this process and therefore should, through Human Resource sections, guide employees and their families in a sensitive, caring and humane manner.
- Departments must ensure that there is continuous education on leave practices and processes in order to advise employees appropriately as to this condition of service.
- GEMS should consider having screening services for employees more often in all departments. At the beginning of every financial year departments should engage GEMS on planned activities in relation to screening. These wellness activities become an opportunity for employees to access professional services from a range of health professionals and screening for chronic illnesses. Embarking on these practices strengthens employee relations and the employer provides a platform by the creation of awareness of health issues. When an employee understands there is a matter that needs attention, it has the potential of reducing the long-term implications of such which may impact the patterns of sick leave usage.
- To manage the reduction of sick leave, as well as incapacity leave, Departments must encourage staff to use Employee Health and Wellness (EHW) programmes to manage different types of health challenges, including mental health issues and fatigue. Due to some individuals feeling nervous to access the services, consider group information sessions to improve larger participation.
- The NSG should further consider developing an e-learning course on the management of leave, specifically sick leave, in the Public Service in conjunction with the DPSA.

4.10 Conclusion

The interesting observations made in this section of the report provide an understanding of usage of sick leave in the Public Service. In doing so some important aspects were brought to light. The importance of the supervisor and supervisee relationship, the care that must be taken by the employer as well as the importance of consistency in the application of prescriptions are some important issues. The impact of Covid-19 has been elucidated in this Chapter whilst highlighting how lockdowns influenced the usage of sick leave.

It must be said that the South African Public Service does have appropriate policies available but the importance of educating staff on the use of the policies remains paramount. It is

important to consider the lessons regarding the application of policy as reflected in this report to understand where critical developments may be required.

The ultimate goal of policy review and education is to have tightened policies and healthier employees who can effectively function in their roles. Emphasizing the importance of wellness and the employer creating platforms to engage employees on health issues become an important step to potentially curb long-term illnesses.

CHAPTER 5: ANALYSIS OF STUDY LEAVE

5.1 Introduction

It is common knowledge that employees who are granted study leave tend to feel more valued by their employer and are more likely to stay with the company in the long-term. Employers who provide employees with study leave benefit from having a highly skilled workforce. Overall, study leave creates opportunities for personal growth, improved job performance, and long-term benefits for both employees and the employer.

In the Public Service, the provisions of study leave were previously outlined in PSCBC Resolution 3 of 2009 which covers remunerative allowances and benefits. Study leave benefits provide for 'limited' time off to attend training and/or classes, conduct research, and write examinations and/or tests. Detailed provisions for study leave are contained in GPSSBC Resolution 2 of 2024, as shown in earlier in paragraph 2.4.

This study focuses on study leave as part of the broader special leave dispensation. The chapter focuses on various variables of study leave such as, average study leave days taken between the 2020 and 2023 calendar years, costs, as well as the age and gender of employees who were granted study leave. The analysis and findings are aggregated at the national and provincial stratum. The concluding paragraphs of this chapter will present a set of proposals and recommendations.

5.2 General statistics pertaining to special leave

Table 29 below reflects the Public Service wide high-level numbers in relation to all special leave taken. The intention is to show how all special leave has been utilised reflecting the cost, the number of days taken and the number of employees who accessed special leave in general. It was vital however to show the general statistics at a high level with due consideration that there was no negotiated special leave policy during the period. This meant that departments were utilising their own internal policies in relation to special leave. The GPSSBC Resolution 2 of 2024 regarding special leave was only introduced in 2024. It must be noted that the data focused specifically on study leave as to be reflected in the upcoming sections however it was vital to show the overall statistics for special leave as reflected in **Table 29** below:

Special leave statistics in the Public Service (2020-2023)			
Year	Number of employees that took special leave	Total leave days	Total cost
2020	191 497	1 485 494	2 192 373 994,00
2021	222 762	1 444 101	2 220 780 402,00
2022	117 657	553 607	896 413 750,00
2023	103 457	492 565	878 356 040,00

Table 29: General special leave statistics in the Public Service

5.3 Overview of employee numbers for national and provincial administrations

Since continuous professional development is a recognised Public Service special benefit, and it is central to organisational performance in general and the pursuit for Public Service professionalisation, it is important to reflect on the proportion of employees who utilised study between 2020 and 2023. Therefore, it is vital to understand the distribution of gender across the Public Service as reflected in **Table 30** below. As reflected in Chapter one (1) PERSAL data excludes the State Security Agency and Defence as these Departments are governed by their own Act and do not utilise PERSAL.

National Departments and Provincial Administrations	Gender	2020	2021	2022	2023
National	Male	208 968	201 158	237 776	205 316
	Female	173 856	171 769	251 200	176 899
Eastern Cape	Male	55 012	66 629	53 731	53 602
	Female	127 899	149 854	128 050	129 485
Free State	Male	23 760	23 859	23 811	23 485
	Female	47 397	47 830	48 103	47 584
Gauteng	Male	64 324	68 527	63 625	66 002
	Female	160 284	170 264	160 741	163 214
KwaZulu-Natal	Male	76 311	95 865	97 243	96 236
	Female	218 164	279 339	268 803	282 225
Limpopo	Male	41 169	40 382	39 451	38 720
	Female	81 669	82 549	81 649	81 133
Mpumalanga	Male	28 899	29 520	27 368	26 968
	Female	62 986	64 841	60 496	59 716
North West	Male	28 954	29 606	28 856	26 226
	Female	61 732	63 871	63 000	57 067
Northern Cape	Male	11 834	13 169	12 326	11 989
	Female	23 853	27 638	26 582	26 468
Western Cape	Male	32 551	32 642	33 135	34 100
	Female	69 606	70 882	71 612	75 321

Table 30: Employee gender statistics in the Public Service

The above **Table 30** illustrates that there were more employees at national level compared to individual provinces. The KwaZulu-Natal province had the highest employees followed by Gauteng, Eastern Cape and Limpopo province. Across all provinces there were more female employees than males, except for the national departments which had a higher proportion of male employees, with 2022 being an exceptional year for female recruitment. Sadly, the number of male employees surpassed that of females by 13,8% in 2023. KwaZulu-Natal ranked the highest in terms of female employees, followed by Gauteng and Eastern Cape Province. As

illustrated in the following sections, a similar pattern is repeated in respect of several study leave variables discussed below.

5.4 Analysis of study leave for national departments

The following graphic information and narratives provide detailed on various aspects of study leave for the national departments

5.4.1 Study leave – average number of days and costs (2020 – 2023)

A synopsis of the average number of study leave days and costs per calendar years is provided in **Figure 9** below. The table also includes the total number of leave days taken and the number of employees that took study leave from different national departments.

Total cost	236,078,475	227,300,058	244,405,375	283,208,951
Average leave days	8.31	8.77	8.41	8.35
Total leave days	159,806	155,489	166,459	172,349
Number of employees that took leave	19,227	17,733	19,802	20,651
Total number of employees	382,824	372,927	488,976	382,215
year	2020	2021	2022	2023

Figure 9: Study leave by multiple variables for national departments

The analysis on the average number of study leave days taken does not show any significant variation between the calendar years except for a slight increase in proportion of 8.77 days in 2021. The higher average numbers of days taken in 2021 related to the fact that fewer employees took many study leave days; hence the study leave costs were also low when compared to the other three years. Overall, there is a correlation between the number of employees who tool study and the total number of leave days taken, and the costs over the calendar years.

The cost of study leave ranges from R227 million to R283 million in 2023. The cost is actual operational days in relation to salary levels of employees when the employees are not in the office but on study leave. The associated costs for study leave serve as proof that national departments are committed to supporting skills development in the Public Service to ensure improved organisational performance and service delivery on government’s priorities. The view is that improving one’s qualifications has the potential to improve one’s skills, knowledge and

competencies which also has the potential to improve service delivery. Continuous learning is vital to employee development and capital development in the Public Service; hence it is important to ensure that the impact of study leave justifies the costs.

5.4.2 Number of employees per age group for national departments

The age profile shown in **Table 31** below indicates that the majority of employees in national departments are between the age group of 30 to 49 years across all the years covered in the study. Generally, this shows stability for the future of the Public Service, provided most of the employees, if not all, take time to partake in different types of learning and development programmes.

Total number of employees by age group for national departments				
Age Group	2020	2021	2022	2023
20-29	42 472	38 446	106 816	44 890
30-39	126 946	119 540	148 688	109 369
40-49	129 241	130 318	141 793	135 124
50-59	76 329	77 170	80 572	83 677
60 and above	7 495	7 321	7 818	8 771

Table 31: Total number of employees by age group for national departments

The data presented in this table is necessary to determine the percentage of employees who took study leave in section 5.4.3 below.

5.4.3 Study leave by age group for national departments

In the spirit of “lifelong learning”, employees of all ages should take initiative to develop themselves and should also be given the opportunity enhance their knowledge and skills by the employer. Either way, continuous professional development requires adequate planning to achieve desired results and to prevent/minimise service delivery disruptions. **Table 32** below, depicts the number of employees across all age groups that took study and examination leave from 2020 to 2023.

