

Foreword by Director General



Dr Sibongile Muthwa

Human resources stand at the centre of public sector transformation. This commitment is encapsulated in the White Paper on Human Resource Management, which sets out the vision for human resource management to result in a diverse, competent and well-managed workforce, capable of and committed to delivering high quality services to the people of South Africa.

The mission of human resource management in the Public Service is to become a model of excellence in which service to society stems from commitment instead of compulsion. The management of people is regarded as a significant task for those who have been charged with that responsibility and should be conducted in a professional manner.

We in the Eastern Cape Province are committed to achieving these goals. This handbook has been developed to support us in this effort. In their day-to-day human resources management responsibilities, the HR practitioners, as well as line managers and supervisors should turn to the handbook for guidance when needed. It is also valuable for individual employees, organised labour, and others interested in knowing how human resources management is practiced in our province.

The content explains what we all have to adhere to, with reference to the legal framework and formal agreements, it also elaborates on “best practices” to provide guidance on discretionary human resource management matters.

Line departments may establish additional guidelines to cater for their specific situations. However, such guidelines must align with what is covered in this document.

This handbook is a living document. Comments to improve is further are welcome.



Sibongile Muthwa
Director General

Introduction by General Manager: TODCOS

INTRODUCTION

Who should use the HR Handbook and how?

The HRM Handbook is primarily for line managers, HR practitioners or any other employee whose responsibilities include to act as a representative of the Eastern Cape Provincial Administration as the employer.

The handbook strives to contain all information you need to know in the field of human resources management in our provincial administration.

The employer's perspective is important. We are all employed to serve the public as effectively as possible within the limited means that the taxpayers have provided. The HRM Handbook should also be of interest to all staff since they have the right to know what applies in different circumstances. In addition, the contents of the handbook may be interesting to others who want to know how we deal with human resources management matters in practice.

The regulatory framework (acts, regulations, policies, and guidelines) for human resources management practitioners leaves considerable flexibility for a department to find and follow "best practice".

The HRM Handbook explains how human resources matters are done – or should be done – practically. The text is to the point and explains what we in our province regard as “best practice”. It is based on and adheres to the national regulatory framework, policies and procedures that we have developed ourselves, as well as labour relations agreements.

Thus, this handbook is an effort to record how we should do our job. However, the answers to all situations are not found in the book. The management framework encourages managers to take initiatives that are – to their best judgment and consistent with relevant applicable provisions – in the best interest of the employer and those concerned. In the final analysis, what counts is not what we do, but what we deliver.

As you have realised the handbook is only published electronically. You find it on www.ecprov.gov.za. Click on Departments, then Office of the Premier, then HRM Handbook. Create a short cut link to it on your desktop for easy reference. (Alternatively create a favourite in your browser.) The handbook will be updated periodically as the background framework as well as best practices change. Hence, it is critical that you make sure to consult the latest version (check the printing date that is prominent on the first page). The HRM Handbook is a living document.

The handbook only contains the essential information. What is fully explained in background information is not repeated. Instead, we identify the documents that form part of the overall framework, summarise the

key points, and – very important – refer to the actual documents. You just have to click on the item and you are linked to it. Thus, there are no attachments to the HRM Handbook – only links.

It is hoped that the Handbook will be used effectively and will result into consistent application of HRM practices in the Province.

A handwritten signature in black ink, appearing to read 'Litha Geza', with a large, sweeping flourish at the end.

Litha Geza
General Manager: TODCOS

ACKNOWLEDGEMENT

The compilation of the Human Resources Management Handbook has been a mammoth task which involved a number of officials to make it a reality. I express my heartfelt thanks and appreciation to the dedicated team of professionals who worked tirelessly dedicating their time and effort in reviewing the H.R.M. Handbook for the Eastern Cape Province. It is important to acknowledge the people involved in the production of the Human Resources Management Handbook.

- The TODCOS project team members under the able leadership of Mr. Gladstone Ntondini (project manager); Mr Lufuta and Mr Xolile Mntwana for ensuring the successful completion of the project.
- The Senior manager: TODCOS Mr Mzimkulu Machemba for his support to the project team.
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Chapter 1

INTEGRATED HUMAN RESOURCE PLANNING

1. PURPOSE

The purpose of these guidelines is to assist managers and human resource practitioners in understanding how human resource planning logically flows from strategic planning and how it links to skills development and affirmative action strategies.

The guidelines should also assist managers in restructuring their departments and managing the human resource implications of such initiatives. Moreover, the guideline should help in mitigating the impact of HIV/AIDS on the workplace by showing how HIV/AIDS is likely to affect departments and how this can be countered through effective human resource planning.

2. HUMAN RESOURCE PLANNING IN CONTEXT

What is Human Resource Planning?

HR planning is a process of systematically reviewing human resource needs to ensure that the required number of employees, with the required competencies, are available when they are needed. HR planning is also about ensuring that the composition of staff gradually becomes more representative of society as a whole.

Strategic planning precedes this process. During the strategic planning process, top management and the executing authority determine the department's strategic objectives and how they are to be achieved. Human resources play a critical role in the strategy implementation process because their commitment and competencies will largely determine whether or not a department will be able to achieve its objectives.

Both the Treasury Regulations, 2000 and the Public Service Regulations, 2001 emphasise the importance of integrated strategic planning in the effective delivery of public services. Strategic planning is indeed one of the key responsibilities of accounting officers. It is central to the effective, efficient, economical and transparent use of resources of the department in terms of both section 38 of the Public Finance Management Act, 1999 and section 7(3)(b) of the Public Service Act, 1994.

Conceptually, the link between strategic planning and human resource planning can be illustrated as follows:

- External environment
- Internal environment
- Strategic planning
- Strategic objectives
- Action plans
- Financial requirements
- Physical requirements
- Human resource requirements

3. STATUTORY FRAMEWORK

As mentioned above, strategic planning is a prerequisite for the effective and efficient management of a department. Human resource planning is equally critical in ensuring the effective management of a department's most important asset i.e. its people. There are a number of legal requirements that pertain to human resource planning. These are briefly referred to below:

Public Service Act, 1994

(in particular section 7(3)(b))

Public Service Regulations, 2001

(see Part III.B & D of Chapter 1)

Employment Equity Act, 1998

(whole act & its regulations outline requirements pertaining to employment equity plans)

Skills Development Act, 1998

(whole act is relevant – departments have specific responsibilities with regard to the SETA's that they form part of and in developing workplace skills plans)

Labour Relations Act, 1995

(refer in particular to section 189)

Public Finance Management Act, 1999

(sections 36(5), and 38 – 42 are of particular importance)

Treasury Regulations, 2002

(Chapter 5 in particular)

4. HUMAN RESOURCE PLANNING PROCESS MAIN AIM OF HUMAN RESOURCE PLANNING

HR planning is simply about ensuring that a department has the right number of people, with the right composition and with the right competencies, in the right places to enable it to deliver on its mandates and achieve its strategic goals and objectives. Hence HR planning is about determining the demand for and the supply of employees that are critical to achieving strategic objectives, analysing the gap between the demand and supply and developing a plan that seeks to close that gap.

It therefore ensures that the department:

- Has the human resources that are capable of meeting the Department's operational objectives;
- Obtains the quality and quantity of staff required;
- Makes optimum use of human resources;
- Is able to anticipate and manage surpluses and shortages of staff; and
- Develops a multi-skilled, representative and flexible workforce, which enables the organisation to adapt rapidly to a changing environment in which it functions.

5. CENTRAL QUESTIONS TO ANSWER ON HUMAN RESOURCE PLANNING

- What strategic direction is the department taking?

- What is the Vision of the department?
- What is the Mission of the department?
- What are the Strategic Objectives of the department?
- What are the human resource challenges of the Department? (Consider amongst others HIV/AIDS, representivity, competency requirements, budgetary constraints)
- Can the current staff cope with these constraints?
- What can be done to improve the human resource situation?

6. HUMAN RESOURCE PLANNING PROCESS

This involves developing a strategy or plan to meet the Department's human resource needs. Develop a plan to address the gap between existing human resource capacity and the future human resource requirements within the financial resources available.

7. PURPOSE

Plan and develop a programme to clarify how the gap between the existing HR capacity and future HR requirements will be filled. The duration of the programme will depend on the extent of the gaps identified.

The objectives of the HR plan is to provide the Department with a strategy to redress the shortfalls that were determined by the gap analysis. Departments will also need to compile employment

equity (affirmative action) and workplace skills plans, as required by the Employment Equity Act and Skills Development Act.

8. MONITORING AND EVALUATION

It is important to monitor and evaluate progress on the implementation of the plan on an annual basis and take corrective steps where necessary.

The Hr plan should be made known to the department and posted in public areas where people can easily access it e.g. Intranet/Internet, notice boards, and boardrooms.

9. CRITICAL FACTORS FOR SUCCESS

There are five factors that are critical to the success of HR planning:

i) Integral to strategic planning

HR planning must be dealt with as an integral aspect of the department's strategic planning process. Those who are involved in HR-planning must have a deep understanding of the overall strategic plan, vision, mission and objectives of the department.

ii) Commitment from leadership

It is essential that the leadership of the department is committed to human resources as a strategic asset.

iii) Senior Management should lead

The senior management of a department should lead the HR planning process. This is critical for the successful implementation of human resource matters. Their performance agreements should reflect their responsibilities. The Head of Human Resources should be the lead person to set the process in motion and to see it through to its conclusion.

iv) Suitable planning techniques

The planning techniques selected should suit the department and its specific circumstances.

v) Adequate resources allocated

Adequate resources and time must be made available to undertake the planning process.

CHAPTER 2

JOB DESCRIPTIONS

1. PROVISIONS OF THE PUBLIC SERVICE REGULATIONS

Public service regulation, part iii(i) stipulates that for each post or groups of posts, job descriptions that indicate the following, must be established with appropriate emphasis on service delivery:-

- The main objectives of the post or posts.
- The inherent requirements of the job.
- The requirements for promotion or progression to the next salary range, in accordance with a relevant career path.

2. FOCUS OF JOB DESCRIPTIONS

The main focus of job descriptions must be on:

- The main objectives of the job.
- The job outputs.
- Competencies (skills, knowledge and behaviours) that are required to perform successfully at the various post levels.
- By linking output (job specification) with competency (personnel specification) job description will serve as a source of job information as well as a strategic management tool within the department.

3. REASONS FOR JOB DESCRIPTIONS

The reasons for job descriptions include the following:

- To promote productivity by aligning all posts with strategic objectives through the determination of job objectives, which support the vision and mission of the organisation.
- To facilitate innovation and flexibility in the practical organisation of work as well as in organisation design by focusing on job objectives instead of job content.
- To clearly reflect the level of work attached to a post as it equates with its particular job weight.
- To promote accountability, work performance and service delivery by specifying:
 - The outputs / deliverables of jobs.
 - Clear performance measures / indicators in respect of job outputs.
 - The required standards of competency to perform the work successfully.
- To define non-discriminatory prerequisites for jobs wherever possible.
- To inform human resource management processes including recruitments, selection training and career development.
- To facilitate performance management by indicating in job descriptions performance standards and measures as well as the competencies required to reach objectives successfully at various post levels.

- To inform post incumbents about job and career pathing requirements.
- To promote transparency with regard to job information in the form of accurate job records.
- To assist job evaluation.
- To facilitate negotiations.

4. ELEMENTS OF A JOB DESCRIPTION

4.1 Job information summary

A summary of job details must provide a useful and concise source of job information, which should assist organisational planning and related processes.

The following must be included:

Name of the current post holder.

Post title / post category title. This will depend on whether an individual post or group of posts is being described.

The CORE applicable to the occupational category in respect of which the post(s) have been created. The post level determined by means of the job evaluation system in conjunction with the applicable CORE, alternatively the current post level.

The name of the departmental component in which the post(s) is/are located.

The position of the post in the organisational structure. There must also be an indication of the next higher post to which the incumbent reports for organisational purposes as well as direct subordinates.

4.2 Job purpose

The job purpose must be an accurate, concise statement about the post or post category's overall purpose or reason for existence in the department. It must also serve to give some indication about how a job can be linked to the department's objectives.

4.3 Main objectives

Main objectives are higher level goals for the job pursuant to its purpose and stated in terms of expected results. These must be specific, measurable and attainable within a given time period. Details about how the job should be done and day-to-day activities and tasks must not be included here.

A job must have approximately five or six main objectives. The main objectives must be ranked in order of priority. Each statement must be as unique or as mutually exclusive as possible. Together, all the main objectives must completely describe the scope of the job.

4.4 Outputs and competencies profile

Each main objective must be described further concerning its outputs and competencies. These can be listed for each main objective separately or they could be listed collectively in respect of all the main objectives, whichever is more appropriate.

4.5 Outputs profile

An outputs profile should indicate:

The inherent requirements of the job including level at which work must be performed. An indication about the possible management and supervisory nature of the work must also be given.

How the job can contribute to a service delivery programme, for instance, by including customer requirements.

Performance standards, which will promote accountability and work performance by reflecting the standards of service delivery required.

The tasks or duties that further describe the work required achieving each main objective, if relevant.

Following the above, the outputs profile can be structured as follows:

Customers

The expectations of key customers or clients inside and outside the department.

