



Department : **Public Safety**  
North West Provincial Government  
**REPUBLIC OF SOUTH AFRICA**

*ABSCONDMENT POLICY*

**"Promoting a Productive Workforce"**

**NORTHWEST PROVINCE:  
DEPARTMENT OF PUBLIC SAFETY  
UMAN RESOURCES POLICY**

**POLICY NO:** HR2009/014  
**NAME OF POLICY:** ABSCONDMENT POLICY  
**EFFECTIVE ON:** .....  
**DATE OF REVIEW:** APRIL 2012

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## PREAMBLE

Managing employee abscondment is a cause of concern to the Department of Public Safety ("the Department"), particularly as it has an adverse impact on productivity and service delivery.

Managers often do not know what to do with employees that disappear and resurface after lengthy periods of time and often nothing is done to determine the whereabouts of missing employees.

Responses to abscondment often depend on the disposition of each manager or supervisor leading to complaints about inconsistency and lack of compassion.

It is accordingly imperative that a uniform procedure which complies with the Public Service Act and all other relevant legislation is followed by all managers and employees in addressing this problem.

The Department therefore adopts this abscondment policy to provide managers and human resources practitioners with guidelines on managing and minimising abscondment within the Department.

### 1. ABBREVIATIONS AND DEFINITIONS

<b>CCMA:</b>	Commission of Conciliation, Mediation and Arbitration.
<b>EAP:</b>	Employee Assistance Programme.
<b>HOD:</b>	Head of Department.
<b>MEC:</b>	Member of the Executive Council.
<b>Abscondment:</b>	Being absent from work for a period 30 calendar days or more without authorisation.
<b>Absenteeism:</b>	Being regularly away from work with or without permission.
<b>Department:</b>	Department of Public Safety, North West.
<b>Discipline:</b>	Any action initiated by management in response to unacceptable employee performance or behaviour.
<b>Dismissal:</b>	Termination of employment by the Department with or without notice or pay in lieu of notice.
<b>Employee:</b>	An employee includes all employees of the Department employed in terms of the Public Service Act of 1994, the Basic Conditions of Employment Act of 1998, as amended and includes contract workers, interns, volunteers and prospective employees.
<b>Disciplinary Hearing:</b>	A meeting convened with the purpose of gathering information related to a disciplinary matter.
<b>Summary dismissal:</b>	The termination of employment by the Department without notice or pay in lieu of notice.
<b>Trade Union:</b>	Worker representative body.

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## 2. PURPOSE AND OBJECTIVES

2.1 The purpose of this policy is to ensure substantive, procedural fairness and correctness in addressing the issue of employee abscondment from duty and to provide guidelines to minimize the occurrence of abscondment.

2.2 The policy also seeks to ensure that abscondment is addressed.

2.3 The key objectives of this policy are:

- (a) To ensure that a fair procedure is followed when dealing with abscondment.
- (b) To ensure that managers and employees share a common understanding in dealing with matters of abscondment.
- (c) To help managers to detect potential abscondment and prevent it where possible.
- (d) To prevent arbitrary and discriminatory actions by managers towards employees who are considered to have absconded.

## 3. PRINCIPLES

3.1 It is the policy of the Department that all employees shall be aware of and follow the abscondment procedure.

3.2 The Department strives to always treat its employees with fairness and compassion while promoting service excellence and productivity.

## 4. LEGISLATIVE FRAMEWORK

4.1 Public Service Act, 1994 as amended;

4.2 The Constitution of the Republic of South Africa;

4.3 Labour Relations Act, 1995, as amended; and

4.4 Basic Conditions of Employment Act, 1997

## 5. SCOPE OF APPLICATION

This policy is applicable to all employees of the department.

## 6. POLICY STATEMENT

6.1 An employee of the Department who absents himself or herself from his or her official duties without the permission of his or her Manager or Supervisor, for a period exceeding one calendar month shall be deemed to have been discharged from the Public Service on account of misconduct with effect from date immediately succeeding his or her last day of attendance at his or her place of duty.

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6.2 If such an employee assumes other employment, he or she shall be deemed to have discharged himself or herself as stated in paragraph 6.1 above, irrespective of whether the said period has expired or not.