Total number of employees that took study leave by age: National Departments								
	2020	% (of total employee numbers)	2021	% (of total employee numbers)	2022	% (of total employee numbers)	2023	% (of total employee numbers)
Age								
20-29	2457	5,8%	2062	5,4%	2114	2,0%	2211	5,0%
30-39	9901	7,8%	8866	7,4%	9573	6,4%	9391	8,6%
40-49	6002	4,6%	5896	4,5%	7066	5,0%	7862	5,8%
50-59	853	1,1%	885	1,1%	1025	1,3%	1165	1,4%
60 and above	14	0,2%	24	0,3%	23	0,3%	21	0,2%

Table 32: Total number of employees that took study leave by age group - National Departments

Similar to the overall total number of employees per age group from national departments as shown in **Table 31** above, the analysis indicates that approximately 6% of employees took study leave between 2020 and 2023. The majority of those employees were between the ages of 30 and 49. The aspirations of growth and promotion within the Public Service as the employer of choice are likely to be high within this age group.

Interestingly, the age group of 40-49 years recorded a high number of employees that took study leave compared to the 20-29 age group specifically from 2022 going into 2023, but the average percentage of employees who took study leave between these two groups highlight a higher update by the younger generation duration 2020 and 2021. It is imperative to note that employees within the of 20-29 age group are in the early stages of their employment career; having just completed their academic studies. Therefore, it is likely that most of them prefer to take a break on studies while learning within the work environment. This analysis correlates with the total number of study leave days and average days taken by employees who took leave, per age group as shown in the **Table 33** below.

Total number of study leave days taken in national departments								
Age	2020	Avg. days taken	2021	Avg. days taken	2022	Avg. days taken	2023	Avg. days taken
20-29	20 577	8,30	17 946	8,70	17 422	8,24	17 769	8,04
30-39	82 407	8,32	78 450	8,85	81 105	8,47	78 759	8,39
40-49	49 736	8,29	51 421	8,72	59 410	8,41	66 152	8,41
50-59	7 006	8,21	7 482	8,45	8 339	8,14	9 551	8,20
60 and above	80	5,70	190	7,92	174	7,57	117	5,57

Table 33: Study leave by total number of days taken and age group

The data contained in the table confirms that employees within the 30-39 and 40-49 age groups took more study leave days compared to the other age groups. This trend is probably due to perceptions that most employees in this age group aspire for career growth and promotion within the workspace and are motivated to explore various skills and competencies. This is healthy for the Public Service as it shows employees in the prime of their careers are still interested in improving themselves and expanding their knowledge.

5.4.4 Study leave costs by age group for national departments

The study leave costs as shown below depict a similar trend from the total number of employees that took study leave, including the total number of leave days taken. The highest costs are attributed to the large numbers of employees who are between the 30 and 49 year old groups.

Study leave costs by age for national department					
Age	2020	2021	2022	2023	Totals
20-29	21 189 644,00	18 437 616,00	17 105 275,00	20 084 722,00	76 817 257,00
30-39	111 828 614,00	103 750 375,00	108 142 189,00	116 666 518,00	440 387 696,00
40-49	85 676 369,00	86 173 040,00	98 986 758,00	121 950 525,00	392 786 692,00
50-59	17 193 089,00	18 328 884,00	19 620 516,00	24 126 395,00	79 268 884,00
60 and above	190 759,00	610 143,00	542 189,00	379 838,00	1 722 929,00

Table 34: Study leave by age group and costs for national departments

As reflected in **Table 34** above the age group 30-39 recorded the highest costs of study leave, which was R 440 million over the 4-year period. The lowest cost recorded was in the 60 and above age group which was R 1,7 million. The statistics on total costs per age group correlates with the narrative on the number of employees that took study leave.

5.4.5 Study leave by gender and costs for national departments

Table 35 below provides leave statistics per gender. Other variables contained in the table are the total number of employees that took study leave, number of leave days taken and total cost.

Year	Gender	Total number of employees	Number of employees that took leave	% of total employees	Total leave days taken	Average leave days	Total cost
2020	Male	208 968	7 784	3,7	64 445	8,28	99 531 798,00
	Female	173 856	11 443	6,6	95 361	8,33	136 546 677,00
2021	Male	201 158	6 962	3,5	60 087	8,63	92 187 112,00
	Female	171 769	10 771	6,3	95 402	8,86	135 112 946,00
2022	Male	237 776	7 758	3,3	64 929	8,37	100 169 359,00
	Female	251 200	12 044	4,8	101 530	8,43	144 236 016,00
2023	Male	205 316	8 131	4,0	67 255	8,27	115 004 260,00
	Female	176 899	12 520	7,1	105 094	8,39	168 204 692,00

Table 35: Study leave by gender and costs for national departments

According to the data, it appears that a higher percentage of female employees took study leave proportionate to their total numbers. However, the average leave days taken between the two groups are nearly similar. This suggests that both male and female employees are motivated to improve themselves and their employability.

5.4.6 Study leave – non-SMS members

Table 36 below depicts study and examination leave statistics of non-senior management service (SMS) employees in national departments.

National Departments	Year	Total number of non-SMS employees	Non-SMS that took leave	Total leave days taken	Average leave days	Total cost
	2020	376 616	18 936	157 220	8,3	224 327 298,00
	2021	367 096	17 446	152 971	8,7	215 728 378,00
	2022	483 107	19 508	163 878	8,4	232 495 409,00
	2023	376 344	20 358	169 952	8,3	271 348 326,00

Table 36: Study leave by non-SMS dispensation - national departments

The above data shows that there was a slight decrease in the number of employees that took study leave in 2021 compared to year 2020, which also had a similar impact on the leave days taken and the associated costs. This is congruent with the decrease in the number of non-senior

managers during the same period. These variations could be easily associated with the effects of post Covid-19 disorder or termination of employment due to retirement and other attrition factors.

5.4.7 Study leave for SMS members

Similarly, to non-SMS employees as presented in the table above, **Table 37** below shows a slight decrease in the number of employees that took study leave in 2021 when compared to year 2020, which also had similar impact on the total leave days taken and the associated costs. This is congruent with the decrease in total number of senior managers during the same period compared to 2020 calendar year.

National Departments	Year	Total number of SMS members	SMS took leave	Total leave days	Average leave days	Total cost
	2020	6 208	291	2 586	8,89	11 751 177,00
	2021	5 831	287	2 518	8,77	11 571 680,00
	2022	5 869	294	2 581	8,78	11 909 966,00
	2023	5 871	293	2 397	8,18	11 860 626,00

Table 37: Study leave by SMS members – for national departments

Despite the slight decrease of SMS members in 2022 and 2023, there was a slight increase in the number of employees that took look study and the total costs respectively. The increase in total costs may be attributed to the effects of pay progression for employees. It should be noted that less than 6% of SMS members have taken study leave at the national level, which is concerning given the role that SMS members play in guiding and leading other employees. The small number is, however, not surprising in view of the PSC’s study in 2021 that revealed that SMS members are often pulled out of training and development programmes at short notice due to urgent work commitments.³³

5.5 Analysis of study leave for provincial departments

The analysis of study and examination leave data in provincial departments is not focused on individual departments due to the massiveness of the data. An aggregated approach per province has been used. This approach has been applied to national departments as well.

5.5.1 Employees that took study leave at the provincial level

Figure 10 provides a profile of the number of employees that took study leave during the 2020 to 2023 calendar years per province. The data shows that Gauteng province had the highest number of employees that took study leave from 2020 to 2023, followed by KwaZulu-Natal and Limpopo province.

³³ Public Service Commission (PSC). (2021). Effectiveness of Continuous Employee Development Capacity and Service Delivery in the Public Service.

The Western Cape province had slightly higher number in proportion from the Eastern Cape province throughout the calendar years. The Northern Cape Province consistently had the lowest number of employees that took study leave. The study leave employee numbers are proportional to the total number of employees in each province.

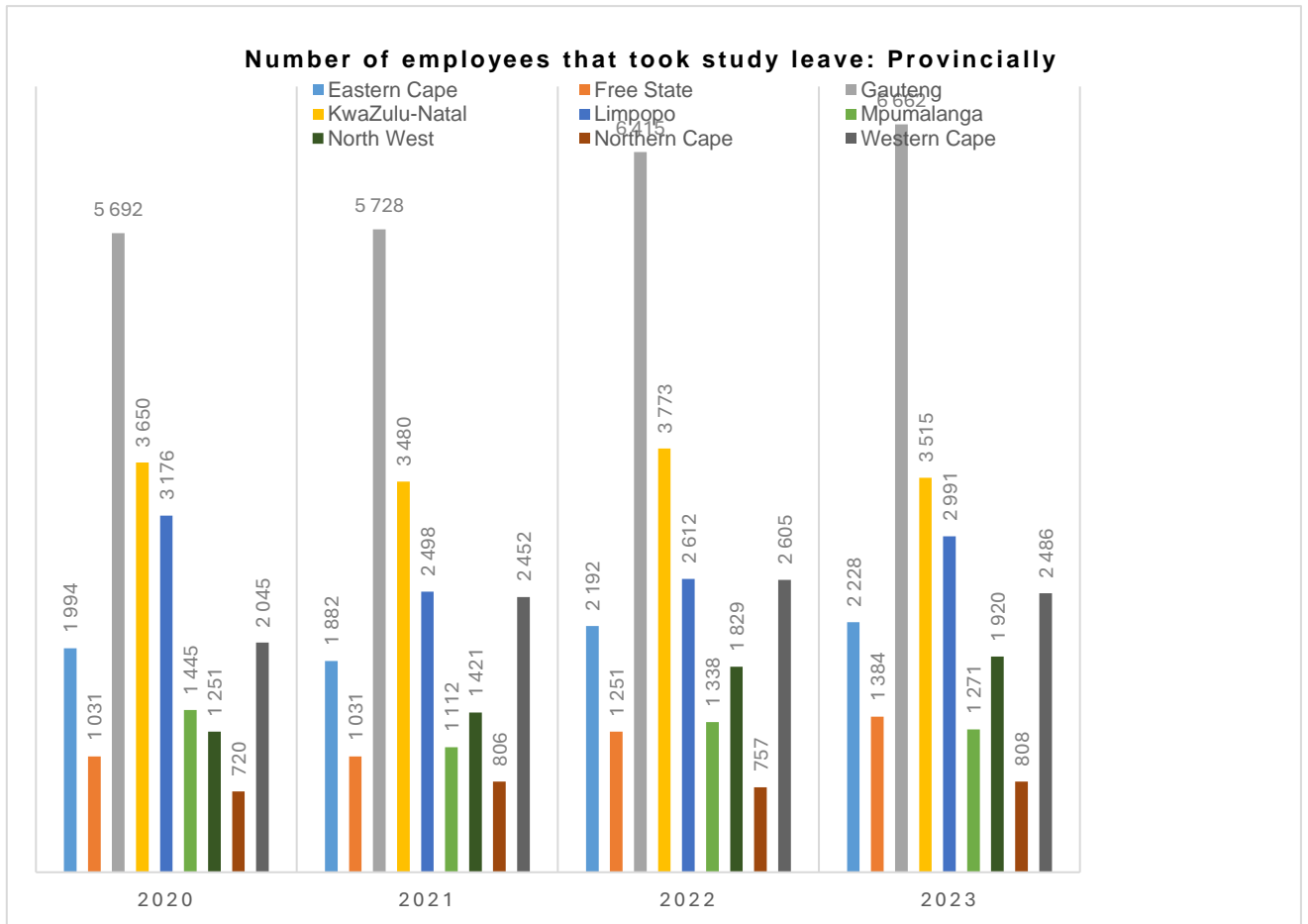


Figure 10: Consolidation of study leave - Provincial Administrations

5.5.2 Study leave by gender at the provincial level

Figure 11 below presents study trend per province using gender profiles as a nominal for the 2020 to 2023 calendar year. The information shown demonstrates a similar pattern to that of national departments. Since there are more female employees in provinces, more female employees took study leave across all provinces. The Gauteng Province (between 4000-4900 females) ranked the highest, followed by KwaZulu-Natal (2400-2700) and Limpopo (1700-2300) respectively.

The Eastern Cape and Western Cape Province had a slight variation in proportion, with totals above a thousand but less than two thousand female employees took study leave throughout the calendar years.

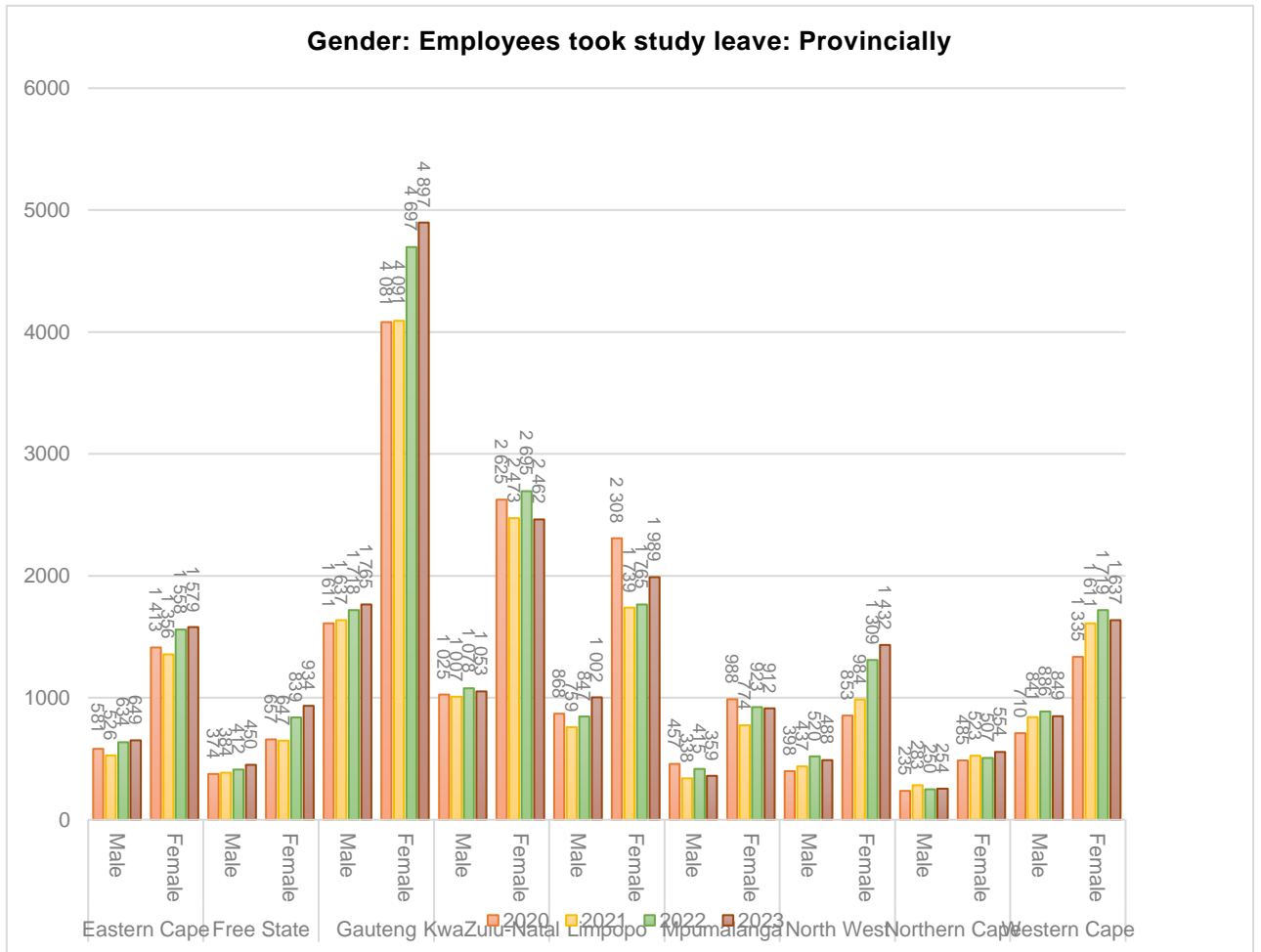


Figure 11: Study leave by gender for provincial administrations

5.5.3 Study leave costs for provincial administrations

As shown in **Figure 12** below, the Gauteng Province had the highest study leave costs compared to other provinces throughout the four years covered in the study, followed by KwaZulu-Natal, Limpopo and Western Cape respectively. Cost of study is based on salary level and their absence in relation to actual office days out of office.

The highest cost for study leave was in Gauteng Province ranging from R 53 million escalating to R 73 million from 2020 to 2023 respectively. The lowest cost for study leave was in Northern Cape Province ranging from R 8 million escalating to R 10 million from 2020 to 2023 respectively.

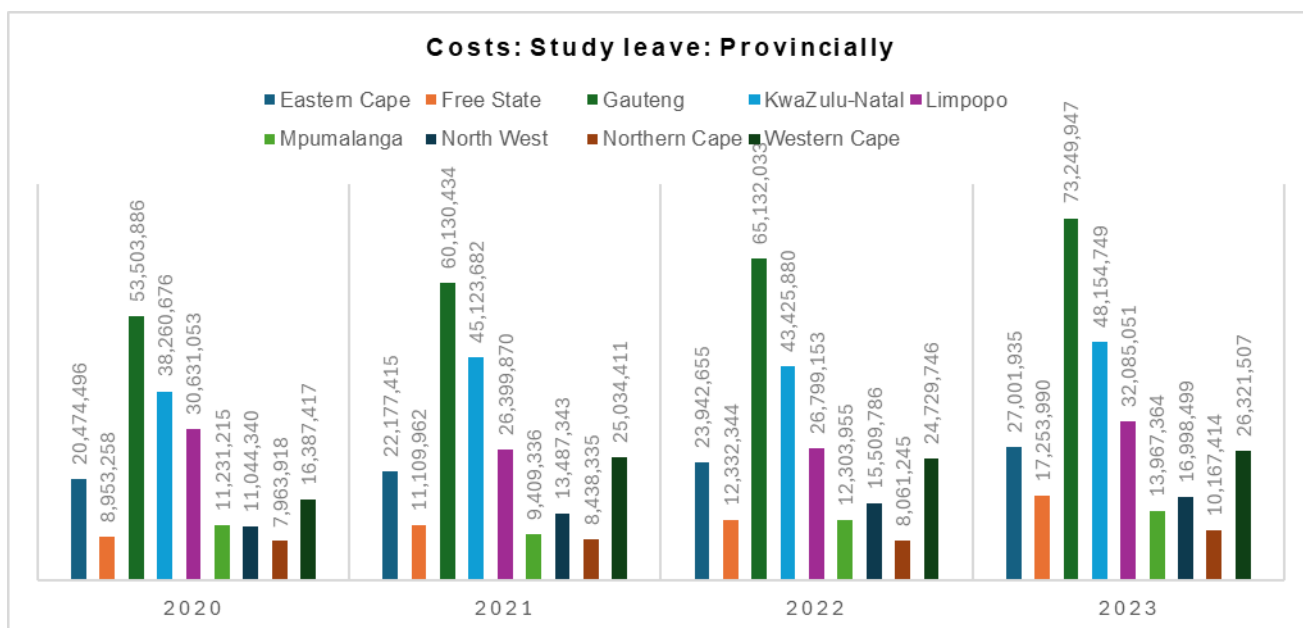


Figure 11: Study leave cost breakdown - Provincial Administrations

5.5.4 Study leave by age for provincial departments

Similarly, to national departments, **Table 38** shows that most employees between the ages of 30 and 49 took study leave during the 2020 to 2023 calendar years. This trend shows that employees within these age groups take a larger proportion of the workforce in the Public Service and they are enthusiastic to take on studies. Departments in Gauteng Province had the most employees between the ages of 30-49 that took study, followed by KwaZulu-Natal and Limpopo province. Across all provinces, few employees between the ages of 50 and 60+ took study leave. The table further expresses the percentage of employees in relation to the total number of employees in the age group that took study leave.

Provinces	Age	2020	% of total employees	2021	% of total employees	2022	% of total employees	2023	% of total employees
Eastern Cape	20-29	247	0,6	290	0,4	379	0,9	396	0,8
	30-39	942	2,2	850	1,7	902	2,0	910	2,2
	40-49	621	1,4	576	1,3	684	1,7	657	1,7
	50-59	178	1,4	160	0,3	211	0,5	247	0,5
	60 & above	6	0,1	6	0,1	16	0,2	18	0,2
Free State	20-29	197	1,8	193	1,8	216	2,0	245	2,4
	30-39	466	2,5	512	2,7	630	3,3	678	3,6
	40-49	277	1,4	257	1,3	305	1,6	350	1,9
	50-59	90	0,5	68	0,4	100	0,5	104	0,5
	60 & above	1	0,0	1	0,0	0	0,0	7	0,2
Gauteng	20-29	1304	2,9	1470	3,0	1437	3,7	1338	3,2
	30-39	2337	4,0	2414	3,7	2715	4,3	2859	4,4
	40-49	1500	2,6	1373	2,4	1703	3,0	1799	3,3
	50-59	534	1,0	445	0,8	530	1,0	629	1,1
	60 & above	17	0,2	26	0,2	29	0,3	37	0,3

Provinces	Age	2020	% of total employees	2021	% of total employees	2022	% of total employees	2023	% of total employees
KwaZulu-Natal	20-29	694	1,7	697	0,8	699	0,8	670	0,8
	30-39	1648	2,2	1585	1,6	1674	1,7	1524	1,5
	40-49	1007	1,2	936	1,1	1060	1,3	1024	1,2
	50-59	286	0,4	239	0,3	318	0,4	280	0,3
	60 & above	15	0,1	22	0,1	22	0,1	17	0,1
Limpopo	20-29	518	4,4	446	3,7	513	4,0	692	5,0
	30-39	1097	4,7	869	3,7	884	3,7	965	4,1
	40-49	1065	3,0	758	2,3	753	2,4	799	2,8
	50-59	480	1,0	408	0,9	445	1,0	517	1,1
	60 & above	16	0,2	17	0,2	17	0,3	18	0,2
Mpumalanga	20-29	287	2,0	232	1,4	308	2,5	280	2,5
	30-39	535	2,5	425	1,9	531	2,5	487	2,3
	40-49	437	1,7	320	1,3	361	1,6	356	1,6
	50-59	177	0,7	129	0,5	134	0,5	139	0,5
	60 & above	9	0,2	6	0,1	4	0,1	9	0,2
North West	20-29	307	1,8	317	1,8	361	2,2	372	2,8
	30-39	537	2,4	618	2,6	806	3,4	848	4,0
	40-49	310	1,3	376	1,6	512	2,3	529	2,6
	50-59	94	0,4	105	0,4	144	0,6	162	0,7
	60 & above	3	0,1	5	0,1	6	0,1	9	0,2
Northern Cape	20-29	122	1,8	160	1,4	144	1,4	139	1,4
	30-39	332	3,8	343	3,5	305	3,3	311	3,4
	40-49	201	2,1	228	2,5	237	2,8	264	3,1
	50-59	62	0,7	71	0,8	68	0,8	90	1,0
	60 & above	3	0,2	4	0,2	3	0,2	4	0,2
Western Cape	20-29	537	2,6	676	3,2	739	3,4	665	3,0
	30-39	921	3,8	1165	4,5	1167	4,2	1132	3,8
	40-49	429	1,8	444	1,9	503	2,3	475	2,1
	50-59	113	0,4	144	0,5	153	0,6	156	0,6
	60 & above	4	0,1	5	0,1	7	0,1	13	0,2

Table 38: Study leave by age group for provincial administrations

5.5.5 Usage of study for Provincial Departments of Education and Health

Table 39 below reflects the usage of study leave in the Education and Health departments within the provinces. Within the Health and Education sectors, the proportion of employees who took study leave is relatively higher than other departments provincially. In some instances, employees from the departments of Health and Education made up more than 70% of the total number of employees in a province who took study leave.

The highest was Gauteng reflecting averages of 80% to 85% during the period under review. The significance of the table below shows that majority of the study leave were taken by employees in the Education and Health sectors. This bodes well for these sectors from a continuous development perspective.

Province		Number of employees that took study leave			
		2020	2021	2022	2023
Eastern Cape	Total for all departments	1 994	1 882	2 192	2 228
	Education	498	446	682	644
	Health	792	788	768	832
Free State	Total for all departments	1 031	1 031	1 251	1 384
	Education	478	392	571	666
	Health	313	366	355	360
Gauteng	Total for all departments	5 692	5 728	6 415	6 662
	Education	2 883	2 650	3 065	3 268
	Health	1 914	2 226	2 167	2 051
KwaZulu-Natal	Total for all departments	3 650	3 480	3 773	3 515
	Education	1 202	825	988	761
	Health	1 714	1 980	2 053	1 774
Limpopo	Total for all departments	3 176	2 498	2 612	2 991
	Education	1 141	1 021	1 207	1 504
	Health	1 300	998	875	873
Mpumalanga	Total for all departments	1 445	1 112	1 338	1 271
	Education	720	487	626	618
	Health	401	307	324	272
North West	Total for all departments	1 251	1 421	1 829	1 920
	Education	400	415	557	621
	Health	483	593	744	759
Northern Cape	Total for all departments	720	806	757	808
	Education	205	279	216	221
	Health	181	241	236	232
Western Cape	Total for all departments	2 045	2 452	2 605	2 486
	Education	494	672	732	650
	Health and Wellness	929	1 165	1 162	1 162

Table 39: Number of employees that took study leave in Health and Education

5.5.6 Study leave by non-SMS members

The statistics shown in **Table 40** below show that the Kwazulu-Natal province had more non-SMS employees between 2020 and 2023, followed by Gauteng and Eastern Cape province. Interestingly, Gauteng province had the highest number of non-SMS employees that took study leave compared to KwaZulu-Natal province.

Provinces	Year	Total number of non-SMS employees	Non-SMS that took leave	Total leave days	Average leave days	Total cost
Eastern Cape	2020	182 242	1 969	12 183	6,19	19 761 989,00
	2021	215 819	1 857	13 008	7,00	21 355 971,00
	2022	181 133	2 168	14 361	6,62	23 238 104,00
	2023	182 431	2 204	14 567	6,61	26 305 293,00
Free State	2020	70 754	1 020	5 796	5,68	8 741 357,00
	2021	71 289	1 011	6 452	6,38	10 614 286,00

	2022	71 531	1 237	7 568	6,12	11 861 104,00
	2023	70 682	1 361	9 522	7,00	16 462 671,00
Gauteng	2020	223 763	5 646	32 437	5,75	52 438 237,00
	2021	237 954	5 694	34 465	6,05	59 121 256,00
	2022	223 531	6 362	39 292	6,18	63 437 839,00
	2023	228 380	6 610	40 702	6,16	71 521 469,00
KwaZulu-Natal	2020	293 799	3 636	24 229	6,66	37 815 327,00
	2021	374 554	3 458	26 765	7,74	44 440 121,00
	2022	365 357	3 751	26 983	7,19	42 524 370,00
	2023	377 802	3 497	27 482	7,86	47 416 912,00
Limpopo	2020	122 332	3 138	18 436	5,88	29 479 407,00
	2021	122 437	2 468	14 675	5,95	25 181 608,00
	2022	120 605	2 579	14 519	5,63	25 508 151,00
	2023	119 374	2 948	15 695	5,32	30 597 586,00
Mpumalanga	2020	91567	1 436	6 695	4,66	10 893 805,00
	2021	94 051	1 105	5 798	5,25	9 270 258,00
	2022	87 558	1 328	7 818	5,89	12 022 274,00
	2023	86 356	1 255	7 674	6,11	13 341 256,00
North West	2020	90 301	1 238	7 330	5,92	10 528 358,00
	2021	93 103	1 411	8 829	6,26	13 077 564,00
	2022	91 486	1 811	11 522	6,36	15 050 494,00
	2023	82 913	1 906	11 392	5,98	16 334 249,00
Northern Cape	2020	35 426	697	4 350	6,24	7 304 106,00
	2021	40 553	793	4 769	6,01	7 900 329,00
	2022	38 661	747	4 564	6,11	7 890 344,00
	2023	38 213	792	5 092	6,43	9 717 124,00
Western Cape	2020	101 736	2 038	10 789	5,29	16 244 014,00
	2021	103 119	2 446	15 699	6,42	24 835 729,00
	2022	104 336	2 600	16 342	6,29	24 589 589,00
	2023	108 982	2 478	16 447	6,64	26 089 176,00

Table 40: Study leave by non-SMS employees for provincial administrations

Limpopo provincial departments ranked higher than Eastern Cape provincial departments in terms of the total number of non-SMS employees that took study leave, even though Eastern Cape had more non-SMS employees than Limpopo. For all other provinces, the average number of study leave days ranged from 4,5 to 8,6 days per annum, of which the mean is 5,2 and 6,5 days. Whilst the cost of study leave ranged from R7,3 million and R71,5 million, many provinces incurred between R20 and R30 million. The least costs were incurred by Northern Cape, North West and Free State provincial departments. This shows a correlation between the total number of employees; study leave days taken and the total costs incurred.

5.5.7 Study leave by SMS members

The table below presents data on study leave for SMS employees at provincial level. Compared to non-SMS employees which were 6 to 7 days, the average leave days taken for SMS employees was between 6 to 8 days. This shows that both SMS and non-SMS employees, on average, used approximately the same amount of study leave absence in terms of days out of the office.

Provinces	Year	Total no. of SMS members	SMS that took leave	Total leave days	Average leave days	Total cost
Eastern Cape	2020	669	25	155	6,20	712 506,00
	2021	664	25	187	7,48	821 444,00
	2022	648	24	158	6,58	704 551,00
	2023	656	24	148	6,17	696 642,00
Free State	2020	403	11	45	4,09	211 901,00
	2021	400	20	104	5,20	495 676,00
	2022	383	14	97	6,93	471 240,00
	2023	387	23	156	6,78	791 319,00
Gauteng	2020	845	46	240	5,22	1 065 649,00
	2021	837	34	230	6,76	1 009 179,00
	2022	835	53	362	6,83	1 694 195,00
	2023	836	52	340	6,54	1 728 478,00
KwaZulu-Natal	2020	676	14	102	7,29	445 349,00
	2021	650	22	148	6,73	683 561,00
	2022	689	22	201	9,14	901 510,00
	2023	659	18	157	8,72	737 837,00
Limpopo	2020	506	38	250	6,58	1 151 646,00
	2021	494	30	260	8,67	1 218 262,00
	2022	495	33	274	8,30	1 291 002,00
	2023	479	43	296	6,88	1 487 465,00
Mpumalanga	2020	318	9	75	8,33	337 410,00
	2021	310	7	32	4,57	139 078,00
	2022	306	10	62	6,20	281 681,00
	2023	328	16	130	8,13	626 108,00
North West	2020	385	13	111	8,54	515 982,00
	2021	374	10	99	9,90	409 779,00
	2022	370	18	104	5,78	459 292,00
	2023	380	14	140	10,0	664 250,00
Northern Cape	2020	261	23	139	6,04	659 812,00
	2021	254	13	112	8,62	538 006,00
	2022	247	10	37	3,70	170 901,00
	2023	244	16	93	5,81	450 290,00
Western Cape	2020	421	7	30	4,29	143 403,00
	2021	405	6	40	6,67	198 682,00
	2022	411	5	24	4,80	140 157,00
	2023	439	8	45	5,63	232 332,00

Table 41: Study leave by SMS members for provincial administrations

The Gauteng province had more SMS employees followed by KwaZulu-Natal, Eastern Cape and Limpopo province, respectively. Interestingly, Limpopo province had more SMS employees that took study leave compared to Eastern Cape and KwaZulu-Natal province. Mpumalanga and Western Cape province had the lowest number of SMS employees that took study leave between 2020 and 2023.

In relation to costs, the lowest was Mpumalanga which was R 139 078 whilst the highest was Gauteng which was R 1,7 million. When SMS and non-SMS costs are compared, SMS costs is lower due to the smaller number of total employees in relation to those who took study leave versus the larger number of total non-SMS members in relation to those who took study leave.

5.6 Combined study leave data set from 2020 to 2023

5.6.1 Average study leave days for national and provincial departments

Figure 13 below depicts the average number of study leave days taken between national departments and provincial administrations between 2020 and 2023. The total average of study leave days ranged from five (5) to eight (8) days with a mode³⁴ of six (6) average days. The trend across the cycles reflects a slight difference which could not determine over usage of study leave. National departments account for a larger proportion of average leave days followed by the KwaZulu Natal province, and this is congruent to the analysis of the total number of employees that took study leave.

The average number of study leave days used by employees in national departments is 8,5 days, which is the highest. KwaZulu-Natal provincial departments had the second highest average of 7,4 days, followed by Eastern Cape with 6,5 days. The average for the remaining provinces ranged between 5,5 and 6,2 days. However, departments in provinces such as the Eastern Cape had few employees who took study leave including the total number of leave days compared to Gauteng and Limpopo province, but the average leave days are slightly higher than the provinces in question.

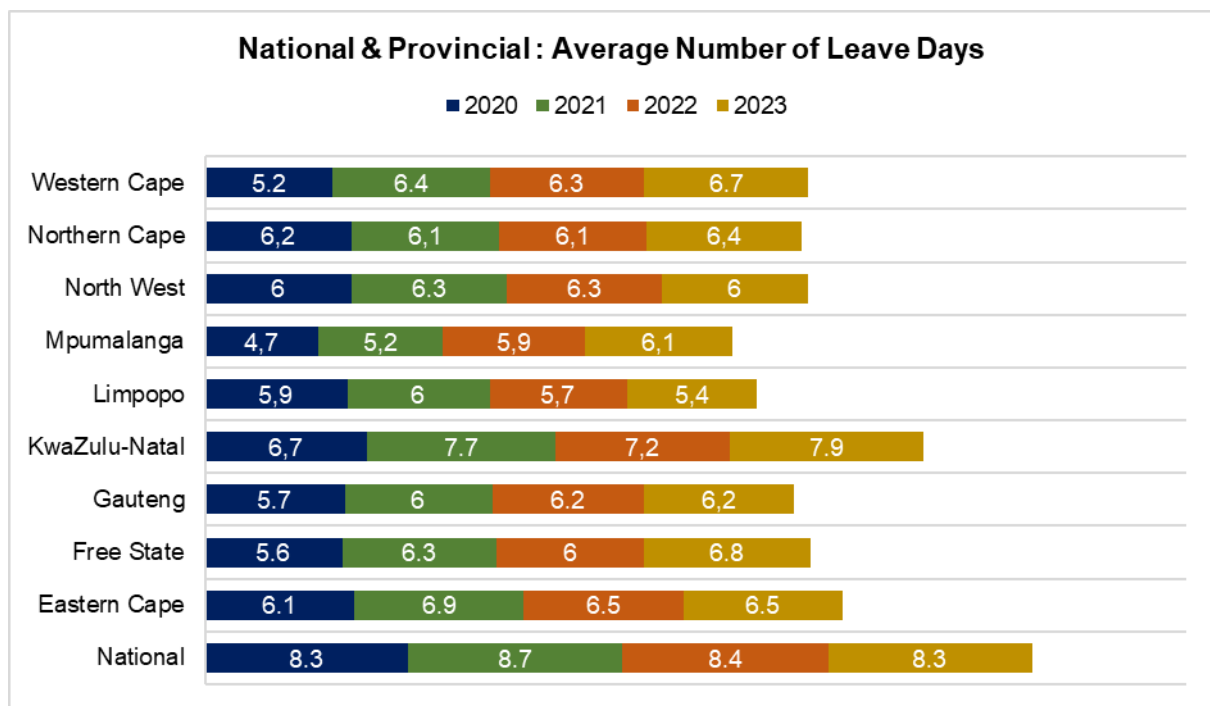


Figure 12: Combined average study leave days for the Public Service

It is important to note that the variance on average leave days is mainly informed by the proportion of employees within the respective departments, including the total number of employees who

³⁴ A mode is a number that appears frequently.

took leave. In general, the above statistics shows a consistency in the use of study leave in the Public Service.

5.6.2 Cost of study leave for national and provincial departments

Figure 14 reflects the costs of study leave in the Public Service for the 2020 to 2023 period. This cost is the cost of the employee not being on duty in the office but on study leave based on the salary level of the employee. The average cost of study leave ranged from R7,9 million (Northern Cape department) to R283,2 million (national departments) per annum.

The national departments had more employees compared to individual provinces, and as such more costs were incurred, followed by Gauteng, KwaZulu-Natal and Limpopo province respectively. Northern Cape and Free Sate provincial departments incurred the least costs.

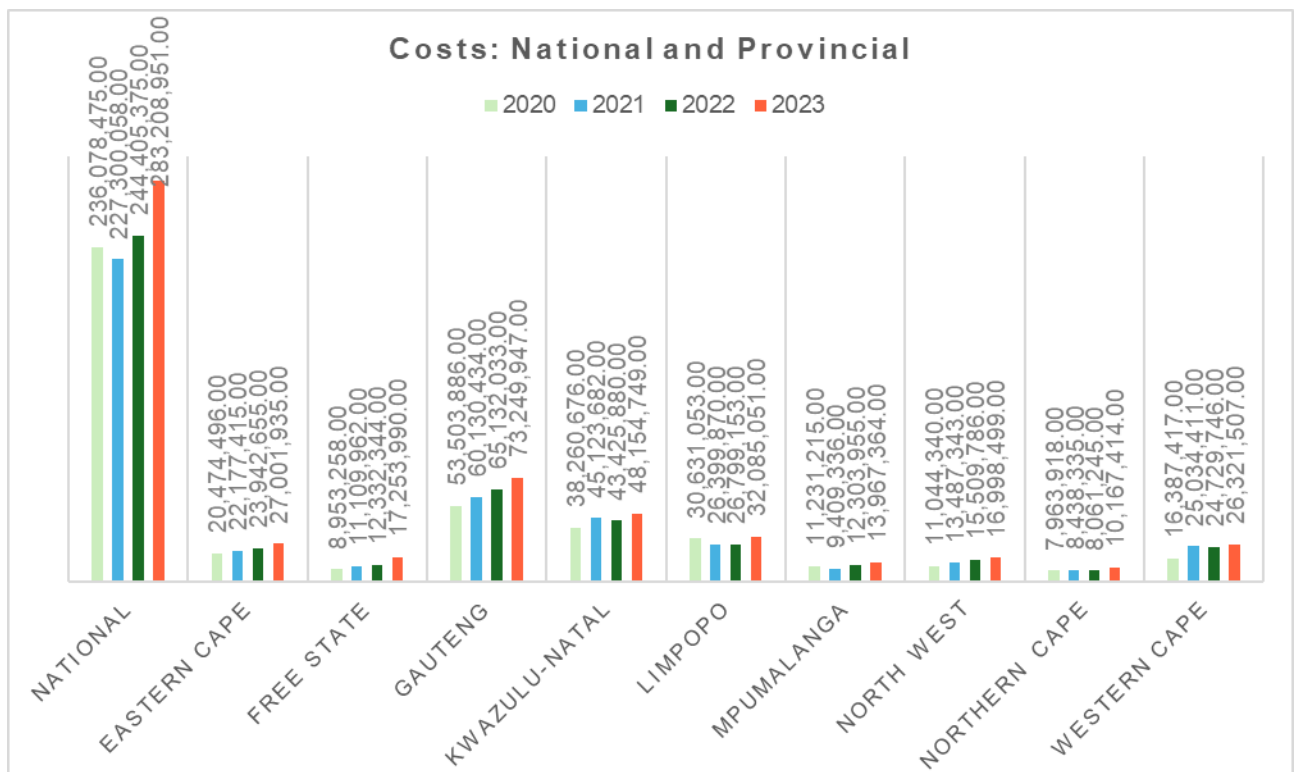


Figure 13: Cost of Study leave in the Public Service

The costs analysis shows a high level of consistency with proportions relating to the number of employees who took study leave and the leave days taken at the national and provincial levels.

5.6.3 Observations and summary of key facts concerning study leave

The following is a summary of the key facts extrapolated from the PERSAL data and the detailed analysis provided in the preceding sections:

- The national departments indicate that 17 733 – 20 651 employees took study leave from 2020 to 2023. At provincial level, 21 004 – 23 265 employees took study leave from 2020 to 2023. Gauteng ranked the highest. However, there are variations on the usage of study leave between departments at the national and provincial levels. Associated study leave costs followed a similar pattern.
- Within the Health and Education sectors, the proportion of employees who took study leave is relatively higher than other departments provincially. The number of employees is the highest together with the number of employees who took study leave, in some instances employees from the departments of Health and Education made up more than 70% of the total number of employees in a province who took study leave. This is good for these service delivery departments and shows that there is significant interest in improving skills.
- More female employees from both national and provincial departments took study leave. The national departments ranked the highest and at provincial level Gauteng had the most female employees that took study leave despite having more male employees, followed by KwaZulu-Natal and Limpopo province respectively.
- Overall, the national departments had more employees between the ages of 30 and 49 across the four years. This correlates with the total number of study leave days taken, including the associated costs which are significantly high compared to the other age groups.
- Similarly, at the provincial level the age groups between 30-49 also had more employees who took study leave. Gauteng Province ranked the highest, followed by KwaZulu-Natal, Limpopo and Western Cape, respectively. The age group 50 to 60 and above had the lowest number of employees who took study leave across all the provinces. The associated costs followed a similar trend to that of the national departments, that is, the higher the number of employees who took study leave, the higher the cost.
- The total average of study leave days ranged from five (5) to eight (8) days with a mode of six (6) average days. The average number of study leave days used by employees in national departments is 8,5 days, which is the highest. KwaZulu-Natal provincial departments had the second highest average of 7,4 days, followed by Eastern Cape with 6,5 days. The average for the remaining provinces ranged between 5,5 and 6,2 days.
- The proportionate number of non-SMS employees is significantly greater than SMS members in the Public Service, hence the variance in terms of the number of leave study days taken and the associated costs. Most study leave days were taken by non-SMS members between 2020 and 2023, which is congruent to the costs as well the total number of employees that took leave.
- Some departments had their own special leave policies prior to the adoption GPSSBC Resolution 2 of 2024, and this created inconsistencies. The inconsistencies have been partly addressed because the GPSSBC Resolution 2 of 2024 is applicable to departments that fall within the scope of that council; thus, other departments continue to follow their own policies.

Given that a small number of the total number of Public Service employees took study leave (national departments averaging 19 353 employees over the four years and in provincial departments averaging 21 862 employees) which represents approximately 1,4% of the total employee population. The average number of study leave days per employee per annum ranges between 4 and 8 days. It may be argued that there is 'generally' no study leave misuse in the Public Service. However, the potential for study leave abuse cannot be completely ruled out and must be closely monitored so such does not interfere with the operational requirements of a department.

5.7 Recommendations

It is indisputable that study leave is an integral part of human development and service delivery improvement. To optimise the benefits of study leave for employees and the employer, long-term planning by the employer and employees seeking to use the study leave benefit is essential. The following recommendations are put forward to ensure effective study leave planning and management.

- Subject to negotiation in the various sectors in relation to collective bargaining, it may be of value to utilise GPSSBC Resolution 2 of 2024 as a benchmark for special leave in other sectors with due noting of the sectors specific conditions.
- Given that only approximately 1,4% of employees took study leave, more employees should be encouraged to improve their skills, knowledge and qualifications for their and the employers' benefit as part of continuous learning and development, without impacting negatively on the overall service delivery performance of the Public Service.

5.8 Conclusion

The analysis in this chapter highlights the Public Service's commitment to continuous skills development for its employees and recognises that study leave represents an important benefit and a significant investment on employees. The existence of study leave dispensation (as outlined in GPSSBC Resolution 2 of 2024), the number of employees who took study leave across all age groups between 2020 and 2023, and absorption of the cost of study leave signal an unwavering commitment to the principles of continuous professional development and lifelong learning. Available literature suggests that employees who take study leave to complete advanced degrees or certifications often bring valuable new skills and knowledge back to the organization. Taking study leave is also seen as an investment in one's future, with positive outcomes.

Since the analysis has not revealed any glaring evidence of study leave misuse, the recommendations outlined in section 5.7 above aim to strengthen the management of study leave as part of professionalising the Public Service.

CHAPTER 6: THE INFLUENCE OF HYBRID WORK ARRANGEMENTS AND DIGITISED WORKPLACES ON LEAVE UTILISATION

6.1 Introduction

The modernised workplace requires automation for purposes of greater efficiency through using Information Communication and Technology (ICT) systems in line with the 4th Industrial Revolution. The global employee seeks more flexibility on work processes and systems to ensure improved workplace arrangements and productivity. Key aspects of flexible and hybrid work arrangements are dependent on automated work processes for accessibility to be made available no matter where an employee chooses to switch on.

It is factual that the Covid-19 pandemic accelerated the need for fluid operating processes and systems that allow for hybrid and remote working. During the intense period of Covid-19, including different levels of lockdown, the workplace was governed through the Consolidated Covid-19 Direction on Health and Safety in the Workplace. This Direction was further elucidated in the DPSA Circular 07 of 2020 on Guidelines for the Containment of the Corona Virus in the Public Service.³⁵

Interestingly, the PSC conducted research on the extent of digitised processes and the report indicated that majority of departments have not automated or digitised their processes, specifically in HR related practices.³⁶

To contextualise issues, it is important to understand the influence of workplace flexibility for employees and how it impacts on work-life behaviours. While it is fundamental that employees take leave for rest, in recent times breaking the normal cycle of driving to and from the office has become a critical mental health wellbeing issue, in addition to being a time utilisation and financial/economic issue. Additionally, employees also take leave when they are ill and not able to muster the drive to the office, even though they can still be able to work in a stable environment. It is against this background that hybrid work arrangements and digitised work processes could probably decrease the high usage of sick leave, absenteeism and burnout in the Public Service.

6.2 Lessons from Covid-19

Covid-19 taught the world the importance of technology and the social impact of lack of direct contact. It further taught the world that with technology the opportunities were endless. Winding back history, it was evident that even the most reluctant employers had to conform to the new way of working which allowed everyone to see the usefulness of available technological platforms such as Zoom, Microsoft Teams and group calls. These platforms enabled business

³⁵ Public Service Commission (PSC), (2023), Report on the Impact that Hybrid Work Arrangements had on Service Delivery in the Public Service.

³⁶ Public Service Commission (PSC), (2024), Digitisation of human resource management processes in the Public Service

continuity without stepping out of one's home. So, numerous questions could be posed, such as, what influence did the lockdown and hybrid work arrangements have on employees' behavioural pattern with regards to sick leave and what variations existed during that period?

6.3 Sick leave during and after the COVID-19 lockdown

6.3.1 National departments

Covid-19 restrictions began in March 2020. According to leave data received from the DPSA, average sick leave days stood at 7,7 days across national departments in 2020. Subsequently, risk levels fluctuated until October 2021 and adjustments were reduced to level one (1) in terms of Covid-19 regulations. The adjustments meant that 75% of the workforce had to return to offices on a rotational basis with due noting of prescribed comorbidities.

Comparatively, there was a slight increase in the average sick leave days from 7,7 in 2020 to 8,05 in 2021. It must be noted that 2021 was the final year of the 36-day sick leave cycle hence the slight increase based on the winding down of the cycle and more employees putting in sick leave. The latter may suggest that more sick leave days were taken simply to finish unused sick leave days; something that would be deemed unethical if found to be true because sick leave days should only be used when necessary. Without evidence for such a practice, it is safe to assume that an increase in sick leave usage in 2021 relate to genuine instances of incapacity to work due to sickness.

Although in 2020 the average sick leave days spent was smaller than in 2021, the cost of sick leave at national level was R2,7 billion and R2,5 billion for 2020 and 2021, respectively. The variance in total cost between these years could be because of the severity of Covid-19 in 2020 that resulted in employees who were on higher salary scales taking sick leave or the decrease in total employees during 2021.

Subsequently, in 2022, which was the first year of the new 36-days sick leave cycle, the usage of sick leave increased considerably. During the same period, a call for full capacity at the office was sounded, which meant that all employees had to return to the workplace. As a result, the average number of sick leave days increased to 10,6 and the cost of sick leave also increased to R4,1 billion. This was the highest record in relation to the period of study.

In 2023, with a reduction in the average sick leave days used was recorded at 8,6. However, the average was still higher than 2020 and 2021 at the height of the pandemic. The cost of sick leave also dropped to R3,6 billion.

6.3.2 Provincial departments

During the period under review, i.e. 2020-2023, the highest recorded averages for sick leave were in 2022 (7,06 – 9,15 days) when employees returned at 100% to the office. Average sick leave days for 2020, 2021, 2022 and 2023 were 6,79; 6,83; 8,03 and 6,90 respectively. Similarly,

as elaborated in Chapter 4 of this report, the cost of sick leave was the highest during 2022. The aggregated provincial costs for normal sick leave for these periods was as follows:

- 2020 (R5,3 billion).
- 2021 (R5,6 billion).
- 2022 (R7,4 billion).
- 2023 (R6,5 billion).

In relation to the combined cost for national and provincial, the total cost of sick leave in 2020 was R8 billion, in 2021 it stood at R8,2 billion, whereas in 2022 it increased to R11,5 billion before declining to R10,1 billion in 2023.

6.4 Observations and insights: hybrid work arrangement, digitisation and sick leave

The sick leave statistics lends itself to behavioural patterns during the period under review. During the peak periods of Covid-19 lockdown and subsequent introduction of rotational work arrangements, sick leave was at its lowest level compared to 2022 and 2023. The following is a summary of the insights and observed patterns:

- It appears that when remote working practices were applied, the number of sick leave days taken by employees were considerably lower. The lower sick leave days during lockdown meant that employees had less chances transmission of any type of infection due to reduced contact among colleagues. They may also suggest that employees took the relevant measures to stay healthy during the period.
- The onset of rotational/hybrid work arrangements led to a slight increase of sick leave days taken.
- The full return to work, where workplaces were required to be at 100% capacity, led to a significant increase in sick leave days taken.
- During 2022, the spike in terms of sick leave may be attributed to:
 - illness resulting from close contact with colleagues after a long period of 'isolation';
 - exposure to different factors in the workplace such as continuous high levels of scent from sanitizers; and
 - psychological challenges due to fear of exposure to Covid-19 and difficulties having a routine change from what was a norm.

Despite the marginal decline in sick leave usage in 2023, the return to work at 100% capacity and lack of clarity on the Public Service's appetite to gradually institutionalise hybrid work arrangements, where applicable, required a mind-set shifts for all employees who moved from full lock down conditions, to changes in risk levels and thereafter a full green light to return to work.

6.5 Recommendations

Digitisation is not just a nice-to-have, but a necessity for improving the effectiveness and efficiency of processes and system, and an enabler for innovation and adaptation. The latter also

applies to modes and spaces of work. In view of the insights and observations, it is recommended that:

- departments that are continuing or planning to implement hybrid work arrangement should put systems in place to monitor and manage sick leave use/patterns pre- and post-remote work days;
- departments should consider adopting well thought hybrid work policies as part of enhancing employee productivity and managing mental health and other health management issues, without defying/disregarding other applicable policy frameworks (such as PILIR);
- Where hybrid working has been adopted, it must be supported by accessible systems and digitised systems; and
- HR processes for leave management, in addition to other processes and systems, should be digitised. Digitised HR leave processes will assist to track leave in a timely manner and maintain accuracy of leave records and contribute to the professionalisation of the Public Service.

6.6 Conclusion

Employers and employees alike have seen the benefits of remote working as well as automating/digitising work processes and systems. Specifically, hybrid working had a positive impact on the usage of sick leave in the Public Service in that during the lockdown and rotational-hybrid work arrangements few employees took sick leave. The reduction in organisational overhead costs due to hybrid work arrangements and digitisation were also noted in some studies. However, there is no tangible evidence that a reduction in sick leave usage due to hybrid work arrangements results in improved productivity, as such, the support for hybrid working should not be misinterpreted. The analysis in this chapter has highlighted the importance of digitisation in supporting hybrid work arrangements, and the influence of hybrid working on sick leave patterns, departments should develop and implement well-thought hybrid work policies and puts measures in place to monitor the impact of such policies on, amongst others, leave utilisation, specifically sick leave.

CHAPTER 7: SUMMARY OF FINDINGS, OBSERVATIONS AND RECOMMENDATIONS

7.1 Introduction

The purpose of this study was to analyse trends on the utilisation of specific categories of leave according to age, gender, salary dispensation and the associated costs. The previous chapters have provided an in dept analysis of the applicable prescripts, case law and comparative literature as a basis to contextualise the findings and observations that are elaborated in Chapters 3 to 6.

Whilst each Chapter presents an in dept analysis of statistics across a range of variables as well as observations and recommendations, this final chapter consolidates the observations and recommendations relating to capped leave, sick leave (including temporary and permanent incapacity leave) and study leave into a coherent synopsis.

7.2 Capped Leave

Observations

- Capped leave is a moving target with respect to cost and such costs escalate based on cost-of-living adjustments.
- Highest number of employees who have capped leave are from the Education and Health sectors.
- In addition to the expected future costs of pay-outs, the concern is the loss of experienced people from the Public Service.

Recommendations

In relation to costs the following is recommended with due consideration to collective bargaining processes and potential renegotiation thereto:

- a) Actuaries and economists from National Treasury need to do a comprehensive cost-based analysis to understand what the cost of capped leave will be over the next 5 and 10 years.
- b) With due consideration of available funds, cogitate the option of a once off pay-out now of two thirds of the capped leave assessing the feasibility of the future costs of same.
- c) The DPSA in conjunction with the National Treasury must determine a mechanism to manage this future cost by either considering earlier pay-outs or engaging employees on the mandatory utilisation of capped leave as an option.
- d) Another option would be to consider allowing employees with capped leave to buy back pension with the current value of capped leave credits they hold. The GEPP offers an option to purchase additional pension. This will result in improved retirement benefits. The DPSA in conjunction with the GEPP as well as GPAA would need to explore this option from a cost benefit perspective to allow employees to have the rand value of the

amount they have in capped leave to be transferred to their pension in the GEPPF. This will benefit the employer, the employee and the GEPPF.

In relation to skills the following is recommended:

- a) A comprehensive HR planning exercise must be done by the national and provincial departments of health and education, supported by the DPSA in relation to future skills planning.
- b) The DPSA must, together with the departments of health and education and in collaboration with the Public Service Sector Education and Training Authority (PSETA), develop a plan of action to determine how to close the gap in relation to the nature of specialist skills that will exit the Public Service due to retirement.

7.3 Study Leave

Observations:

- Data from national departments indicate that 17 733 – 20 651 employees took study leave from 2020 to 2023. At the provincial level, 21 004 – 23 265 employees took study leave from 2020 to 2023. Gauteng ranked the highest.
- Within the Health and Education sectors, the proportion of employees who took study leave is relatively higher than other departments provincially. In some provinces employees from the departments of Health and Education made up more than 70% of the total number of employees who took study leave.
- More female employees from both national and provincial departments took study leave. The national departments ranked the highest and at provincial level Gauteng had the most female employees that took study leave despite having more male employees, followed by KwaZulu-Natal and Limpopo province respectively.
- Overall, the national departments had more employees between the ages of 30 and 49 across the four years. Similarly, at the provincial level the age groups between 30-49 also had more employees who took study leave. Gauteng Province ranked the highest, followed by KwaZulu-Natal, Limpopo and Western Cape, respectively. The age group 50 to 60 and above had the lowest number of employees who took study leave across all the provinces.
- The total average of study leave days ranged from five (5) to eight (8) days. The average number of study leave days used by employees in national departments is 8,5 days, which is the highest. KwaZulu-Natal provincial departments had the second highest average of 7,4 days, followed by Eastern Cape with 6,5 days. The average for the remaining provinces ranged between 5,5 and 6,2 days.
- The proportionate number of non-SMS employees is significantly greater than SMS members in the Public Service, hence the variance in terms of the number of study leave days taken and the associated costs. Most study leave days were taken by non-SMS members between 2020 and 2023, which is congruent to the costs as well the total number of employees that took leave.

- Some departments had their own special leave policies prior to the adoption GPSSBC Resolution 2 of 2024, and this created inconsistencies. The inconsistencies have been partly addressed because the GPSSBC Resolution 2 of 2024 is applicable to departments that fall within the scope of that council; thus, other departments continue to follow their own policies.

Recommendations:

- a) Subject to negotiation in the various sectors in relation to collective bargaining, it may be of value to utilise GPSSBC Resolution 2 of 2024 as a benchmark for special leave in other sectors with due noting to the sectors' specific conditions.
- b) Given that only approximately 1,4% of employees took study leave, more employees should be encouraged to improve their skills, knowledge and qualifications for their and the employers' benefit as part of continuous learning and development, without impacting negatively on the overall service delivery performance of the Public Service.

7.4 Sick Leave

Observations:

- Sick leave usage shows an average of six (6) to eight (8) days per individual employee per annum, except for Northern Cape and national departments whose averages range from seven (7) to ten (10) days per person per annual.
- The average number of sick leave days utilised in 2022, ranged between seven (7) to ten (10) days, which is higher in all the administrations compared to the other years.
- In 2022, there was a spike in the utilization of sick leave in the Public Service. It is presumed that the impact of Covid-19 and the return to work at full capacity during 2022 contributed to the surge of sick leave.
- Given that the average number of temporary incapacity leave days across the Public Service is 44 days per year in relation to the number of employees that took leave versus the number of leave days taken, this means the absence of the incumbents put strain on staff who need to ensure business continuity.
- Permanent incapacity leave is significantly low, including the costs involved.

Recommendations:

- a) Departments (inclusive of supervisors and HR unit) should audit sick leave records annually to identify instances of excessive usage across various units of the organisation and possible misuse by employees.
- b) Departments should consistently and strictly monitor the submission of medical certificates as proof of application for sick leave to curb potential misuse. Medical certificates must be thoroughly checked to justify the leave taken and if necessary, follow-up confirmation should be done with the treating practitioners. Furthermore, the application process for temporary incapacity leave (TIL) is prescribed and such applications must be managed through such prescriptions.

- c) Subject to collective bargaining processes, the DPSA should consider the capping of TIL with respect to the maximum days that can be applied for by an employee annually, with due consideration to the severity of illness and/or injury.
- d) In relation to PIL, given that this is employer initiated, employers must be proactive with respect to the signs of illnesses that are debilitating to the operational ability of the employee. Supervisors play an important role in this process and therefore should, through Human Resource sections, guide employees and their families in a sensitive, caring and humane manner.
- e) Departments must ensure that there is continuous education on leave practices and processes in order to advise employees appropriately as to this condition of service.
- f) GEMS should consider having screening services for employees more often in all departments. At the beginning of every financial year departments should engage GEMS on planned activities in relation to screening.
- g) To manage the reduction of sick leave, as well as incapacity leave, Departments must encourage staff to use the EHW programmes to manage different types of health challenges, including mental health issues and fatigue. Due to some individuals feeling nervous to access the services, consider group information sessions to improve larger participation.
- h) The NSG should further consider developing an e-learning course on the management of leave, specifically sick leave, in the Public Service in conjunction with the DPSA.

7.5 Digitisation and Hybrid work arrangements

Observations:

- It appears that whilst the policy on remote working practices was applied, the numbers of sick days taken by employees were considerably lower.
- The beginning of rotational work (hybrid work arrangements) led to a slight increase of sick leave days taken.
- The full return to work where workplaces were at 100% capacity, led to a significant increase in sick leave days taken.
- The lower sick leave days during lockdown meant that employees were not in direct contact with their colleagues which meant less transmission of any type of infection.
- The deadly virus had a psychological impact on employees who may have been deterred from attending any health care facilities due to fears of contracting the virus and if they were in relatively good health.
- During 2022, the spike in terms of sick leave despite it being a new 36-day sick leave cycle, may have been attributed to close contact with colleagues after a long period of time, exposure to different factors in the workplace, psychological in nature due to having a routine change from what became a norm.
- The return to work at 100% capacity was a mindset shifts for all employees who moved from full lock down conditions, to changes in risk levels and thereafter a full green light to return to work.

- Employees may have been overwhelmed at the prospect of the need for the shift and equally motivated in learning about the advantages of being able to work in hybrid workplace following the pandemic. This is adequately seen in the departments who have embarked on hybrid working across the Public Service following the pandemic.

Recommendations:

- a) It is highly recommended that departments consider the impact of hybrid working arrangements and the extent of digitised workplaces to support hybrid arrangements in terms of the management of leave of absence.
- b) It is vital for purposes of mental health and other health management issues to consider the adoption of a hybrid working policy and carefully assess the benefits in terms of the management of leave within the departmental environment.
- c) Hybrid working must be supported by accessible systems therefore digitisation is imperative for success of such hybrid conditions.

7.6 Conclusion

In the contemporary landscape of workforce management, the Public Service should strive to streamline processes to ensure optimal efficiency of leave management. The employee leave management system stands as a crucial asset for the Public Service. Through comprehensive analysis of leave data and consultation of existing sources, this report has laid the groundwork for informed enhancements. Moving forward, these insights will guide in designing and implementing targeted improvements to address concerns, ultimately ensuring that the employee leave management system continues to be a valuable tool for the Public Service to strive for optimal workforce management. To be progressive, there is a need to also understand how modern interventions such as remote work arrangements and digitization of human resource practices contribute towards efficiency of leave management. The recommendations outlined in this report aim to contribute towards the effective management of leave, which will lead to an efficient and effective Public Service.

REFERENCES AND SOURCES

Cliffdekkerhofmeyer.com. 2024. Sick leave and the sick note: Entitlement and abuse.

DPSA circular no. 09 of (2021). State of Disaster Covid-19: Public Service Adjustments to risk adjusted level 1 Regulations, issued 04 October 2021.

DPSA. (1999-2018). GPSSBC and PSCBC resolutions. (www.dpsa.gov.za/policy-updates/gpssbc-and-pscbc-resolutions/)

DPSA. (2021). Policy and Procedure on Incapacity and Ill-health Retirement. (www.dpsa.gov.za)

DPSA. (2021). Determination and Directive on Leave of Absence in the Public Service. (www.dpsa.gov.za)

DPSA. (2024). Determination and Directive on Special Leave in the General Public Service Sectoral Bargaining Council.

DPSA. (2024). GPSSBC and PSCBC resolutions. (www.dpsa.gov.za/policy-updates/gpssbc-and-pscbc-resolutions/gpssbc)

Department of Labour. Family and Medical Leave Act of the United States (<https://www.usa.gov/family-leave-act>)

Epibiz (Pty) Ltd v Commission for Conciliation, Mediation and Arbitration and Others [2023] 44 ILJ 2226 (LC)

Hans v Montego Pet Nutrition [2024] 2 BALR 196 (CCMA)

<https://africa-hr.com/blog/employee-leave-in-africa-what-employers-need-to-know/>

<https://mauvegroup.com/innovation-hub/blog/top-5-countries-for-sick-leave-allowance>

<https://www.gepf.co.za/Wp-Content/Uploads/2022/02/Fundtalk-Web>

<https://www.hpcsa.co.za/professional-practice/ethics/guidelines-for-good-practice>. Dec -2021

Labourguide.co.za. 2024. Bogus medical certificates

Labourlawadvice.co.za. 2018. Proof of illness a vexed issue;

Labourguide.co.za. [nd]. Sick leave abuse, poor performance and the disciplinary code.

Local Laws & Regulations, <https://www.Atlashxm.Com/En/Countries/Zimbabwe>

Popa I, Ştefan SC, Olariu AA, Popa ŞC, Popa CF. Modelling the Covid-19 Pandemic Effects on Employees' Health and Performance: A PLS-SEM Mediation Approach. *Int J Environ Res Public Health*. 2022 Feb 7;19(3):1865. doi: 10.3390/ijerph19031865. PMID: 35162885; PMCID: PMC8834763.

Public Service Commission (PSC). (2012). Report on the management of leave in the Public Service.

Public Service Commission (PSC). (2021). Effectiveness of Continuous Employee Development Capacity and Service Delivery in the Public Service.

Public Service Commission (PSC). (2023). Report on the Impact that Hybrid Work Arrangements had on Service Delivery in the Public Service.

Public Service Commission (PSC). (2024). Digitisation of human resource management processes in the Public Service

Scheil-Adlung, Xenia; Sandner, Lydia, International Labour Organisation. (2010). ESS Extension of Social Security, Paid Sick Leave (www.ilo.org)

The Constitution of the Republic of South Africa, 1996.

Woolworths (Pty) Ltd v The Commissioner for Conciliation, Mediation and Arbitration and Others (Pa12/2020) [2021] Zalac 49 (10 December 2021)

Zulu V Zb Financial Holdings (Private) Limited (Civil Appeal Sc 190 Of 2015; Sc 48 Of 2018) [2018] ZWSC 48 (27 July 2018)