



DIE VERANDERING IN ONDERWYS
THE CHANGE IN EDUCATION

MINI-“MBA” 2019

SICK LEAVE VERSUS INCAPACITY LEAVE



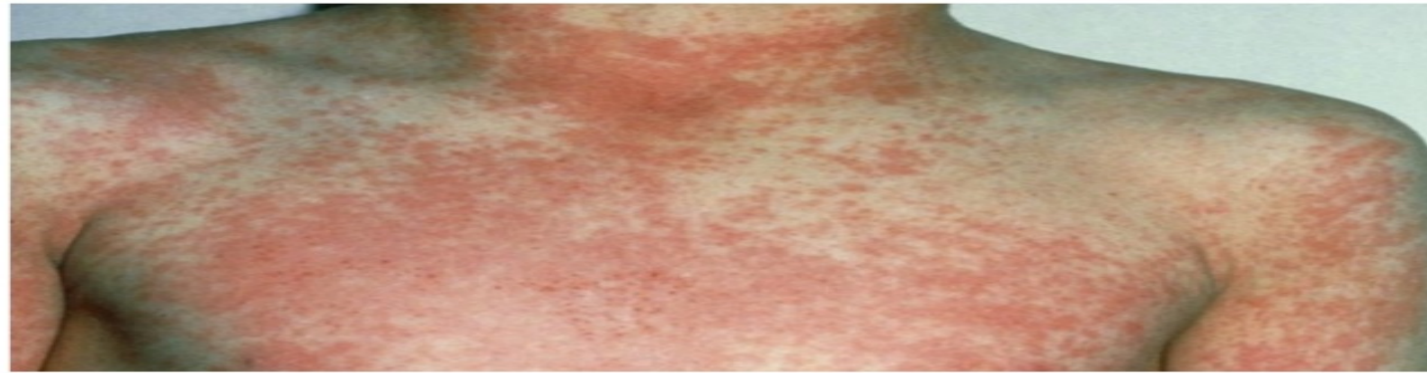
SPECIAL LEAVE FOR QUARANTINE PURPOSE



Laerskool gesluit ná skarlakenkoors-uitbreking

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Argieffoto ter illustrasie.

Die Laerskool Vaalwater in Vaalwater, Limpopo, is met onmiddellike inwerkingtreding gesluit weens 'n uitbreking van skarlakenkoors.

SPECIAL LEAVE FOR QUARANTINE PURPOSE



- PAM Chapter H 7 (Educators)

Special leave with full pay may be granted to an educator who has been exposed to a medical condition that requires such an person to be placed under quarantine

Must be accompanied by a medical certificate

- Determination and Directive of Leave in The Public Service (DPSA Issued June 2018)

14.8.3 Normal sick leave if employee must be quarantine or isolated for at least 10 consecutive days

SICK LEAVE



- PAM Chapter H 5 (Educators)
- Determination and Directive of Leave in The Public Service (DPSA Issued June 2018)
- Basic Conditions of Employment Act (Act 75 of 1997)

SICK LEAVE



- Entitled to 36 working days over a three-year cycle
- Unused sick leave credits lapse at the end of the three-year cycle
- New cycle started on 1 January 2019

SICK LEAVE



General: Employee's responsibility

- Employee to utilize and manage his/her normal sick leave responsible
- Must submit his/her application in advance in respect of clinical procedures (excluding emergencies)
- Must notify his/her supervisor immediately if your are unable to work due to your illness or injury
- Must submit an application within 5 working days after the first day of absence (Personally or through a relative or fellow employee)
- Refrain from using sick leave for other purposes

SICK LEAVE



Employer's responsibility

- To consider the sick leave application
- Make a recommendation
- Supervisor/manager must immediately notify the employee that if such an application is not received within 2 working days, the leave will be regarded as unpaid or annual leave
- Unpaid leave should be with the consent of the employee

Failure by the employee to submit his/her application form within the stated periods, or failure by the supervisor/manager to properly manage it, must be viewed in a serious light and disciplinary steps against the employee and his/her supervisor / manager should be taken

SICK LEAVE



Medical certificate to be submitted if:

- Apply for three days or more
- Pattern or trend (e.g. Mondays/Fridays)
- More than 2 occasions in 8 week period, regardless the duration of the sickness
- Employer may accept medical certificates without the nature of the illness during the normal sick leave cycle
- If an employee falls ill during vacation leave such leave may be converted into sick leave (NB: medical certificate must be submitted)

SICK LEAVE



Basic Conditions of Employment Act (Act 75 of 1997) Section 22

Sick leave cycle means the period of 36 months' employment with the same employer

During every sick leave cycle an employee is entitled to an amount of paid sick leave equal to the number of days the employee would normally work during a period of 6 weeks

General:

- Must submit his/her application in advance in respect of clinical procedures (excluding emergencies)
- Must notify his/her supervisor and submit an application within 5 working days after the first day of absence

TEMPORARY INCAPACITY LEAVE



- Incapacity leave is additional sick leave granted **conditionally** at the employer's discretion
- Incapacity leave is not an **unlimited** number of additional sick leave
- If the 36 days sick leave have been exhausted, employee may apply for temporary incapacity leave on the applicable application form

Two different set of forms:

- Application form: Temporary Incapacity Leave Short Periods (less than 30 working days)
- Application form: Temporary Incapacity Leave Long Periods (more than 30 working days)

TEMPORARY INCAPACITY LEAVE



- A medical certificate must certify the condition and accompany every application
- Sufficient proof / blood results must be submitted if available
- X-rays / scans / any additional written motivation
- Adhere to and honour appointments for further medical examinations requested by the Health Risk Manager
- Supervisor / manager should manage the leave of all the employees
- Keep record of leave taken by employees and ensure that forms are submitted in time

TEMPORARY INCAPACITY LEAVE



The responsibilities of the employer

- Conditionally grant the incapacity leave pending the outcome of the investigation
- May require employee to undergo further medical examinations
- The employer will notify you of the findings and that appropriate action according to the findings

MEDICAL CERTIFICATES



Medical certificate must contain the following information:

- Name, address and qualifications of practitioner
- Name of the patient
- Date and time of the examination
- Whether the practitioner is issuing the certificate as a result of personal observation or as a result of information received from the patient
- Description of the illness/disorder provided that the patient gave consent to disclose the information
- Period of recommended sick leave



Different forms for

- Sick leave
- Temporary incapacity leave (short period)
- Temporary incapacity leave (long period)
- Keep record

ILL HEALTH



What is ill-health retirement ?

When an employee becomes permanently unable to work due to medical reasons he/she could be discharged due to ill-health.

If an employee applied for long term incapacity leave and the investigation shows that he/she will be permanently unfit for work the employer may offer the employee ill-health retirement

- Employees shall not directly apply for permanent incapacity leave
- HOD will follow the process to declare an employee medical unfit

ILL HEALTH



The HOD, on advice from the Health Risk Manager, should implement a plan of:

- Alternative employment or
- Adapting duties or work circumstances

Where the degree of incapacity has been certified as permanent but who can still render a service may be transferred to an alternative appropriate vacant post without a reduction in benefits.

If both the HOD and employee are convinced that the employee will never be able to render an effective service, service can be terminated on account of continued ill-health.

ILL HEALTH



Ill-health : GEPP Benefits: Enhanced benefits are paid when members retire for medical reasons, or when injured on duty. In these circumstances, members receive both annuities and gratuities. For members with less than 10 years pensionable service, the benefit will be consistent with and not less than the resignation benefit. Members with more than 10 years' service are also paid an annual supplementary amount.

BENEFITS IF YOU ARE DISCHARGED DUE TO ILL HEALTH



LESS THAN 10 YEARS OF SERVICE

Will receive a once-off lump sum (gratuity)

MORE THAN 10 YEARS OF SERVICE

Benefits consist of two parts:

- A once off lump sum (gratuity)
- A monthly pension called an annuity



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GRIEVANCE PROCEDURE



INTRODUCTION



A grievance is a complaint by an employee or employees affecting the employment relationship of the person or persons concerned,

OR

Where there is an alleged misinterpretation or violation of his/her, or their rights.

WHERE TO FIND LEGISLATION



- According to the PAM published in Government Gazette No.19767 dated 18 February 1999, this chapter was referred to as **Chapter G**
- PSCBC Resolution 14 of 2002 : Annexure A, Public Service Act (Act 103 of 1994)

IMPORTANCE OF THE GRIEVANCE PROCEDURE



The purpose of this chapter is to address grievances in Public Education by fulfilling the primary objectives of this procedure which is to promote:

- Speedy, impartial and equitable handling of grievances;
- Sound labour relations; and
- Resolution of individual grievances at the lowest possible level in a department.

IMPORTANCE OF THE GRIEVANCE PROCEDURE



Adherence to time limits

- In determining adherence to time lines, this should be calculated by excluding the first day and including the last day.
- A formal written grievance must be lodged with the employer within 90 days from the date on which the educator became aware of the act or omission which adversely affect him/her.