~~6.3 If an officer who is deemed to have been so discharged, report for duty at any time after the expiry of the period exceeding one (1) calendar month, the relevant Executing Authority may on good cause shown and notwithstanding anything to the contrary contained in any law approve the reinstatement of that officer in the Public Service in his or her former or any other post or position and in such a case the period of his or her absence from official duty shall be deemed to be absence on vacation leave without pay or leave on such other conditions as the executive authority may determine".~~

6.4 This policy forms part of the Disciplinary Code and Procedure of the Department.

## **7. POLICY PROVISIONS AND PROCEDURE**

### **7.1 Provisions**

- (a) An employee, may not absent himself/herself until he/she has applied for leave and such application has been approved, except an employee who has been absent due to sudden illness.
- (b) In terms of Section 17(5) of the Public Service Act, 1994, as amended the employee, after three consecutive working days of unauthorized absence, the Department shall have the right to regard the employee as having absconded or deserted, and the agreement shall be regarded as terminated as from the last day on which the employee presented himself/herself for duty.
- (c) An employee may be treated as absconded if he has been absent from work without notifying the Department for a period of three working days or longer
- (e) The managers/supervisors shall be primarily responsible for handling and resolving disciplinary matters relating to abscondment.
- (f) The principles of administrative justice shall be adhered to at all times
- (g) A procedure as set out below will be followed to determine whether an employee's unauthorized/ unreported absence amounts to abscondment.
- (h) The involvement of EAP at all stages is important as conduct that appears to be abscondment may be a symptom of ill health.

### **7.2 Procedure in the Event an Employee Does not Report for Duty**

#### **(a) Tracking and Warning the Employee**

- i. If an employee or an official does not report for duties for at least (3) consecutive days without having reported to the supervisor or without the permission of the supervisor / manager must make attempts if circumstances permit, to determine the whereabouts of the employee. Those attempts may include:
  - (aa) Sending an Employee Assistance Programme (EAP) practitioner to the employee's place of residence in the company of the shop steward or a fellow employee;
  - (bb) Giving the employee a written instruction that he or she report for duties and the implications of non compliance should be clearly outlined on the letter (highlights that services could be terminated once exceeding one calendar month);
  - (cc) Sending, in a case where the whereabouts cannot be determined, a delegation or a telegram to the employee's last known address; and

*Handwritten initials*

(dd) Keeping records of all communication with the employee.

- ii. If after seven (7) days of absence no reply has been received and an employee has not reported for his duties, the supervisor must send a follow-up registered letter to him or her requesting him or her to return to work, with the provisions and consequences of Section 17 (5) of the Public Service Act clearly outlined.
- iii. The letter must be hand delivered and proof of receipt should be obtained and retained. Where this is not feasible the letter must be posted by registered mail using the known address in the employee's file.
- iv. The procedure stipulated in (par ii. above should be repeated after 14 days and 21 days as the last attempt. The copies of all the communication should be forwarded with a report after 10 days and after forthcoming steps to the HOD/ District Manager, whichever is applicable, Office for their information).
- v. If an employee resurfaces before 30 days misconduct proceedings relating to absenteeism may be invoked, depending on the employee's explanation.
- vi. Where it is established that ill health is the problem the Incapacity and ill health policy shall apply.

**(b) Discharging an Employee that is deemed to have Absconded**

- i. If the employee is still not reporting for duties on the expiry of the one (1) calendar month, the responsible manager should report the matter to the HOD or District Manager.
- ii. A letter informing the employee about the implementation of the provision of Section 17 (5) (a), that is terminating his/her employment, must be communicated to the said employee. A sample of such letter is attached to this policy as *Annexure A*.
- iii. Simultaneous to the issuing of the letter in terms of section 17(5), the employee's salary shall be frozen.

**(c) Recommending a Discharge**

The manager/supervisor of an employee that has absconded or his/her delegate must prepare a submission to the HOD, through the Labour Relations Office, recommending the discharge of the employee in terms of section 17(5)(a)(i) specifying the date of discharge, which in terms of the section under reference will be a day following the last day the employee in question will have reported for work, or the last day the employee was at work.

**(d) Procedure when an Employee Reports for Work after 30 Calendar Days**

- i. Where the employee resurfaces after the expiry of 30 calendar days, the manager / supervisor will draw his or her attention to the provision of Section 17(5).
- ii. If the letter to an employee who has been absent for 30 calendar days, implementing Section 17(5), is not yet signed by the HOD or the delegated person, the employee may be informed to wait for his or her letter at his or her residence.
- iii. The employer must ensure that the employee receives the letter within five (5) working days from the date he or she resurfaced.
- iv. If the employee wishes to set aside the discharge, she or he may make representations to the MEC through the Labour Relations Office in terms of section 17(5)(b) of the Public Service Act of 1994, as amended.