Tasks/duties

The tasks or duties performed at the particular post level. If relevant, these could include both specific and general tasks.

Standards

How well the work should be performed, qualitatively and quantitatively.

Indicators

Performance measures to evaluate whether the outputs have been performed in accordance with specified standards.

4.6 Competency profile: personnel specification

A competency profile indicates the key competencies, which are needed to perform the job. The information can be utilised to inform the various human resources management processes as already mentioned above.

The profile should make provision for the following:

- Job knowledge and skills description.

- Personal attributes description-attitude, understanding and behaviour.
- The learning field and learning indicators required for performing the output successfully.

The information can be used to inform the relevant human resource management processes including career planning, and should indicate:

- Learning field: the subject or work area in which learning is required.
- Learning indicator – qualifications, training, experience, etc. which give an indication of the level, quality and quantity of learning.

4.7 Promotion to the next higher post.

Public Service Regulation, Part iii.D.1(c) requires that in each job description the nature of the post(s) in the next level of the career path be provided for in the relevant occupational category. This should include the necessary post promotion or rank progression requirements in a summary form.

5. INDIVIDUAL VERSUS CATEGORY JOB DESCRIPTIONS

Job descriptions may be standardised with regard to related categories of work on the same work level. Highly specialised and specific jobs are more likely to require individual outputs and competency descriptions.

6. FLEXIBLE JOB DESCRIPTION FORMATS.

Instead of using the same job description format for all posts, different formats may be developed according to the nature of the jobs being described. Depending on the level and complexity of a job, more or fewer elements of description could be included in the format.

Public Service Regulations, Part 111(I) requires that job descriptions must remain appropriate and accurate and that they must be reviewed at least every three years. Job descriptions should be regarded as an integral part of work organisation and job design, and should therefore be kept up-to-date.

The development of and compilation of job descriptions must be constantly evaluated on the basis of changes to job content, post titles, job evaluation, etc. The human resources component must play a key role in monitoring any such change/s and report the effects of the change/s to the relevant official/s.

The re-design of job descriptions, if necessary, must follow. Whenever the outputs/objectives of a post change, the respective post/s must timeously be subjected to job evaluation.

CHAPTER 3

JOB EVALUATION

1. PRINCIPLES OF JOB EVALUATION

To ensure that work of equal value is remunerated equally.

2. PURPOSE OF JOB EVALUATION

To assist departments in achieving cost-effective work organisations and to determine appropriate remuneration.

3. DEPARTMENTAL RESPONSIBILITIES

Evaluate or re-evaluate any job in the department.

Take into account the results of job evaluation in determining an employee's salary.

Determine the grade of a post to correspond with its job weight.

Determine which salary ranges to use if a job weight applies to more than one salary range.

Determine the commencing salary for a post or employee above the minimum notch of the salary range indicated by the job weight if after evaluation of a job, the Department cannot recruit or retain an employee with the necessary competencies.

Where a filled post is over-graded or under-graded, the Executing Authority may:

- Effect changes to the work organisation.
- Regrade the post according to the job weight.
- Increase the salary of a post to a higher salary range if the job was evaluated incorrectly and funds are available.

If the post was incorrectly graded, the Executing Authority may employ the incumbent in the higher graded post without advertising the post, provided that she/he:

- Already performs the duties of the post.
- Received a satisfactory performance assessment rating.
- Starts employment on the minimum notch of the higher salary range effective from the first day of the month following the date of approval by the Executing Authority.

If the salary range of an occupied post exceeds the range indicated by the job weight, the Executing Authority may:

- Redesign the job.
- Transfer the incumbent to another job.

4. OBJECTIVES OF JOB EVALUATION

- To determine the relative size of a job.
- Provides a defensible and equitable basis for

job design and salary determination.

- Informs organisation of the significance and importance of a job.

Job evaluation is further concerned with the following:

- The demands, complexity and responsibility of the job.
- The competencies required to carry out the job effectively.
- Qualitative aspects of the job and not quantity.

Job evaluation is not concerned with the personal characteristics / performance of the job holder.

5. JOB EVALUATION PROCESS

The process is primarily based on a job evaluation interview. Information obtained during the interview is used to complete a standard questionnaire. From the questionnaire the information is entered into the EQUATE software. The EQUATE software calculates the job weight of a post.

The Questionnaire contains questions on elements of five factors used to evaluate jobs. These are:

- Responsibility
- Thinking demands

- Communication and Contacts
- Knowledge
- Environmental Demands

6. FACTORS DETERMINING JOB ANALYSIS

Individual requests.

Management requests.

Employee organisations.

Inappropriate grading affecting departmental service delivery; priorities; goals.

Difficulties in recruiting and retaining competent/scarce personnel.

Agreements reached with employee organisations and limited time-frames for job analysis.

Serious inequities and inconsistencies exist.

Availability of funds to implement results e.g. filling of vacant posts or regrading of posts.

7. JOB EVALUATION INTERVIEW

The Job analyst should try and obtain specific information beforehand. Examples are:

- Organogram showing the post of the job holder and its position in the organisation.
- Job description.
- Main purpose and key responsibilities of the job. Views from the supervisor and/or job holder.

- Extent of the job holder's responsibility regarding:
 - o Income and expenditure (rand value)
 - o Stores and equipment (rand value)
 - o Land and buildings (rand value)
 - o Direct and indirect supervision and management of personnel (occupation types and numbers)
- Information must be confirmable
- Delegations the job holder holds.

The Analyst must develop a set of questions, which focus on the specific job to be analysed. All information obtained during the interview and notes taken are the source of data to complete the questionnaire and as support documents in the event of an appeal.

The official must understand the purpose of job analysis interview.

The time, date, place and language to be agreed to with the official and her/his supervisor.

The purpose of the Supervisor is to clarify information if necessary.

The official should obtain topic areas to be discussed in advance.

The duration of the meeting should be agreed upon by both parties.

The official should be allowed to post questions.

Discussions should be friendly and purposeful throughout the interview.

The official must confirm the current organogram.

The Job analyst must crosscheck the main purpose / key responsibilities of the job against the job description.

Discrepancies, if any, may be investigated.

Key responsibilities should comprise 5 – 6 main responsibilities in order of their importance.

The total time allocated to each key responsibility of the job holder must be indicated.

Detailed list of activities may be recorded by the analyst in her / his notes.

At the end of the interview, invite the interviewee to submit any additional information by a set date if necessary.

The Analyst must not create any expectations of results.

8. PRELIMINARY RECOMMENDATIONS

The analyst must:

- Confirm the organogram with the Human Resource Section.
- Ensure that all mandatory questions are completed and consistent with the job information.

- Check that the job impact; complexity & knowledge required are not overstated.
- Check that qualifications and experience required are focused on the job and not the individual.
- Check that official liaison and contacts with others are requirements of the job and not taking place as a result of the personality traits of the job holder.
- Ensure that the claims in regard to physical demands and hazards are not exaggerated.
- Complete the questionnaire only when completely satisfied with the correctness of information.
- Data is to be captured into EQUATE system.

9. THE EQUATE SYSTEM

The software is designed to, as far as possible:

- To eliminate subjective value judgments in determining the relative weights of jobs.
- To quality check with questionable responses against benchmarks in the system.
- To generate reports.
- To automatically determine the relative weight of the job.

The Analyst will, on the basis of the weight, determine what the preliminary grading of the post should be and make a recommendation to the Job Evaluation panel.

10. DECISION MAKING

The job evaluation panel may:

- Review the job evaluated by the system.
- Make a final recommendation to the Executing Authority or Head of Department.
- Request for further job analysis to be conducted if concerned about the representativeness of jobs analysed or accuracy of the job data.
- Decide on a final grading recommendation which is higher or lower than that generated by the system. If implemented, the Executing Authority must report this decision in terms of the Public Service Regulations.
- The Executing Authority or Head of Department (if delegated authority) will make a final decision.

11. APPEALS

If the post is downgraded, the incumbent must be afforded the opportunity to appeal against the decision.

Appeals provide:

-  Reassurance that the decision will be reviewed.
-  Promote credibility, transparency, fairness and justice of the process.

The Appeals process must be:

- ☞ Objective, independent, consistent, accessible, simple, transparent, cost effective and timeous.
- ☞ Rapid, amicable, efficient and administratively just to avoid the matter developing into a formal grievance / litigation.

12. APPEALS BODY

The Appeals Body is appointed by Executing Authority to consider appeals and determine grounds for an appeal. If there are no grounds for an appeal, the Executing Authority is informed accordingly in writing and full reasons are given to the appellant for the final decision taken in the matter.

If grounds for appeal exist:

- ☞ The matter must be investigated and a proposal made to the Executing Authority.
- ☞ The matter may be referred back to the job evaluation unit / panel for re-evaluation.
- ☞ On re-evaluation a final decision must be taken by the Executing Authority and the appellant must be informed of the decision in writing with full reasons.
- ☞ If employee is still dissatisfied, he/she may invoke the provisions of the grievance procedure.

CHAPTER 4

RECRUITMENT AND SELECTION

1. THE REGULATORY FRAMEWORK UNDERPINNING RECRUITMENT AND SELECTION ARE AS FOLLOWS:

- Constitution, 1996, in particular section 195(1)(h)(i);
- White Paper on Human Resource Management in the Public Service;
- Public Service Act, 1994, as amended;
- Public Service Regulations (PSR), 2001;
- Labour Relations Act, 1995;
- Public Service Coordinating Bargaining Council (PSCBC) Resolutions;
- Senior Management Services (SMS) Handbook; and
- Promotion of Administrative Justice Act (PAJA), 2000.

2. THE IMPORTANCE OF RECRUITMENT AND SELECTION

The Public Service is a labour-intensive employer and the quality of its services is directly dependent on the quality and performance of its employees. Viewed from this perspective, recruitment and selection collectively represents one of the most important HR practices. Given the link between good quality recruitment and service delivery, its

importance is paramount. However, its importance is often overlooked.

Mistakes made in respect of recruitment and selection require costly and extensive rescue measures at other levels, such as –

- A greater need for guidance by managers at higher levels to offset junior employees' inability to function independently;
- Mentoring;
- Training; and
- A concomitant heavier burden on other members of staff to ensure goal attainment.

The effectiveness of recruitment and selection is in itself dependent on the quality of HR planning, proper job descriptions and staffing requirements dictated by transformation and service delivery objectives. If these areas are neglected, this will inevitably spill over into the area of recruitment and selection, setting off an ever-increasing vicious circle.

3. CONSIDER THE FOLLOWING FOR SUCCESSFUL RECRUITMENT AND SELECTION

- Detailed policies and procedures must be in place to inform the objective, fair, equitable, consistent and responsible application of recruitment and selection practices;
- Standardised methods and procedures

must be in place to ensure compliance with the constitutionally prescribed values and principles as well as national norms and standards regulating HR in the Public Service;

- The skills, competencies, training and traits required;
- Properly determined selection criteria must be in place and must be applied consistently;
- Structured selection processes must be in place.

4. PRINCIPLES UNDERLYING RECRUITMENT AND SELECTION PRACTICES

There are a number of principles that have to be considered, not only in the day-to-day management of recruitment and selection, but also in terms of policy development. These have become part and parcel of recruitment and selection practices. It is equally important to take note of principles and practices underlying non-discrimination. Workplace discrimination is prohibited by the Constitution, 1996. Section 5 of the Employment Equity Act, 55 of 1998 directs that every employer must take steps to promote equal opportunity in the workplace by eliminating unfair discrimination in any employment policy or practice. Section 6 of the Act prohibits unfair discrimination in any employment policy or practice, on one or more grounds: Race, gender, sex, pregnancy, marital status, family responsibility, ethnic or social origin, colour, sexual orientation, age, disability, religion, HIV status, conscience, belief, political opinion,

culture, language and birth.

Non-discrimination is only one of a number of Constitutional values and principles governing public administration that impact on recruitment and selection. However, the historical background of the country and the special efforts required to put right imbalances of the past, makes this of paramount importance.

5. LACK OF POLICY GUIDELINES MAY DETRACT FROM GOAL ATTAINMENT

To ensure that transformation objectives are realised in respect of recruitment and selection, departmental policy needs to give effect to national objectives and principles.

6. FAILING TO PLAN SETS THE SCENE FOR FAILURE

The various steps involved in HR practices represent building blocks where, if any of the preceding steps are neglected, all subsequent steps are compromised. In accordance with Public Service Regulation 1.1.1, Chapter III, it is clear that no filling of posts can commence until:

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- Job evaluation has been conducted and approved as far as new posts and posts from post level 9 and upwards are concerned;
- A job description has been developed from the

- above-mentioned job evaluation, addressing the main objectives and inherent requirements of the post (post and person specifications);
- A motivation for the filling of a post has been approved;
 - The job description has been utilised for the proper drafting of an advertisement that has been approved;
 - A selection committee has been appointed to handle the selection of the most suitable candidate(s);
 - Selection criteria for screening purposes have been identified and applied consistently for the screening of candidates;
 - Selection criteria for short-listing purposes have been identified and applied consistently to shortlist candidates;
 - Selection criteria for the final selection of candidates have been identified beforehand and applied consistently to identify the most suitable candidate(s);
 - A nomination for appointing the most suitable candidate(s) has been approved by the executing authority or his/her delegate;
 - Unsuccessful candidates are notified timeously by means of a letter of regret;
 - A candidate is informed in writing of his/her appointment as the most suitable candidate; and
 - A candidate accepts, in writing, his/her appointment.

7. POOR ADMINISTRATION AND DECISIONS YIELD POOR RESULTS

Apart from ensuring a satisfactory outcome, sound administrative practices will also ensure objectivity, consistency, equity and fair labour practices. Poor recruitment and selection decisions do not only give rise to costly grievances, complaints, disputes, litigation and discontentment, but also puts strain on an entire system due to a poor post and person match, resulting in unnecessary redeployment of human resources to uphold productivity. Cognisance must therefore be taken of the provisions of the Promotion of Administrative Justice Act (PAJA), 2000, wherein persons who have been unsuccessful can request reasons in writing for any decision that negatively affects their rights.

Thus viewed, the recruitment and selection processes together form one of the most important HR functions on which the ability of any institution to deliver, rests. Ensuring that sound policies and procedures are in place is important to the process.

8. RECRUITMENT AND SELECTION IS A LINE MANAGEMENT RESPONSIBILITY

It is the responsibility of line managers to ensure that posts are filled and to obtain the assistance of departmental HR Components in this regard. Line managers are also responsible for the overall management of the recruitment and selection

process. They should ensure that all relevant activities, whether handled by themselves or by their HR Components, are managed effectively and efficiently within reasonable timeframes.

To do this, a clear demarcation of tasks and responsibilities is necessary, so that line managers are in control of the entire process and are in a position to question activities if reasonable timeframes are exceeded.

8.1 Each recruitment and selection phase should be finalised before moving on to the next phase.

Recruitment and selection consists of different phases (advertising, screening, short-listing, etc.), which are integrated with, and follow one another in a specific order. This implies that each phase has to be finalised before the next phase commences.

Each of these phases represents a selection process. Applicants who are eliminated at a certain level (i.e. screening) are for all intents and purposes out of the process. Nothing prohibits departments, therefore, to inform these applicants accordingly and to see to it that all relevant documentation is placed on record straight away.

Departments therefore do not have to wait for the whole process to be finalised before informing unsuccessful applicants accordingly. This will also spread the administrative burden attached to each phase over time. The outcome of the

screening process needs to be submitted for the approval of the executing authority or his or her delegate. There are thus obvious benefits to be derived from finalising phases while moving on to the subsequent phases.

8.2 Reasonable time frames should be allocated to the execution of each phase.

Since the filling of a post has major cost implications (also hidden costs), it is essential that this be undertaken in the shortest possible time. Reasonable timeframes should therefore be allocated to the various phases, taking into account the type and number of activities that have to be executed in respect of each phase. These timeframes should be known to all role-players involved and adhered to as far as possible. The HR component should be monitored and report any deviations from policies and procedures not properly sanctioned to the head of department via approved channels of communication, with a view to proactive redress.

8.3 Advertising

The aim of an advertisement is to reach the broadest possible pool of candidates. It is therefore vital that an advertisement clearly sets out what the requirements are that have to be met by applicants.

The content of advertisements ultimately represents the selection criteria applicable to the filling of the post. It therefore stands to reason that

the better the effort that goes into the content of the advertisement, the easier subsequent processes will be and the better the quality of the outcome.

In practice this is often not done and departments only realise, whilst busy with the selection process, that they would want to opt for a candidate that does not possess, for example, the type of tertiary qualifications advertised, but who has acquired the very skills and competence required through other means.

In order to appoint such a candidate, they have to waive a qualification requirement at this very late stage. This is not desirable since it compromises the accessibility to such posts by other candidates who did not apply on the basis of the specific qualification requirements set in the advertisement.

8.3.1 What principles apply to advertising?

To ensure that the objectives of advertising are met, the following principles need to be adhered to:

- An advertisement should not favour, prejudice or discriminate.
- An advertisement should be fully in line with the job content and the post and person specifications.
- Advertisements should give a clear indication of requirements that must be met.
- The widest possible number of applicants must be attracted in the most cost-effective manner.

- Advertising should promote staff mobility, utilisation and career development opportunities.
- Advertisements should cater for attracting potential.
- The language and style of advertisements must be clear and simple in order to enhance employment equity.

What is the purpose of short-listing?

After having completed the screening process and eliminated those applicants that do not meet the basic requirements, the next objective should be to identify a manageable size (pool) of applicants (a short-list) who are best suited to fill the position successfully and from whose ranks the most suitable candidate(s) is/are to be selected.

Advertisements generally only specify the minimum appointment requirements in respect of qualifications and competencies (knowledge, skills and, where required, experience). Such candidates enjoy a legitimate expectation to be considered for the position.

However, this does not prohibit an employer from giving a more favourable consideration to applicants that surpass the minimum requirements as long as it is in line with the job content. At the end of the day it is about identifying a manageable pool of best-suited candidates for a specific position, in the interest of the State, taking into account Affirmative Action and Employment Equity objectives.

8.4 How can discrimination be avoided in practice as far as short-listing is concerned?

(I) Avoid a tendency to select applicants similar to one-self.

Short-listing should be conducted in a neutral and objective manner. Pertinent in this regard is to take care not to shortlist applicants who are similar (in race, gender, age, etc.) to one-self. Checks and balances need to be introduced in the selection process to ensure that individual bias and stereotyping are avoided.

(II) Identify selection criteria with circumspection. The selection criteria used in this phase of the selection process should be clearly specified and should only relate to the job content and the minimum prescribed entry requirements for careers in the Public Service. Many advertisements in newspapers emphasise maximum or ideal requirements and formal educational requirements. Unless these form part of the inherent requirements of a job, it may be discriminatory to specify this without allowing those who have developed sufficient skills to do the work, either formally or informally and by means of experience, but who do not possess tertiary qualifications to also apply.

9. PROVISIONS OF THE PUBLIC SERVICE REGULATIONS, 2001

The Public Service Regulations specify certain criteria for recruitment and selection. Departments are required to adhere to the said provisions and

such provisions must be taken into account in the development of departmental policies.

The provisions are in respect of:

- Determination of requirements for employment.
- Internal and external advertising of posts.
- Absorption of supernumerary personnel.
- Transfer of personnel.
- Use of an Agency to identify candidates.
- Appointment and functions of selection committees.
- Appointment of employees on probation.
- Promotion of employees.

CHAPTER 5

BATHO PELE

1. DEFINITION

Batho Pele, a Sesotho translation for 'People First', is an initiative to get public servants to be service orientated, to strive for excellence in service delivery and to commit to continuous service delivery improvement. It is a simple and transparent mechanism, which allows citizens to hold public servants accountable for the level of services they deliver.

Batho Pele is not an “add-on” activity. It is a way of delivering services by putting citizens at the centre of public service planning and operations. It is a major departure from a dispensation, which excluded the majority of South Africans from government machinery to the one that seeks to include all citizens for the achievement of a better-life-for-all through services, products, and programmes of a democratic dispensation.

2. VISION & MISSION

Visions and missions exist to instill a sense of common purpose and energise members of an organisation towards action. Batho Pele vision and mission emanated from the realisation that government should transform service delivery mechanisms to meet the needs of citizens. In this

context the following vision and mission statements were developed to energise the transformation efforts of public servants:

3. VISION

“To continually improve the lives of the People of South Africa by a transformed public service, which is representative, coherent, transparent, efficient, effective, accountable and responsive to the needs of all.”

4. MISSION

“The creation of a people-centered and a people-driven public service that is characterised by equity, quality, timeousness and a strong code of ethics.”

5. BELIEF SET

In order for the revitalisation of Batho Pele to succeed, organisational culture has to be changed to accommodate Batho Pele as a way of life. This means that the departments should take stock of their values, as well as behaviour and attitudes of employees. Departments would then be able to take necessary steps to prepare public servants for the revitalised Batho Pele Culture of responsiveness, efficiency and effectiveness in delivering services to the public.

The New Belief Set namely “We belong, we care, we serve” clearly captures the revitalised Batho Pele culture. The Belief Set is intended to

endorse the eight Batho Pele Principles. A belief set is a value system, which serves as a relatively permanent ideal that should influence and shape the general nature of public servants' behaviour. For it to have maximal impact, a belief set should be an integral part of any service delivery operations, strategic planning and implementation strategy of all programme and not an “add-on”.

5.1 We belong - Public servants are social beings whose needs should be recognised and fulfilled. This recognition of needs will instill a sense of belonging to the public service family. We belong because we are recognised and rewarded for living Batho Pele. Citizens, who feel satisfied, will certainly develop a spirit of patriotism towards the country and will also feel a sense of belonging. In practical terms, this part of the belief set underscores the importance of the human resources function. It is their responsibility to ensure that practices, processes, systems such as conditions of service, rewards and recognition as well as training and development among others, foster a sense of belonging among public servants.

Furthermore, this Belief Set is also about:

- Encouraging a spirit, culture and practice of collaboration, teamwork and collegiality among all public servants thereby fostering effective intergovernmental relations.
- Building a learning Public Service.
- Fostering partnerships with the recipients and

beneficiaries of public services and this ensuring that the public service is responsive to people's needs in line with the notion of "Putting People First".

5.2 We care – Public servants should be courteous when providing services to the public by listening to their problems, apologising when necessary, and serving people with a smile. We care because we are devoted to doing a job to the end, ensuring that we deliver beyond customer expectations. Public servants should respect all citizens irrespective of background, gender, colour or creed.

5.3 We serve – In order to have a sense of service; the public service should develop service standards, provide information, seek service delivery solutions and go beyond the call of duty – We serve by delivering quality services and making citizens look forward to receiving world-class integrated service delivery. This could be achieved by:

- Anticipating customer needs through the introduction of regular customer surveys on the type of services citizens would want to receive.
- Offering integrated service delivery through institutions and other innovative forms of service delivery in communities.
- Going beyond the call of duty even under difficult circumstances where there are limited resources.

6. PRINCIPLES

Eight Batho Pele principles were developed to serve as acceptable policy and legislative framework regarding service delivery in the public service. These principles are aligned with the Constitutional ideals of:

- Promoting and maintaining high standards of professional ethics;
- Providing service impartially, fairly, equitably and without bias;
- Utilising resource efficiently and effectively;
- Responding to people’s needs; the citizens are encouraged to participate in policy making; and
- Rendering an accountable, transparent and development-oriented public administration.

6.1 The Batho Pele principles are as follows:

6.1.1 Consultation

There are many ways to consult users of services including conducting customer surveys, interviews with individual users, consultation with groups, and holding meetings with consumer representative bodies, NGOs and CBOs. Often, more than one method of consultation will be necessary to ensure comprehensiveness and representativeness. Consultation is a powerful tool that enriches and shapes government policies such as the Integrated Development Plans (IDPs) and its implementation in Local Government sphere.

6.1.2 Setting service standards

This principle reinforces the need for benchmarks to constantly measure the extent to which citizens are satisfied with the service or products or products they receive from departments. It also plays a critical role in the development of service delivery improvement plans to ensure a better life for all South Africans. Citizens should be involved in the development of service standards.

Required are standards that are precise and measurable so that users can judge for themselves whether or not they are receiving what was promised.

To achieve the goal of making South Africa globally competitive, standards should be benchmarked (where applicable) against those used internationally, taking into account South Africa's current level of development.

6.1.3 Increasing access

One of the prime aims of Batho Pele is to provide a framework for making decisions about delivering public services to the many South Africans who do not have access to them. Batho Pele also aims to rectify the inequalities in the distribution of existing services. Examples of initiatives by government to improve access to services include such platforms as the Gateway, Multi-Purpose Community Centres and Call Centres.

Access to information and services empowers citizens and creates value for money, quality services. It reduces unnecessary expenditure for the citizens.

6.1.4 Ensuring courtesy

This goes beyond a polite smile, 'please' and 'thank you'. It requires service providers to empathise with the citizens and treat them with as much consideration and respect as they would like for themselves.

The public service is committed to continuous, honest and transparent communication with the citizens. This involves communication of services, products, information and problems, which may hamper or delay the efficient delivery of services to promised standards. If applied properly, the principle will help demystify the negative perceptions that the citizens in general have about the attitude of the public servants.

6.1.5 Providing information

As a requirement, available information about services should be at the point of delivery, but for users who are far from the point of delivery, other arrangements will be needed. In line with the definition of customer in this document, managers and employees should regularly seek to make information about the organisation, and all other service delivery related matters available to fellow staff members.

6.1.6 Openness and transparency

A key aspect of openness and transparency is that the public should know more about the way national, provincial and local government institutions operate., how well they utilise the resources they consume, and who is in charge. It is anticipated that the public will take advantage of this principle and make suggestions for improvement of service delivery mechanisms, and to even make government employees accountable and responsible by raising queries with them.

6.1.7 Redress

This principle emphasises a need to identify quickly and accurately when services are falling below the promised standard and to have procedures in place to remedy the situation. This should be done at the individual transactional level with the public, as well as at the organisational level, in relation to the entire service delivery programme.

Public servants are encouraged to welcome complaints as an opportunity to improve service, and to deal with complaints so that weaknesses can be remedied quickly for the good of the citizen.

6.1.8 Value for money

Many improvements that the public would like to see often require no additional resources and can sometimes even reduce costs. Failure to give

a member of the public a simple, satisfactory explanation to an enquiry may for example, result in an incorrectly completed application form, which will cost time to rectify.

7. Objectives

Batho Pele Strategy on service delivery is developed to meet the following strategic objectives:

- To introduce a new approach to service delivery which puts people at the centre of planning and delivering services;
- To improve the face of service delivery by fostering new attitudes such as increased commitment, personal sacrifice, dedication;
- To improve the image of the Public Service.

CHAPTER 6

PERFORMANCE MANAGEMENT AND DEVELOPMENT

1. GOAL

Performance management is aimed at improving employee performance. The aim of performance management is to optimise every employees output in terms of quality and quantity, thereby increasing the Departments overall performance.

2. OBJECTIVES

In order to achieve individual excellence and achievement, the objective for performance management are to:

- Establish a performance and learning culture
- Improve service delivery
- Ensure that all jobholders know and understand what is expected of them
- Promote interaction on performance between jobholders and their supervisors
- Identify, manage and promote jobholders development needs
- Evaluate performance fairly and objectively
- Recognise categories of performance that are fully effective and better, and
- Manage categories of performance that are not fully effective and lower.

3. PRINCIPLES

The key principles underpinning effective performance management are outlined in the Public Service Regulations, Chapter 1, Part V111. These principles are the following:

- Departments shall manage performance in a consultative, supportive and non-discriminatory manner in order to enhance organisational efficiency and effectiveness, accountability for the use of resources and the achievement of results.
- Performance management processes shall link to broad and consistent plans for staff development and align with the departments strategic goals.
- Performance management shall be developmental but shall allow for effective response to consistent inadequate performance and for recognising outstanding performance.
- Performance management procedures should minimise the administrative burden on supervisors while maintaining transparency and administrative justice.

4. THE PERFORMANCE CYCLE

Performance management at the employee level in an on-going interactive process between an employee and his/her supervisor about the employee's performance. Face-to-face on-going

communication is an essential requirement of the process and covers the full performance cycle. For effectiveness of operation the cycle is divided into integrated phases or elements of:

- Performance planning and agreement
- Performance monitoring, developing and control
- Performance assessment or appraisal, and
- Managing the outcomes of assessment

The performance cycle is a 12 month period for which performance is planned, executed and assessed. It must be aligned to the same period as the department's annual business plan i.e.: 1st April to 31 March of the following year. The 12 month cycle is also linked to the financial year for the purpose of planning, pay progression and other performance related incentives such as performance awards or cash bonuses.

5. SYSTEMS FOR PERFORMANCE MANAGEMENT AND DEVELOPMENT

An executing authority shall determine a system for performance management and development for employees in her or his department other than employees who are members of the SMS, consistent with the principles in Public Service Regulation VIII A.

6. PERFORMANCE ASSESSMENT

An executing authority may establish separate performance assessment instruments for different occupational categories or levels of work; but when assessing an individual employee, a single assessment instrument shall be used in order to assist in deciding on probation, rewards, promotion and skills development of the employee.

Assessment shall be based only on the information contained in the designated performance assessment instrument. However, where an appeal is lodged against an assessment, the information furnished in connection with the appeal, must also be considered.

Before utilising a performance management and development system referred to in Regulation VIII B.1, an executing authority shall

- Pilot the system on groups of employees in all occupational categories sufficient to enable reasonable validity; and
- Consult with employee organisations in her or his department.

7. OUTCOME AND COMMUNICATION OF ASSESSMENT RESULTS

The employee's supervisor shall inform the employee in writing of the outcome of the assessment and if the employee's performance is unsatisfactory, of the reasons for that assessment.

An employee, who is not satisfied with the outcome of her or his assessment, may refuse to sign it.

The employee's supervisor must clearly identify the appeals route for an employee who is not satisfied with the outcome of his or her assessment

At any appeal against the outcome of her or his assessment, the employee may be assisted by a fellow employee or a representative of her or his trade union.

An executing authority shall not communicate the outcome of an employee's performance assessment to a person not employed in her or his department unless if the employee has consented thereto in writing.

8. MANAGING UNSATISFACTORY PERFORMANCE

In the case of unsatisfactory performance, an executing authority shall-

- Provide systematic remedial or developmental support to assist the employee to improve her or his performance;
- If the performance is so unsatisfactory as to be poor and the desired improvement cannot be effective, consider steps to discharge the individual for unfitness or incapacity to carry out her or his duties.

9. INCENTIVES FOR GOOD PERFORMANCE

If the departmental budget and the medium term expenditure framework provide adequate funds, a head of department may establish a financial incentive scheme for employees or any category of those employees.

To establish a departmental financial incentive scheme, a head of department shall-

- In writing determine the nature, rules and control measures of the scheme in advance;
- Communicate the nature and rules of the scheme equitably to all employees, and
- Ensure that employees who implement the quality and quantity control measures of the scheme are not entrusted with the implementation of that scheme in relation to themselves.

CHAPTER 7

HUMAN RESOURCE DEVELOPMENT

1. The government's commitment to promoting active labour market policies and guaranteeing the quality of training and education provided is well demonstrated in the Skills Development Act, 1998, the Skills Development Levies Act, 1999, and the SAQA Act, 1995.

For the Public Service to succeed in its mandate of providing effective and efficient service delivery for the citizens of the country, it needs to invest in training and development. The government has committed itself to training and development in the Public Service through its White Paper on Public Service and Training (WPPSTE, 1998).

2. THE HUMAN RESOURCE DEVELOPMENT STRATEGY

The Human Resource Development Strategy concept was adopted to support a holistic approach to human resource training and development in the Public Service. To enable it to actualize its constitutional mandate of creating a better life for all, the government envisages a Public Service that is guided by the ethos of service and transforming its employees in a manner that will not only benefit government in its quest for excellent service delivery, but will empower the individual employee as well.

The HRD Strategy for the Public Service aims at addressing the major human resource capacity constraints currently hampering the effective and equitable delivery of public services.

3. THE NATIONAL SKILLS DEVELOPMENT STRATEGY

The National Skills Development Strategy identifies priorities for skills development and the contribution they make towards an emerging national human resources development strategy. The National Skills Development Strategy makes provision for a new system of learning, which combines structured learning and work experience, culminating in nationally recognised qualifications that signify job readiness within the National Qualifications Framework (NQF).

4. THE HUMAN RESOURCE DEVELOPMENT STRATEGY FOR THE PUBLIC SERVICE

The Human Resource Development Strategy for the Public Service is one of the cornerstones for giving practical effect to both the National Skills Development Strategy and the Human Resource Development Strategy for South Africa. It is further guided by a combination of public service policies. The new policy context that emanates from these policies points to the need for a major investment in human resource development to improve the service delivery, performance, productivity, quality and cost-effectiveness of the Public Service.

5. PUBLIC SERVICE SECTOR EDUCATION AND TRAINING AUTHORITY (PSETA)

The PSETA was established by the Department of Labour on 20 March 2000 in terms of the Skills Development Act.

The mission of PSETA is “The development of a coordinated framework for ensuring the provision of appropriate and adequate public service education and training, which will meet the current and future needs of the public Service.

6. GENERAL

In essence, development opportunities must result in greater effectiveness in the performance of the individual in their responsibilities.

Departments must strive to avoid the following:

- Fragmented and uncoordinated approach to training and education resulting in the absence of resources and accountability for ensuring that public servants are empowered to take on the challenges.
- Lack of strategic needs-based, outcomes based and competency-based approach to training and education.
- Inappropriate nature of training and education.
- Fragmented and uncoordinated training strategies.
- Training and education seen as marginal issues and not as priorities.

7. PROVINCIAL H.R.D. HANDBOOK

The Provincial H.R.D. Handbook has been issued by the Office of the Premier to guide provincial department on various aspects related to human resource development.

CHAPTER 8

LABOUR RELATIONS

1. LEGISLATIVE AND POLICY FRAMEWORK

In managing labour relations, the provisions of the following must be taken into account:

- Constitution of the Republic of South Africa;
- Labour Relations Act (as amended);
- Basic Conditions of Employment Act;
- Employment Equity Act;
- Public Service Act (as amended);
- Public Service Regulations (as amended);
- Occupational Health and Safety Act;
- Compensation for Occupational Injuries and Diseases Act;
- Disciplinary Code and Procedures;
- Code of Conduct;
- Incapacity Code and Procedures;
- Promotion of Administrative Justice Act (PAJA);
- Promotion of Access to Information Act (PAIA).

2. RULES FOR DEALING WITH GRIEVANCES OF OFFICIALS IN THE PUBLIC SERVICE

The purpose of the Rules is to help employers and employees address a grievance that has arisen from official acts or omissions. Examples of official acts or omissions that could lead to grievances are –

- (a) Personnel evaluation
- (b) Non-granting of notch increases
- (c) Filling of posts
- (d) Non-granting of merit awards
- (e) Victimization
- (f) Discrimination/harassment

The above list is not exhaustive. There are other acts or omissions that may lead to the lodging of a grievance.

The objective of the grievance procedure is to resolve an employee's dissatisfaction relating to, or concerning an official act or omission that may adversely affect the employment relationship.

Supervisors are urged to assist employees to resolve such concerns using informal discussions. This will minimise the need for employees to lodge a formal grievance in regard to a matter that could have been resolved by means of an informal discussion and by the provision of information relevant to the grievance.

If an informal approach does not work, an employee may lodge a formal grievance with the **Designated Employee** using the prescribed grievance form.

Departments must inform their staff of the relevant legislation as well as departmental policies and practices. The provision of information to resolve grievances will improve labour relations, promote a healthy working environment and result in sound management practices.

The Rules issued by the Public Service Commission are applicable to all employees appointed in terms of the Public Service Act, 1994.

3. DISCIPLINARY CODE AND PROCEDURES FOR THE PUBLIC SERVICE

The purpose of the Code and Procedures is:

- To support constructive labour relations in the public service;
- To promote mutual respect between employees and between employees and employer;
- To ensure that managers and employees share a common understanding of misconduct and discipline;
- To promote acceptable conduct;
- To provide employees and the employer with a quick and easy reference for the application of discipline;
- To avert and correct unacceptable conduct; and

- To prevent arbitrary or discriminatory actions by managers toward employees.

The following principles inform the Code and Procedure and must inform any decision to discipline an employee.

- Discipline is a corrective measure and not a punitive one.
- Discipline must be applied in a prompt, fair, consistent and progressive manner.
- Discipline is a management function.
- A disciplinary code is necessary for the efficient delivery of service and the fair treatment of public servants, and ensures that employees:
 - ✓ Have a fair hearing in a formal or informal setting;
 - ✓ Are timeously informed of allegations of misconduct made against them;
 - ✓ Receive written reasons for a decision taken; and
 - ✓ Have the right to appeal against any decision.
- As far as possible, the disciplinary procedures shall take place in the place of work and be understandable to all employees.
- If an employee commit misconduct that is also a criminal offence, the criminal procedure and the disciplinary procedure will continue as separate and different proceedings.
- Disciplinary proceedings do not replace or seek to imitate court proceedings.
- The Code and Procedures are guidelines and may be departed from in appropriate circumstances.

4. INCAPACITY CODE AND PROCEDURES IN THE PUBLIC SERVICE

The purpose of this code and procedures is to:

- Assist employees overcome poor performance,
- Promote effective and efficient performance,
- Avert and correct inadequate performance,
- Ensure that the employer and employees share a common understanding of incapacity,
- Prevent arbitrary or discriminatory actions by the employer towards employees,
- Give reasonable assistance to employees who are incapable of performing in accordance with the needs of the jobs,
- Promote mutual respect between employees and between employers and employees, and
- Support constructive labour relations in the public service.

5. PROMOTION OF ACCESS TO INFORMATION ACT

The objects of this Act are, inter-alia:

- To give effect to the constitutional right of access to any information held by the State; and any information that is held by another person and that is required for the exercise or protection of any rights;
- To give effect to that right subject to limitations aimed at the reasonable protection of privacy, effective, efficient and good governance;
- To establish voluntary and mandatory

- mechanisms or procedures to enable persons to obtain access to records of public and private bodies as swiftly, inexpensively and effortlessly as reasonably possible; and
- To promote transparency, accountability and effective governance of all public and private bodies by empowering and educating everyone:
 - ✓ To understand their rights in order to exercise their rights in relation to public and private bodies;
 - ✓ To understand the functions and operation of public bodies; and
 - ✓ To effectively scrutinise, and participate in, decision-making by public bodies that affects their rights.

6. CODE OF CONDUCT

It is an accepted fact that human beings learn by observation and experience. A special responsibility is therefore placed on the employer, namely the executing authorities at the political level, and public service managers at all levels, to create an appropriate environment in which values are established and exemplary models are set for all employees.

Section 195(1)(a) of the Constitution requires that “a high standard of professional ethics must be promoted and maintained” in public administration generally. In terms of the collective agreement (Public Service Co-coordinating Bargaining Council Resolution 2 of 1999) all the employees

in the Public Service have the responsibility to comply with the prescribed Code of Conduct. As this forms the main basis on which pro-active, corrective and even disciplinary action rests, the department must do everything possible to ensure that the contents of the Code of Conduct are known to all employees.

It is important to reiterate that the primary purpose of the Code is a positive one, namely to promote exemplary conduct. Notwithstanding this, an employee shall be guilty of misconduct in terms of the abovementioned Act, and may be dealt with in accordance with sections 18 to 27 as amended in the Public Service laws Amendment Bill of 1997, if he or she contravenes any provision of the Code of Conduct.

Officials are also encouraged to familiarise themselves with the provisions of the Code of Conduct in the Public Service, issued by the Office of the Public Service Commission.

7. SEXUAL HARASSMENT

7.1 Introduction

The Eastern Cape Provincial Government together with labour has agreed to policy guidelines on sexual harassment. The Policy Guidelines was signed on 9 February 2001. This agreement is an attempt to give direction on the establishment of a working environment that is free of any kind of discrimination, including sexual harassment.

The Policy Guidelines may be read in conjunction with the Employment Equity Act that states, “any act of harassment of an employee is unfair discrimination and is prohibited.” This includes harassment based on sex, race, religion, and sexual orientation, for which the perpetrator must face disciplinary action.

7.2 Principles

The following fundamental principles must be adhered to:

7.2.1 Respect for Each Other

The Eastern Cape Provincial Administration strives to provide a place of work free of sexual harassment, intimidation or exploitation. It is expected that all members of staff will treat one another with respect.

7.2.2 Prompt attention

Reports of sexual harassment must be taken seriously and dealt with promptly. The specific action taken in any particular case depends on the nature and gravity of the conduct reported, and may include intervention, mediation, investigation and the initiation of grievance and disciplinary processes as discussed more fully below. Where sexual harassment is found to have occurred, the Head of Department must act to stop the harassment, prevent its recurrence, and discipline and/or take other appropriate action against those responsible.

7.2.3 Confidentiality

The Eastern Cape Provincial Administration recognises that confidentiality is important. The Head of Department must implement measures to ensure that the Official assigned to deal with cases of sexual harassment respect the confidentiality and privacy of individuals reporting or accused of sexual harassment to the extent reasonably possible.

7.2.4 Protection against retaliation

Retaliation and/or reprisals against an individual who in good faith reports or provides information in an investigation must not be tolerated. Officials intentionally making a false report or providing false information must be disciplined.

7.3 What is sexual harassment?

Unwelcome sexual advances, requests for sexual favours, and other visuals, or verbal or physical conduct of a sexual nature constitute sexual harassment when:

- It is implicitly or explicitly suggested that submission to or rejection of the conduct will be a factor in employment decisions, promotions, etc.

or

- The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating or hostile work environment.

Determining what constitutes sexual harassment depends upon the specific facts and the context in which the conduct occurs. Sexual harassment may take many forms – subtle and indirect, or blatant and overt. For example,

- It may be conduct towards an individual of the opposite sex or the same sex.
- It may occur between peers or between individuals in hierarchical relationship.
- It may be aimed at coercing an individual to participate in an unwanted sexual relationship.
- It may have the effect of causing an individual to change behaviour or work performance.
- It may consist of repeated actions or may even arise from a single incident if sufficiently egregious.

7.4 What to do about Sexual Harassment

The following are the primary methods for dealing with sexual harassment. They are not required to be followed in any specific order. However, early informal methods are often effective in correcting questionable behaviour.

7.4.1 Consultation

An employee who is a victim of sexual harassment must be afforded the opportunity to consult with the Official responsible for managing such cases, without fear of intimidation.

An employee who wishes to consult “off the record” must be allowed to do so to discuss concerns about sexual harassment without identifying the other persons involved, and sometimes even without formally identifying themselves.

7.4.2 Direct Communication

An individual may act on concerns about sexual harassment directly, by addressing the other party in person or writing a letter describing the unwelcome behaviour and its effect and stating that the behaviour must stop. The Department must ensure that reprisals against an individual who in good faith initiates such a communication is not tolerated.

7.4.3 Third Party Intervention

Depending on the circumstances, third party intervention in the workplace may be attempted. Third party interveners may be counsellors that could assist the victim of sexual harassment.

When third party intervention is used, typically the third party (or third parties) will meet privately with the persons involved, try to clarify their perceptions and attempt to develop a mutually acceptable understanding that can ensure that the parties are comfortable with their future interactions. Other processes, such as a mediated discussion among the parties or with a supervisor, may also be explored in appropriate cases.

Possible outcomes of third party intervention include explicit agreements about future conduct and changes in workplace, where appropriate.

7.4.4 Procedures to be followed.

Investigations

Investigations must be conducted in a way that respects, to the extent possible, the privacy of all the persons involved. In appropriate cases, professional investigators may be asked to assist in the investigation. The results of the investigation may be used in the third party intervention process or in a grievance or disciplinary action.

Charge of misconduct and disciplinary hearing

Once the investigation is completed, formal charges must be brought against the perpetrator and the disciplinary process must be implemented without delay.

Sanction

Sexual harassment is a serious offence and must be treated as such in the disciplinary hearing. Officials found guilty of sexual harassment may receive a sanction of dismissal.

7.4.5 Recordkeeping

The Department must keep accurate records and

reports of sexual harassment to ensure that each case is dealt with without undue delays.

7.4.6 Departmental policy

Departments are encouraged to adopt their Sexual harassment Policy and Procedures as soon as possible to ensure that all members of staff are informed thereof.

CHAPTER 9

INTEGRATED EMPLOYEE WELLNESS

1. INTRODUCTION

Introduction Employee Wellness refers to the proactive and holistic intervention programme that is aimed at ensuring a capacitated, motivated, fulfilled and productive workforce through individual and organisational interventions; including physical, emotional, intellectual, spiritual, interpersonal/social and environmental wellness. It is predicated on the integration of the previously separate but related wellness elements of EAP, Health & Safety and HIV & AIDS Workplace Programme.

The Integrated Employee Wellness Program is part of a fully-fledged, smoothly-functioning system of Management. It is underpinned by rigorous quality assurance measures, thereby enhancing appropriateness, effectiveness and efficiency of the preventive, promotive, curative and rehabilitative components to optimise employee health and well-being.

2. OBJECTIVE

The objective of IEW program is to provide a collaborative, integrated, sustainable and cost effective package of wellness interventions, which meet the needs of both the employer

and employees. These interventions should be determined by events and conditions that may have an adverse effect on the employee's wellbeing, engagement and positive motivation in the workplace. Interventions should assist employees to be healthy, safe, productive, and creative contributors in their workplace.

3. GOAL

To facilitate creation of a working environment that is conducive for enhanced service delivery thereby also contributing to strengthening government's efforts aimed at attraction and retention of human capital.

4. IEW MODEL AND POLICY GUIDELINES

In the ECPA, Employee Wellness is codified in the Provincial Policy Guidelines for Integrated Employee Wellness and the concept document upon which the model and guidelines are based.

See link.

The main purpose of the said policy guidelines is to provide guidelines to all departments and relevant stakeholders on the development and implementation of the IEW Programmes in the ECPA.

4.1 The key provisions of the policy guidelines

- The legislative framework
- Guiding principles
- Rights and responsibilities (employer and employee)
- The IEW Unit
- The Wellness Committee
- Elements of the Integrated Wellness Programme

- **Occupational Health and Safety**
- **Health Management**
- **Wellness Management**

- Types of Wellness Programmes
- Development and Implementation of programmes
- Roles and Responsibilities of specific functionaries and stakeholders
- Confidentiality and breach thereof
- Management and Coordination
- Budget
- Policy review

4.2 The major elements of IEW

The Employee Wellness Programmes shall, at least, encompass the following key functional areas:

- Occupational Health and Safety
- Health Management
- Wellness Management

4.2.1 Occupational Health and Safety

Occupational Health and Safety includes but is not limited to:

Occupational Safety:

Protection of the workforce from occupational injury, diseases, stressors, and hazards through proactive measures of risk reduction.

Occupational Hygiene:

Involves the recognition, evaluation, and control of physical, ergonomic, psychological, and biological factors in the workplace which may affect the wellness of employees.

Environmental Management:

Refers to environmental conservation such as waste management, environmental impact assessment use and control of hazardous materials inside and outside the workplace.

Disaster Management:

Preventing, planning for and managing disasters through disaster preparedness, rapid response, recovery and rehabilitation, so as to minimise loss of life, injury, and damage to property.

4.2.2 Health Management

This refers to preventive and promotive health care, aimed at all non-communicable, communicable and chronic diseases, including HIV & AIDS, both within and, with certain limitations, outside of the workplace.

It involves a comprehensive, multi-disciplinary approach to managing diseases effectively, and includes health risk profiling, disease prevention and management protocols, and rehabilitative activities. The Employee Wellness Program can play a pivotal role in conducting health promotion activities, early identification of wellness problems, referral to inside or outside wellness services, support to employees affected by ill-health, facilitating adherence to protocols, and liaison within the department to ease the employee's rehabilitation which is the role of an Employee Assistance Program (EAP).

4.2.3 Wellness Management

This encompasses the totality of human wellness, guided by risk assessment, and promoting individual and organisational wellness. The components of wellness management facilitate fulfillment of employees' needs, viz.:

- Spiritual needs
- Emotional needs

- Social needs
- Physiological needs
- Intellectual needs
- Occupational Safety needs

5. TYPES OF PROGRAMMES

Programmes that are developed and implemented must give effect to the objectives of both provincial and departmental policy. Examples are:

- Measuring of compliance with current legislation;
- Continuous monitoring, reduction and elimination of risk factors prevalent within the organisation;
- Preventive and Promotive interventions;
- Work-person interventions;
- Workplace interventions;
- Restorative and rehabilitative interventions;
- Management of individual problems relating to employee wellness that are encountered on a day-to-day basis by Managers.

6. LEGISLATIVE FRAMEWORK

Employee Wellness Programmes are implemented within the legislative and policy framework outlined in the Provincial Policy Guidelines, any specific relevant prescript and the Constitution of the RSA.

CHAPTER 10

COMPENSATION FOR OCCUPATIONAL INJURIES AND DISEASES

1. INTRODUCTION

The compensation for Occupational Injuries and Diseases Act No 130 of 1993 (COIDA) commenced on 1 March 1994. The act is designed to provide compensation for disablement caused by occupational injuries and diseases sustained or contracted by employees in the course of their employment, or for death resulting from such injuries or diseases.

2. COMPENSATION COMMISSIONER

The Compensation Commissioner is responsible for the management of COIDA and as such the duties of the Compensation Commissioner are, inter-alia, as follows:

- To receive notices of accidents and occupational diseases and claims for compensation.
- To enquire into accidents and occupational diseases.
- To adjudicate on claims.
- To decide on the degree of disablement of an employee; the amount and manner of payment of compensation; the liability for payment of compensation and issue an order

for the payment of compensation in respect of an award made by him.

3. EVENTS COVERED BY COIDA

Employees and their dependants are entitled to compensation under COIDA for accidents out of and in the course of their employment, which cause:

- The death of the employee
- The temporary total or temporary partial disablement of the employee
- The employee to be permanently disabled
- The employee to require medical aid
- The employee to contract an occupational disease

Employees, who in the course of their employment suffered an occupational injury or contracted an occupational disease, will qualify for benefits under COIDA provided that the employee was not wilfully negligent in causing the accident. In any event all claims must be submitted within timeously. If the claims are not submitted within the prescribed period, the employee's right to benefits will lapse.

Employees who sustain an injury or contract an occupational disease whilst in the course of their employment must immediately inform his supervisor/manager of such an event.

4. BENEFITS UNDER COIDA

Compensation benefits, based on the earnings of the employee at the time of the accident are payable under COIDA in respect of:

- Death of the employee
- Temporary disablement
- Permanent disablement
- Medical aid
- Occupational disease

5. OCCUPATIONAL DISEASE

In terms of COIDA, compensation benefits are payable for disease contracted by an employee which is directly attributed to his/her employment.

6. REGISTRATION AS AN EMPLOYER

The practice whereby a Provincial Administration on behalf of all Provincial Departments was registered with the Compensation Commissioner has been phased out with effect from 1 April 2006. In view thereof, every Provincial Administration (Office of the Premier) and every Provincial Department are deemed to be individual employers for purposes of COIDA and must register as such with the Commissioner with effect from 1 April 2006.

7. CONTACT DETAILS OF DEPARTMENTAL REPRESENTATIVE

Provincial departments must provide the Compensation Commissioner with the contact details of the person responsible for COIDA in the department.

8. REPORTING AN ACCIDENT OR ALLEDGED ACCIDENT/DISEASE

Departments are obliged to report any injury/disease or alleged injury/disease to the Compensation Commissioner. The Compensation Commissioner will decide upon liability emanating from the claim

Failure to report an accident/disease within reasonable time to the Compensation Commissioner may result in the Department being held responsible for the full cost attached to such claim.

The following time frames must be adhered to:

- An accident must be reported within 7 days from the date of the accident
- A disease must be reported within 14 days after the disease has been diagnosed.

9. BUDGETING

Departments must budget for their medical expenses that may result from claims submitted by their employees.

10. RECORD KEEPING

Departments must keep proper records of all claims.

11. TRAINING

Departments must ensure that practitioners responsible for caring out the functions of COIDA are trained and all employees are familiar with the provisions and procedures of prescribed in COIDA.

12. GENERAL

The Compensation for Occupational Injuries and Diseases Act must be consulted for more detailed information. Departments must ensure that the required COIDA forms are easily available to member of staff.

CHAPTER 11

REMUNERATIVE ALLOWANCES AND BENEFITS

1. LONG SERVICE RECOGNITION (Levels 1 to 12)

1.1 Authorisation

The Minister for Public Service and Administration issues the determination on long service recognition.

1.2 Long Service Award

In terms of the provisions of the public service regulations, an executing authority shall provide a long-service award to an employee who has served the government continuously for 20 and 30 years respectively.

1.3 Recognition for 20 years continuous service

An employee who has rendered 20 years of continuous service, is eligible to a certificate, and encashment of ten working days annual leave at the employee's current salary, if the employee has accrued that much leave and wishes to exchange it for cash.

1.4 Recognition for 30 years continuous service

An employee who has rendered 30 years of continuous service, is eligible to a cash amount

as determined by the Minister for Public Service and Administration, a certificate, and encashment of fifteen working days annual leave at the employee's current salary, if the employee has accrued that much leave and wishes to exchange it for cash.

1.5 Government Service

The recognition of continuous uninterrupted service for purposes of the long service awards is contained in the Determination issued by the Minister for Public Service and Administration.

1.6 Encashment of Leave

For purposes of calculating an employee's encashment of his/her annual leave, the following formula should apply:

A x B

260,714

Where –

A = represents the employee's basic annual salary payable to him or her on the day he or she qualifies for a 20 or 30 years long service award.

B = represents the number of annual leave credits that the employee chooses to discount but limited to 10 or 15 working days respectively.

1.7 General

The cash award for 30 years continuous service will be adjusted annually on 1 April.

The employee may in the event of the encashment

of his/her annual leave elect to use either his/her capped leave and/or annual leave of the previous leave cycle (if applicable) and/or current leave cycle.

Employees should be afforded the opportunity to choose to have these leave days paid out. If an employee exercises this choice at a later date, payment of these leave days should be based on the basic salary as on the date that s/he has completed the 20/30 years service, respectively.

The cash award is subject to taxation in terms of the current tax legislation.

2. RESETTLEMENT EXPENDITURE

2.1 Scope

In the event of an official having to resettle the Department shall pay following a transfer by the respective Department, the actual and reasonable costs incurred by the official and her/his immediate family as a result of the transfer. An employee who applies for a transfer to another station, etc. does not qualify for any assistance in terms of this provision.

Immediate family members include an employee's spouse, child and/or relative who live with the employee except when attending an educational institution, and who relies on the employee for the bulk of her or his subsistence.

2.2 Departmental Policy

Departments must adopt a policy on resettlement expenditure to include amongst others:

- Limits on expenditure
- Maximum periods of compensation
- Restrictions on the quantity and kind of personal effects covered, and
- Costs of property transfer

2.3 Costs Associated with Transfer

If the Department transfers an employee to a new place of work, the Official may be assisted with the following costs:

- Reasonable actual travel and subsistence costs incurred when the Official and/or a member of her/his immediate family visits the new headquarters prior to the date of transfer.
- Reasonable and actual costs associated with:
 - Transport of household and personal effects to the official's new accommodation,
 - Packing, insurance, storage and unpacking.
- Rent for interim accommodation at the old and/or new place of work. The respective Departments must determine the period for which such payment will be made.
- Tax on motor vehicles that cross international borders.

- New school books, uniforms and related costs. The Minister for Public Service and Administration determines the allowance payable. Such allowances are revised quarterly. The relevant documentary evidence as per requirements of the respective department must be submitted.
- Reasonable and actual travel expenses of dependent school children, who must, within a maximum period of one year, travel from the official's old place of work to the new place of work, at the beginning and end of the school year and for school holidays. The most economical mode of transport must be used.
- Reasonable and actual transfer fees as a result of the purchase of a new accommodation at the new place of work.
- Sundry costs to meet incidental expenses. This must be paid as follows:
 - Occupation of **furnished accommodation** at the new place of work: 25% of the employee's basic monthly salary on date of resettlement.
 - Occupation of **unfurnished accommodation** at the new place of work: the employee may be paid an amount equal to the employee's basic salary on the date of resettlement.

2.4 New Employees

The following actual and reasonable expenses may be paid in respect of an employee appointed new in the Public Service:

- Travel costs of the employee and her/his immediate family, and
- Transport, insurance and one month's storage for personal and household goods.

The employee must be requested to sign an agreement to refund the cost incurred by the Department, if she/he resigns from the service within a period of one year.

2.5 Retirement/Termination of Contract by Department

An employee may be paid the reasonable and actual resettlement costs.

vii) Death of an employee

The following expenses may be paid:

- Resettlement costs incurred by the immediate family members at their request.
- Transporting home the remains of an employee who died on official duty away from her/his normal place of work.

2.6 General

Department must, in their policies, determine the limits of expenditure that will be paid as well as the procedures an employee must follow, to claim for such expenditure. An official approving payment of a claim must have the necessary written delegations by the Head of Department.

3. SUBSISTENCE AND TRAVEL ALLOWANCE

3.1 Scope

Subsistence and travel allowance may be paid to an official who undertakes official journeys away from her/his normal place of work.

Heads of Department must adopt departmental policies stating the procedures an Official must follow in order to claim for the respective allowance/s as well as the type and extent to which certain expenditure will be compensated. Only officials with the necessary written delegations from the Head of Department may approve claims for subsistence and travel expenses.

3.2 Purpose

The purpose is to compensate officials for actual and reasonable expenses incurred whilst on official duty away from their normal place of work.

The purpose is **NOT** to enable an official to:

- Entertain
- Supplement her/his salary
- Enrich herself/himself

3.3 Prior Approval

An official must obtain prior written approval from her/his delegated Supervisor/Manager before undertaking an official trip.

3.4 Claims for Absence Longer than 24 hours

An official who is on official duty, away from her/his normal place of work, for longer than 24 hours, must be compensated for: -

- Actual reasonable expenses incurred in respect of accommodation and meals.
- Incidental expenses by means of an incidental daily allowance for a full day (24 hours) and for the remaining hours, if any, in proportion to the daily allowance. The applicable daily allowances are determined by the Minister for Public Service and Administration.

3.5 Hotel Accommodation

Officials accommodated in hotels must pay for expenses such as newspapers, alcoholic beverages, movies and private telephone calls, prior to checking out of the hotel.

In the event where a hotel does not provide meals and laundry services, the official may be compensated for such expenses subject to production of official receipts.

3.6 Private Accommodation

An official who stays in private accommodation may be paid a fixed subsistence allowance of according to the rate determined by the Minister for Public Service and Administration. The rates are available from the human resource section of Departments.

3.7 Claims for absence less than 24 hours

An official, who performs official duty away from her/his normal place of work, must be paid for expenses incurred by her/him in respect of:

- Breakfast (if she/he departed for the official trip before 06:00)
- Lunch (if she/he departed before 11:00 and returned to her/his normal place of work after 14:00)
- Dinner (if she/he returned from the official trip after 20:00)

The required receipts must accompany the claims.

3.8 Parking

To claim for parking whilst on official duty away from the normal place of work, an official must produce an official receipt.

4. MEDICAL ASSISTANCE

4.1 Introduction

Employees appointed on salary levels 1 to 10 as well as employees on fixed term contracts for more than six months (excluding casual workers) qualify for the medical subsidy in accordance with the provisions contained in the Determination on Medical Assistance for the Public Service, made by the Minister for the Public Service and Administration.

The Determination takes effect on 1 July 2006. The medical subsidy as per the revised Determination is adjusted with effect from 1 March 2007.

4.2 Employer Subsidy

An employee who is the principle member of a medical scheme will receive an employer subsidy.

4.3 Employees on other medical schemes before 1 July 2006

An employee appointed before 1 July 2006 and who received the employer's subsidy on 30 June

2006 will continue to receive the employer's subsidy of 66.67% of the employee's membership fees subject to a maximum of R1,014 per month.

If such an employee transfers to another medical scheme (other than GEMS) the employer subsidy mentioned above will apply. Provided that the transfer is immediately after the date of termination on the first-mentioned scheme.

4.4 Employees transferring from other medical schemes to GEMS

An employee who received an employer's subsidy on 30 June 2006 and any date thereafter, and joins GEMS on or after 1 July 2006 is eligible for the employer's subsidy of 75% of the employee's membership fees, limited to the maximum employer's subsidy as follows:

- Member with one dependant R1,060
- Member with two dependants R1,380
- Member with three dependants R1,700
- Member with four and more dependants R2,020

The amount of the employer's subsidy shall not be less than the subsidy payable to the employee on 30 June 2006; and shall not exceed the employee's contribution to his or her membership fees to GEMS.

4.5 Medical assistance for employees not belonging to a medical scheme as at 30 June 2006

An employee must join GEMS on or after 1 July 2006 to be eligible for the employer's subsidy, which is 75% of the employee's membership fees, limited to the maximum employer's subsidy as follows:

- Member with one dependant R1,060
- Member with two dependants R1,380
- Member with three dependants R1,700
- Member with four and more dependants R2,020

If such an employee is on salary level 1, 2, 3, 4 or 5 and joins GEMS on the Sapphire option, will with effect from 1 July 2006, be paid 100% of the employee's membership fees, limited to the maximum employer subsidy as follows:

- Member with one dependant R1,060
- Member with two dependants R1,380
- Member with three dependants R1,700
- Member with four and more dependants R2,020

If such an employee joins any medical scheme other than GEMS he or she shall not be eligible for the employer's subsidy.

4.6 Fixed Term Contract Employees

Employees who are appointed on fixed-term contracts for more than 6 months and not receiving 37% in lieu of benefits as provided for in the PSCBC Resolution 1 of 2007 (herein referred to as a “fixed-term employee”) qualify for an employer subsidy in terms of the Determination.

A fixed-term contract employee who received the employer’s subsidy in respect of a registered medical scheme (other than GEMS), and remains a member of such medical scheme, shall continue to receive the employer’s subsidy off 66.67% of the employee’s membership fees subject to a maximum of R1,014 per month.

Health professionals appointed on fixed term contracts prior to 1 July 2006, shall on completion of community service and on joining the Public Service, be eligible for the employer subsidy of 66.67% to a maximum of R1,014 if they choose to remain with their medical schemes.

The Health professionals shall on joining GEMS be eligible for the employer subsidy of 75% of the employee’s total membership contributions to a maximum of R1,020 per month provided there is no break in membership.

The employer shall pay a fixed-term contract employee who belongs to GEMS or joins GEMS on or after 1 July 2006, 75% of the employee’s membership fees, limited to the maximum employer subsidy as follows:

- Member with one dependant R1,060
- Member with two dependants R1,380
- Member with three dependants R1,700
- Member with four and more dependants R2,020

Or

If the fixed-term contract employee is on salary level 1, 2, 3, 4 or 5 and belongs to or joins GEMS on the Sapphire option, 100% of the employee's membership fees, limited to the maximum employer subsidy as indicated above.

4.7 Medical assistance for former employees

The employer shall not subject to the provisions of the Determination continue to provide medical assistance to an employee who exits the public service because of –

- retirement, including early retirement;
- death; or
- discharge as a result of ill-health or injury on duty.

If an employee or pensioner dies and his/her spouse becomes a principal member of the relevant medical scheme, the employer shall transfer the benefits to the spouse.

4.8 Termination of GEMS membership and payment of subsidy during unpaid leave

An employee who terminates his/her membership

with GEMS on or after 1 July 2006 shall not be eligible for the employer's subsidy in terms of the Determination, unless he/she joins GEMS again.

If an employee is on unpaid leave, his/her department shall continue to pay the employer's subsidy to the employee's medical scheme as long as the employee pays his/her contribution to his/her membership fees.

5. DANGER ALLOWANCES

5.1 Introduction

The employer shall compensate an employee who risks her or his life in the course of carrying out specified duties or training. An employee may receive a Standard Danger Allowance and/or a Special Danger Allowance.

5.2 Standard Danger Allowance

The employer shall pay the Standard Danger Allowance to an employee who:

- Undertakes or trains for one or more of the duties listed hereunder, and
- In the course of her or his work or training, experiences a genuine risk to her or his life.

The following duties may qualify for the Standard Danger Allowance:

- under-water diving;

- parachute jumping;
- surveying, inspecting and/or helping to operate a vessel or submarine at sea, or an airplane, in pursuance of the employee's line functions;
- dowsing fires at airports and/or rescue work during fires and/or other emergencies;
- working with core drills, explosives or explosive weapons;
- repairing and maintaining arms and ammunition for the Inspectorate of Naval Ordnance of the Navy;
- working with or guarding convicts, people held in places of safety, or people on parole;
- investigating or preventing a crime;
- executing a military operation;
- acting as part of the SAPS or SANDF to maintain public order; and/or
- working for the safety restricted laboratory of the National Institute for Virology.

5.2 Special Danger Allowance

The employer shall pay the Special Danger Allowance to an employee who works in one or more of the following:

- The Taskforce of the SAPS;
- A Public Order Policing unit of the SAPS;
- The Reaction Unit of the Department of Correctional Services;
- The Special Forces of the SANDF;
- The Department of Correctional Services, in

- duties that require direct contact with maximum security prisoners;
- The SAPS or SANDF in areas that the National Commissioner of the SAPS and/or the Chief of the SANDF has designated as high risk due to:
 - o The attacks on members of the SAPS and/or the SANDF;
 - o Widespread violent offences; and/or
 - o Military activities by enemy forces.

If an employee qualifies for the Standard Danger Allowance on one or more grounds, she or he shall receive a monthly allowance.

If an employee qualifies for the Special Danger Allowance on one or more grounds, she or he shall receive a monthly allowance.

If an employee qualifies for both the Standard and the Special Danger Allowances, she or he may receive both simultaneously.

The employer shall pay a danger allowance on the date and eligible employee receives her or his salary. The employer shall stop paying the allowance when the employee stops being eligible.

5.4 Amount of Allowance

The Minister for Public Service and Administration determines the amount of the monthly allowance payable.

5.5 Departmental Policy

Departments are required to adopt a Policy on payment of Danger Allowances if employees of the department are eligible for such allowances.

6. CAMPING ALLOWANCE

When camping staff perform duties away from their regular place of work, the employer may pay them a daily allowance. If a department provides rations in kind, it shall deduct the cost from the daily allowance.

Where camping staff work away from headquarters on a regular and continuous basis, the employer may pay a fixed monthly amount to compensate them for accommodation costs.

Departments shall provide the necessary camping equipment and facilities for camping staff and for their immediate families, of their families normally stay with them.

The employer may refund expenditure on parking fees as well as the reasonable cost of fuel and water used in the camp.

7. NIGHT SHIFT ALLOWANCE

7.1 Conditions for payment

In terms of the PSCBC Resolution 3 of 1999, employees shall be compensated for the inconvenience of working a night shift.

A night shift allowance is payable to an employee who works a regular night shift:

- At an institution that provides a service for over eight hours a day, and
- Between the hours 19:00 and 07:00.

The night shift allowance is not payable to an employee who:

- Works at night, but not in a regular shift, or
- Receives a Personal Shift Allowance.

7.2 Determination of allowance

The Minister for Public Service and Administration determines the allowance payable at a rate per hour. The determination on Remunerative Allowances issued by the Minister contains the amount payable.

8. UNIFORMS AND PROTECTIVE CLOTHING

8.1 Introduction

If an employee's work requires that she or he wear uniform or particular clothing, the employer shall provide either the uniform or clothing, or an allowance that covers the reasonable actual cost of the uniform or clothing.

If an employee must hire formal clothing to attend an event either on duty, or at the explicit instruction of her or his executing authority or head of department, and she or he does not receive an allowance for clothing or a representation allowance, the head of department may approve reimbursement of the cost.

8.2 Protective Clothing

The employer shall provide and launder protective clothing for an employee where necessary:

- To comply with legislation or a collective agreement
- To safeguard the employee's health,
- To prevent the transmission of an infection, or
- To protect the employee's private clothes or uniform from excessive dirt or wear.

8.3 Clothing grant on transfer

The employer may provide a clothing grant if:

- The employer transfers an employee outside

of South Africa to a new workplace with an extreme change in climate, and

- The employee has not received a similar grant in the past three years.

The executing authority shall prescribe a maximum amount for the grant. Up to that amount, the grant shall reflect reasonable actual expenditure.

9. OFFICIAL JOURNEY: USE OF PRIVATE VEHICLES

9.1 Conditions for payment

An employee must obtain prior written approval from the duly authorised official, if in exceptional circumstances she/he has to use her/his private transport to carry out her or his duties.

In such cases, the Head of Department may:

- (a) Provide an allowance to cover reasonable actual costs, and/or
- (b) Compensate the employee according to tariffs prescribed by the Department of Transport.

The employer may compensate an employee for the cost of official journeys, including travel to and from the normal workplace, when an employee must:

- (a) temporarily take up duties and, in consequence, residence at another place of work,

or

(b) travel to work outside of normal hours.

9.2 Departmental Policy

Departments should adopt a policy on the procedures and requirement to be complied with in respect of use of private motor vehicles for official purposes.

CHAPTER 12

DETERMINATION ON WORKING TIME

1. AUTHORISATION

The Determination effective from July 2007, has been made by the Minister of Public Service and Administration and must be read and applied in conjunction with the Basic Conditions of Employment Act (BCEA), the current Public Service Regulations, prevailing collective agreements and departmental policies on working time.

1.2 Provisions of Public Service Regulations, 2001

In terms of the Public Service Regulations, 2001, a head of department should determine –

- (a) the work week and daily hours of work for employees; and
- (b) the opening and closing times of places of work under her or his control, taking into account:-
 - the needs of the public in the context of the department's service delivery improvement programme; and
 - the needs and circumstances of employees, including family obligations and transport arrangements.

1.3 Pay for ordinary work on a Sunday

If an employee is required to work an ordinary shift on a Sunday, the Executing Authority must pay

the employee for such ordinary work on a Sunday 1.5x the employee's basic salary. In other words, the category of staff concerned is shift workers who in terms of their shift rosters have to perform their ordinary work on a Sunday.

If the shift worked by the employee falls on a Sunday and another day, the whole shift is deemed to have been worked on the Sunday, unless, the greater portion of the shift was worked on the other day, in which case the whole shift is deemed to have been worked on the other day.

1.4 Pay for ordinary work on public holidays

If a Public Holiday falls on a day which an employee ordinarily works, the Executing Authority must pay the employee 2x his or her basic salary, without the option of granting time-off. In other words, the category of staff concerned is shift workers who in terms of their shift rosters have to perform their ordinary work on a Public Holiday.

If the shift worked by an employee falls on a Public Holiday and another day, the whole shift is deemed to have been worked on the Public Holiday, but if the greater portion of the shift was worked on the other day, the whole shift is deemed to have been worked on the other day.

1.5 Night work

Night work shall be deemed to be work performed between 19:00 and 07:00 the next day or 18:00 and 06:00 the next day by agreement between parties in the relevant bargaining council/chamber, taking into consideration the Department's operational requirement.

2. OVERTIME

The Minister for Public Service and Administration has made a determination on the rates of compensation for overtime.

In terms of the Public Service Regulations, 2001, an executing authority may compensate an employee for overtime work if –

- (a) the employee does not belong to the SMS, except in those cases mentioned in Regulation V D.3;
- (b) the department has a written policy on overtime;
- (c) the executing authority has provided written authorisation in advance for the work; and
- (d) except in exceptional circumstances, the monthly compensation for overtime constitutes less than 30% of the employee's monthly salary.

Department must in adherence to the provisions of the public Service Regulations establish an

overtime policy which shall determine: -

- (a) categories of employees that may not receive compensation for overtime due to the nature of their work and responsibilities;
- (b) the circumstances under which a supervisor may authorise overtime work for an individual employee;
- (c) if an employee shall receive payment or time off as compensation for authorised overtime;
- (d) how much overtime an employee may work in a given period;
- (e) how a supervisor should record authorisation for overtime; and
- (f) other control measures, if necessary.

The procedure to be followed in the calculation of overtime pay is contained in the Determination issued by the Minister for Public Service and Administration.

Chapter 13

GUARANTEE SCHEME FOR HOUSING LOANS AND HOUSING ALLOWANCE SCHEME

1. Guarantee scheme for housing loans for officials and employees in the public sector

1.1 Purpose of the scheme

To assist qualifying officials in the public sector, with the objective of promoting home ownership, to obtain a 100% housing loan from Financial Institutions without a cash deposit. For this purpose agreements have been entered into with approved Financial Institutions to the effect that the State will guarantee a maximum of 20% of the housing loan for which a person qualifies. The maximum amount is based on the official's basic salary.

1.2 Purpose for which a loan may be utilized.

Application may be made for a State Guarantee to obtain a housing loan for the following purposes:

- To acquire a serviced building site for the erection of an own dwelling
- To purchase a dwelling
- To erect a dwelling

- To effect immovable improvements
- To effect structural maintenance

1.3 Qualifying Requirements

In order to qualify for a State Guarantee, an applicant must satisfy the requirements as specified in the Policy Document.

1.4 Application form

Application for a State Guarantee must be made on form Z572 obtainable from the Human Resource Section. Before recommending an application, supervisors must ensure that the applicant's financial position is sound.

1.5 Redemption of Guarantees

When an official in respect of whom a State Guarantee has been issued, exits the service, the Department must ensure that appropriate steps as specified in the Policy are taken for the purposes of redemption of the guarantee. The procedures to be followed in the event of a resignation, death or insolvency must be strictly adhered to.

For more detailed information on the applicable provisions and procedures pertaining to State Guarantees are contained in the Policy Document and Procedure Manual issued by the National Department of Public Works. Copies are

available from the Human Resource Section of Departments.

2. Housing allowance

The Minister for Public Service and Administration has issued a revised determination on the Housing Allowance Scheme applicable from 1 July 2007.

2.1 Purpose

The Housing Allowance Scheme is introduced to assist employees with their recurring monthly costs of their accommodation. The Housing Allowance is intended to assist employees to get access to owned and rented accommodation.

The Housing Allowance payable in terms of this Scheme is a monthly non-pensionable allowance.

2.2 Requirements for accessing the housing allowance

2.2.1 Eligibility for employees

An employee appointed on a full time basis, i.e. permanent or on a fixed-term contract of six months and longer and who receives his/her salary plus benefits, may receive a Housing Allowance if he/she meets the requirements regulating the payment of the said allowance. The Housing Allowance of R500.00 per month applicable from

1 July 2007 shall be paid:-

- for *one home* only;
- for *one spouse* only if both spouses are in the employ of the Public Service, unless for operational reasons they are *stationed in different magisterial districts* and occupy and maintain *two separate homes*;

and

- where a number of *independent* employees, having *separate* rental agreements, live in one house, each employee will qualify for the allowance.

2.2.2 Housing Tenure

An employee (home owner) could either own or rent (tenant) a home to qualify for the Housing Allowance, provided that s/he meets all the other qualifying requirements set out in the determination.

2.2.3 Home Owner

The home in respect of which the employee applies for a Housing Allowance, must be registered in the employee's name whether alone or with (an) other co-owner(s), spouse, friend, sibling or parent). For further particulars consult the Determination.

2.2.4 Tenant

An employee applying for the Housing Allowance, as a tenant, must have a valid written rental agreement in his/her name alone or together with (an)other co-tenant(s), e.g. a spouse, friend or parent for the home he/she is occupying.

Rental agreements related to the following circumstances are recognised for this purpose:

- (a) Occupational rent as part of a purchase of a home.
- (b) Renting from a private landlord.
- (c) Renting from municipalities.
- (d) Renting from family/friend(s).
- (e) Compulsory occupation of State Housing in terms of PSCBC Resolution 3 of 1999
- (f) Voluntary occupation of Other Housing in terms of a departmental policy contemplated in terms of PSCBC Resolution 3 of 1999

A rental agreement between an employee and his/her spouse, who is the only registered titleholder to the home, to rent the home or part of the home that the employee and his/her spouse is occupying, is not recognised for purposes of the Housing Allowance Scheme.

2.2.5 Other Requirements

The applicant must comply with the requirements specified in the Determination in respect of:

- Occupancy
- Location of the home
- Bond/Home loan requirements

2.3 Submission of documentary evidence

An employee, who wishes to access the Housing Allowance Scheme, must submit the prescribed documentary proofs with his/her application for a Housing Allowance. Failure to do so or submitting incomplete/invalid documentation may result in the delay/refusal of the application.

The types of documentary proof required are stipulated in the Determination.

Home owners with paid-up or no bonds/home loans

An employee, who prior to 29 September 2004 owned a home with a paid-up or no bond/home loan, qualifies for the Housing Allowance of R100 per month with effect from 1 January 2005.

The Housing Allowance of this category of beneficiary is increased to R500 per month.

2.3 Application form

In order to apply for a Housing Allowance, the prescribed application form issued with the Determination, must be used.

2.4 General

The above is a summary of the Determination on Housing Allowance. Officials must consult the Determination to ensure that all requirements are complied with prior to applying for the allowance.

CHAPTER 14

MANAGEMENT OF RECORDS

1. INTRODUCTION FORWARD

Sound record management is of fundamental importance in governance and administration. It forms the basis for formulating and evaluating policy, managing finance and personnel, providing a basis for accountability and protecting the rights of individuals. Good record keeping is the backbone to a variety of aspects of public administration and the management of records must therefore be taken seriously.

2. IMPLICATIONS OF POOR RECORD KEEPING

The following, inter-alia, are some of the difficulties experienced as a result of poor record keeping:

Unavailability of personnel files and / or documents results in incomplete audits which count against the departments.

Personal files remain incomplete as personnel documents or forms are left unattended to rather than being filed timeously.

Reporting becomes a problem and invariably incorrect information is provided.

It is difficult to retrieve files of employees when a proper registry is not maintained.

Access to personal files is not controlled and documents may be removed maliciously.

Persal and other electronic records either do not match the information on files or source documents authorizing Persal transactions are not on file.

Payment of employee benefits on termination of services is unnecessarily delayed causing undue hardships to the employee.

Undue delays are caused in the implementation of employee benefits to serving officials.

3. NATIONAL MINIMUM INFORMATION REQUIREMENTS

In terms of the National Minimum Information Requirements (NMIR) proper keeping of paper based employee records is the foundation and first step in order to adhere to the NMIR and sound human resource management.

4. MANAGEMENT OF HUMAN RESOURCE RECORDS AS A STRATEGIC RESOURCE

HumanResource record keeping is the maintenance of complete, accurate and reliable evidence of all transactions related to human resource records as it provides what was discussed, what decision was taken and by whom.

5. LEGISLATIVE REQUIREMENTS

The Constitution of the Republic of South Africa (Act 108 of 1996) provides the foundation for

effective and efficient public service delivery.

The Promotion of Access to Information Act (Act 2 of 2000) gives effect to the Constitutional rights, as it obliges government institutions to provide information to citizens on request, whilst protecting personal privacy.

It provides access to:

- Any information held by the State.
- Any information that is held by another person and that is required for the exercise or protection of any rights.

The National Archives of South Africa Act (Act 43 of 1996) promotes efficient and effective record management practices in the Public Service. It provides the legal framework according to which record management practices of all government institutions are regulated.

The National Archive Regulations regulates all matters, which are necessary or expedient to achieve or promote the objectives of the Act. It deals, inter-alia, with the following:

- Rules pertaining to the transfer of records.
- Access control to archive repositories.
- Management of records, including the physical care, loss and destruction of records.

In terms of Section 14 (4) of the National Archives of South Africa Act, the National Archivist issues National Archive Instructions.

These instructions (applicable to National Departments and Provincial Government Departments) facilitate the operationalisation of the Act and deals with the following:

- Appointment of records managers.
- Control over records based upon physical possession (safe custody; transfer of records; disposal, etc).
- Storage of records.
- Regulate access to records by adhering to conditions e.g. permission is needed to access records for official purposes.
- Disposal of records.
- Strategies for the appropriate management of electronic records.
- Conditions subject to which records may be microfilmed.
- Approval and amendment of filing systems for conventional paper records and electronic classification systems.
- Requirements of records control schedules.

The Public Service Regulations, 2001 (Chapter 1 Part VII: H), specifically indicates that Heads of Departments must keep a record of each employee and of each post on the approved establishment in accordance with the **National Minimum Information Requirements** (NMIR) issued by the Minister for Public Service and Administration.

In addition, to enable managerial review and oversight, the Regulations (Chapter I/III/J) require

that Executing Authorities must publish information annually in a report to the legislature, the media and the public.

The NMIR prescribes the exact human resource information that each Head of Department should keep. This information is required for all employees in the Public Service on or after 1 January 2001. It further prescribes which of the information could be paper based only, and which must be paper based and captured on the PERSAL system.

Thus, compliance to NMIR requires the following three systems to be in place in each provincial department for the performance of human resource planning, management and development functions:

- Supportive and appropriate paper based human resource filing system.
- Credible and reliable information on the paper documents.
- Accurate and up to date capturing on PERSAL.

6. DEPARTMENTAL RECORD MANAGEMENT POLICY AND REGISTRY PROCEDURE MANUAL

Each Department must have a record management policy and a registry procedure manual as per requirement of the Archives instructions issued in terms of the **National Archives of South Africa Act, 1996** (Act 43 of 1996).

CHAPTER 15

PERSAL

1. INTRODUCTION

The Persal system provides an integrated personnel and salary system for the Public Service.

All data relating to Personnel and Salary records of an employee are kept on the system. The system generates report for purposes of management information.

The Persal System consists of two Code Files viz the Central Code File and the Departmental Code File.

2. CENTRAL CODE FILE

This file contains groups of tables and codes applicable to all government departments. These are in respect of ranks, post classes, deductions, allowances, financial institutions, etc.

All codes in a Code File are maintained in a logical group on tables. This is to maintain uniformity and eliminate duplication. The tables in a Central Code File are applicable to all departments. A code is unique to a table.

3. DEPARTMENTAL CODE FILE

This file contains the groups of tables and codes used by a department, viz pay points, components, responsibilities, objectives, etc.

4. AUTHORISED PERSONNEL

Departments must maintain strict control of personnel authorized to access the persal system. The access functions allocated to authorized personnel must be restricted to their assigned duties. It is not proper for users to have access to functions for which she / he is not responsible. Departments must periodically review the list of users and supervisors that have access to the Persal System and ensure that the access functions allocated are necessary.

5. SOURCE DOCUMENTS

Transactions on Persal must only be made against an appropriately authorized source document. On completion of the transactions on Persal, the source documents must without delay be placed in the relevant files.

CHAPTER 16

COMMUNICATION

1. INTRODUCTION

Communication refers to both external and internal communication. Effective communication to all stakeholders is paramount in ensuring good administration and is crucial to upholding the principles of Batho Pele.

2. EXTERNAL COMMUNICATION

Department must adopt a communication strategy / policy with regards to issue of press statement, publications, communication with labour and other stakeholders. The Head of Department must ensure that only certain authorised official may communicate with the Media, after following due procedures.

3. INTERNAL COMMUNICATION

Internal communication refers to the submission of correspondence, enquiries, complaints, etc. to and from employees of the Department.

Departments should adopt clear lines of communication to ensure that information flows to and from relevant officials.

4. MEETINGS

General information that applies to all employees has to be managed in an orderly fashion. Meetings allow for two-way communication. Where necessary meeting and/or workshops should be help for the purpose of ensuring that the information disseminated is understood by all relevant persons within the department and institutions.

5. INTENGU

The Provincial Publication viz INTENGU is published by the Communication Division of the Office of the Premier. It is distributed throughout the province at the ration of one newsletter per five employees. It is also accessible from the website. Any suggestions or articles of interest should be forwarded to the editor of INTENGU.

6. HRM UP-DATE NEWSLETTER

Of specific interest for the HR practitioner is the HRM Up-date Newsletter is produced by the HRM-branch of the Office of the Premier. The aim of the newsletter is to inform H.R. Practitioners and other officials of latest developments in HRM and related matters.

7. HUMAN RESOURCES MANAGEMENT HANDBOOK

All employees must have free access to this Human Resource Management Handbook. The handbook stipulates the applicable policies, procedures and guidelines on human resources management matters. Departments must ensure that the relevant departmental policies, where specified in the handbook, are in place.

CHAPTER 17

TERMINATION OF SERVICE

1. The employee's services may terminate as a result of any of the following circumstances:

1.1 Retirement age

An employee who attains the normal retirement age as specified in section 16 of the Public Service Act shall be eligible to retire from the service.

1.2 Resignation

An employee who wishes to voluntarily resign from the service may do so in accordance with the manner prescribed by the executing authority of the department.

The employee's notice of resignation must be submitted via normal channels to the executing authority or his delegate for acceptance. The reasons given by the employee for her or his resignation must be recorded.

An employee may resign from the public service by giving written notice as follows:

- In the case of any employee paid monthly, give at least one month's written notice of resignation;
- In the case of any casual employee who has been employed for less than four weeks, give

- at least one week's notice of resignation or
- In the case of any casual employee who has been employed for more than four weeks, give at least two weeks' notice.

An employee who is to become a candidate in an election of the members of the National Assembly or of any provincial legislature, or who is to be nominated as a permanent delegate to the National Council of Provinces, must resign from the public service beforehand.

1.3 Ill-health

An executing authority may on the basis of medical evidence, consider the discharge of an employee in terms of section 17(2)(a) of the Act on account of ill health.

To this end, an executing authority may require an employee to undergo a medical examination by a registered physician. The procedures as outlined in the Policy on Incapacity Leave and Ill-Health Retirement (PILIR) must be followed.

A discharge on account of ill health shall occur with due regard to item 10 of Schedule 8 to the Labour Relations Act.

1.4 Operational Requirements

An executing authority may discharge employees for operational reasons if the discharge complies with –

- (a) sections 17(2)(b) and (c) of the Act and sections 189 and 190 of the Labour Relations Act; and
- (b) any applicable collective agreement that determines benefits for employees to be so discharged.

If an executing authority transfers personnel to an entity outside the public service, she or he shall comply with section 197 of the Labour Relations Act.

1.5 Termination of probation

When the services of an employee on probation are terminated in terms of section 13 of the Act, due regard must be had to item 8 of Schedule 8 to the Labour Relations Act. The procedures as specified in the Incapacity Code and Procedures must be followed.

1.6 Dismissal

An employee may be dismissed from service as a result of any of the following reasons:

- Misconduct

- Poor performance
- Abscondment from services

1.7 Death of an employee

An employee who whilst in services dies, her/his service will terminate from the date of death of the employee.

2. Benefits payable on termination of services

2.1 Resignation

An employee who resigns voluntarily will be paid the following benefits:

- Pension Benefits subject to the rules stipulated in the Government Employees Pension Fund Act.
- Leave payout in terms of the provisions of the Determination on Leave Absence in the Public Service.

The payment of benefits will be further determined after taking in account any financial obligation due by the employee to the State.

2.2 Retirement

An employee who retires from service will, depending on the number of years pensionable service, be entitled to the following benefits:

- Pension Benefits subject to the rules stipulated in the government Employees Pension Fund Act.
- Leave payout in terms of the provisions of the Determination on Leave of Absence in the Public Service.
- Medical assistance towards member's contribution to the medical aid scheme.
- Resettlement benefits as specified in PSCBC Resolution 3 of 1999 or the Department's Policy on Resettlement Expenditure.

The payment of benefits will be further determined after taking into account any financial obligation due by the employee to the State.

2.3 Discharge on account of Ill-Health

An employee who is discharged from service will, depending on the number of years pensionable service, be entitled to the following benefits:

- Pension Benefits subject to the rules stipulated in the government Employees Pension Fund Act
- Leave payout in terms of the provisions of the Determination on Leave of Absence in the Public Service.
- Medical assistance towards member's contribution to the medical aid scheme.

The payment of benefits will be further determined after taking in account any financial obligations due by the employee to the State.

2.4 Death of an Employee

If an employee dies whilst in service, then the dependants of such employee will, depending on the deceased's number of years' service, be entitled to the following benefits:

- Pension Benefits subject to the rules stipulated in the Government Employees Pension Fund Act.
- Leave payout in terms of the provisions of the Determination on Leave of Absence in the Public Service.
- Medical assistance towards the dependant's contribution to the medical aid scheme.
- Resettlement benefits as specified in PSCBC Resolution 3 of 1999 or the Department's Policy on Resettlement Expenditure.

CHAPTER 18

SENIOR MANAGEMENT SERVICE

The Public Service Regulation provides for the following in respect of the Senior Management Service:

Establishment of Senior Management Service

To ensure the effective management of each department falling under her or his control, or to execute specialist functions, an executing authority shall create an appropriate number of posts at senior management level. The persons occupying those posts shall be managed as a public service-wide pool of scarce resources to be utilised in the best interests of the public service. The conditions of service of the persons occupying those posts shall accord with their positions as high-level managers or specialists, while employment practices shall be fair and take into account the need to redress the imbalances of the past. Only the finest candidates shall be appointed to those posts and steps shall be taken to retain and develop persons so appointed as a corporate resource.

Composition of SMS and grading of posts

The SMS shall consist of employees at salary level 13 and higher.

The number of members of the SMS per department and their functions shall be determined by the executing authority through the processes of planning and work organisation as contemplated in the Public Service Regulations.

The grading of SMS posts shall be determined through the job evaluation system determined by the Minister for Public Service and Administration.

Handbook for SMS

The determinations, directives, guidelines and provisions applicable to the SMS are contained in the Handbook for the SMS.

LEGISLATIVE FRAMEWORK

In order to ensure effective and efficient management of human resource in departments/institutions, the applicable provisions contained in, inter-alia, the following must be adhered to:

- ✓ Constitution of the Republic of South Africa Act, 1993 (Act 200 of 1993)
- ✓ Public Service Act, No. 103 of 1994
- ✓ Public Service Regulations, 2001
- ✓ Labour Relations Act, 1995
- ✓ Public Finance management Act, No. 1 of 1999
- ✓ Skills Development Act, No. 97 of 1998
- ✓ Employment Equity Act, No. 55 of 1998
- ✓ Occupational Health and Safety Act, No. 181 of 1993
- ✓ Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993
- ✓ Government Employees Pension Law, 1996
- ✓ Promotion of Access to Information Act, 2000
- ✓ Protected Disclosures Act, No. 26 of 2000

- ✓ Basic Conditions of Employment Act, No. 11 of 2002
- ✓ Batho Pele “People First” : White Paper on Transforming Public Service Delivery
- ✓ P.S.C.B.C. Resolution 10 of 1999: Incapacity Code and Procedures
- ✓ Rules For Dealing With The Grievance of Employees in the Public Service (2003)
- ✓ Code of Conduct for Public Servants
- ✓ P.S.C.B.C. Resolution 2 of 1999: Disciplinary Codes and Procedures
- ✓ Handbook for the Senior Management Service
- ✓ Determinations issued by the Minister for Public Service and Administration on conditions of service benefits, remuneration, recruitment, etc.