IMPORTANCE OF THE GRIEVANCE PROCEDURE



Regional/district level in respect of a school and departmental level in respect of an institution outside a school

- If the grievant(s) is/are not satisfied with the outcome referred to in Paragraph G.4.2 of this chapter, the grievant(s) may refer the matter in writing, by hand or registered mail, together with the decision of the head or the supervisor, as the case may be, to the regional/district head of education in the case of an educator at school and in the case of an educator outside the school to the office referred to in Paragraph G.4.2.4 of this chapter within **five (5) working days of the parties failing to resolve the grievance or grievances.**

IMPORTANCE OF THE GRIEVANCE PROCEDURE



- The head or the supervisor shall forward his/her comments together with all relevant information on the grievance(s) to the regional/district head or the office referred to in Paragraph G.4.2.4 of this chapter, as the case may be, within **five (5) working days after receiving the referral.**
- The head of the region/district or the head of the relevant provincial education department, or his/her delegate in respect of an educator outside an educational institution, shall within **five (5) working days from the date of receipt of all the parties' referrals,** attempt to resolve the grievance(s) and communicate his/her decision in writing to all parties.

IMPORTANCE OF THE GRIEVANCE PROCEDURE



- Should the grievant(s) not be satisfied with the outcome, he/she may register a formal dispute with the General Secretary of the ELRC/PSCBC in terms of the provisions of the ELRC's constitution.
- A trade union registered with the ELRC/PSCBC may register a grievance with the head or supervisor or head of a relevant Department of Education, as the case may be, on behalf of its members individually or collectively and represent such member(s) during any stage of this grievance procedure. A non-member(s) may be represented by another employee.



GRIEVANCE FORM

Please read the instructions before completing the form

1. This form must be used to lodge a formal grievance (excluding an alleged unfair dismissal) when you are dissatisfied with an act or omission and you have been unable to resolve the problem by using informal discussion.
2. You have to lodge your grievance within 90 days from the date on which you became aware of the act or omission which adversely affects you.

GRIEVANCE FORM



3. You may be assisted or represented by a fellow educator or a representative or official from a recognised trade union.
4. It is important to complete all information accurately. When the form is completed, it must be given to the person designated to facilitate grievances at your institution. The department will attach this form to the grievance documentation and it will be used through all stages of the grievance procedures.

GRIEVANCE FORM



5. At each stage where a person within the relevant structure of authority attempts to resolve the grievance, each party will complete the appropriate part of the form. You will be given an opportunity to respond to each and every comment.
6. At the conclusion of each stage of the grievance procedure, the head or supervisor will provide you with a copy of the completed form.
7. Once the grievance has been resolved, you do not need to complete the rest of the form.

GRIEVANCE FORM



Part C of the Grievance Form will be completed by the head or the supervisor, as the case may be, and grievant(s) will be provided with a copy during the various stages where attempts will be made to resolve the grievance.



SAOU

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INJURY ON DUTY



INJURY ON DUTY



When an employee is injured on duty or contracted an occupational disease, the employer must pay the employee's medical expenses in terms of the provisions of the Compensation on Occupational and Injury and Disease Act (COIDA).

Special leave for an injury on duty or an accident related to the job or worksite is provided for employees.

NB: Not normal sick leave

INJURY ON DUTY



Roles and responsibilities

Supervisor/Employer

- To support and inform employees of the process regarding an IOD
- To report **all** cases of IOD to the Internal Health and Wellness/Human resource management
- To recommend and refer employees for trauma debriefing or counselling
- Assist with completion, compilation of information and/or investigation

INJURY ON DUTY



Roles and responsibilities

Supervisor/Employer

- Report the injury within 7 days to the Compensation fund

Forms are available at the following address :

www.gov.za/services/compensation-fund

INJURY ON DUTY



Roles and responsibilities

The employee

- To report all accidents and incidents to their supervisors
- Ensure that they comply with all procedures
- The injured employee will carry the WCL1 form to the doctor
- Copy of the first medical report must be submitted to the HR of the Department
- Follow-ups for treatment will be allowed up to a period of two years in line with COIDA
- If further medical treatment is required outside the prescribed period approval need to be obtained from the Head of the Department with sufficient proof to indicate the necessity for the follow-up

INJURY ON DUTY



Leave

- All leave due to an IOD will not be deducted from normal sick leave but be treated as Leave due to Occupational Injury or disease. The copy of the first medical report should accompany the leave form
- In an event that the employee is declared permanently incapacitated or has to retire due to ill-health the PILIR policy will apply

INJURY ON DUTY



Compensation

- All claims for compensation will be dealt with in terms of COIDA
- Employees may be specifically required to submit medical reports in order to claim compensation (First, progress and final reports)
- The COIDA office is responsible for the decision making in terms of compensation of employees and the liability for payment (not the Department and or the SGB as an employer) NB It is the responsibility of an SGB of a school to register as an employer
- It should be noted that not all injuries will be compensated



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THANK YOU