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### **7.3 Procedure to deal with an Employee who is deemed to have been Discharged**

- ~~(a) In the event where an employee who is deemed to be discharged, reports for duty, he/she must under no circumstances be allowed to resume duty. He/she must be informed of his/her rights to apply for re-instatement in terms of section 17(5) (b) of the Public Service Act.~~
- (b) If an employee who is deemed to be discharged wishes to be re-instated, he/she must apply to the MEC, giving reasons why he/she should be re-instated, through the Labour Relations Office, who will make recommendation.
- (c) On receipt of the report of the application for re-instatement, the MEC shall consider the application and communicate the decision to the employee.

### **8. CONFIDENTIALITY**

- 8.1 In the course of their duties, employees become aware of confidential matters and it is important that employees keep the strictest secrecy concerning the Department, its customers and its employees.
- 8.2 Managers and human resources involved in abscondment proceedings will maintain confidentiality on personal information obtained via abscondment proceedings and shall not unlawfully disclose such information.

### **9. RESPONSIBILITIES AND OBLIGATIONS**

#### **9.1 Duties of Managers**

- (a) Provide the necessary training and communication to all employees of the Department relating to this code
- (b) Are required to be aware of when employees are not at work and the reasons
- (c) Are required to be aware of the policy and the process
- (d) Are required to follow the process outlined in this document

#### **9.2 Duties of Employees**

- (a) To notify employer when they will not be at work
- (b) Are required to know the policy and the process
- (c) To comply with the rules and procedures given by the Department

### **10. DISPUTE RESOLUTION**

- 10.1 Dispute resolution for misconduct matters is integrated in the policy provisions outlined above
- 10.2 If the Employee is dissatisfied with internal procedures and outcomes, he or she is entitled to refer the matter to the bargaining council, CCMA or the Equality Court, whatever is applicable as per his or her employment status in terms of the Labour Relations Act.

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**ANNEXURE A**

**ABSCONDMENT PROCEDURE GUIDELINES:**

**Amended April 2006**

1. Abscondment is when an employee absents him/herself from his/her official duties without authorization/permission from his/her head of Department, office or institution for a period exceeding one calendar month.
2. In the event an officer absconds, s/he shall be deemed to have been discharged from the Public Service on account of misconduct with effect from the date immediately succeeding his/her last day at work (see sec.17 (5)(a)(i) of the Public Service Act of 1994, as amended).
3. The employee does have an obligation to inform the employer of any reason why s/he is unable to be at work and when s/he intends to return to work. However, where the employee does not contact the employer, the employer does have an obligation to try and contact the employee.
4. Managers and Supervisors at all levels should at all material times detect, track and report all unauthorized and unaccounted absences from work to the relevant line manager or head of office. Failure to do so will be deemed as dereliction of duty and as a result disciplinary measures may be preferred against the guilty manager or supervisor.

**ANNEXURE A: MODEL LETTER OF NOTIFICATION OF ABSCONDMENT PROCEEDINGS**

*(Sent by Manager/Supervisor/ District Manager with the help of Labour Relations Office to an employee who has been absent for a continuous period of more than 30 calendar days (or 22 working days. Letter to be hand delivered or sent by registered mail).*

**Dear Mr/Mrs/Ms/Dr.....**

***It has come to my attention that you have been absent from work from \_\_\_\_\_ to \_\_\_\_\_ (specify the period) and that such absence is unauthorized and unaccounted for. (Where the whereabouts of the employee are unknown)***

***Your attention is brought to the provisions of section 17(5)(a)(i) of the Public Service Act of 1994 as amended which reads " quote the section".***

***You are therefore requested/given notice to report for work immediately. Should you fail to report as directed the provisions of the above section will be invoked without any further correspondence (specify the person that the employee should report to, the usual workplace, date and time) in order to present any reasons why your services should not be terminated as contemplated in the above section.***

***Yours sincerely,***

***Name***

***Designation***



## 11. MONITORING, EVALUATION AND REVIEW

11.1 The Human Resources Directorate must keep a register of all abscondment cases dealt with in each year, indicating the parties involved and outcome of each case. A report should be provided to the HOD with a view to enhance strategies to prevent abscondment.

11.2 The review of this policy will formally take place every 5 years, or as and when there is a need.

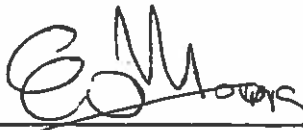
## 12. RELATED POLICIES

The policy should be read with departmental policies on Employment Equity, Incapacity and Ill-health, and Absenteeism.

## 13. COMMENCEMENT OF POLICY

This policy shall be implemented by the Department with effect from the date of approval and signature by the HOD.

APPROVED

  
OB MONGALE  
HEAD OF DEPARTMENT

21/09/2009  
Date: