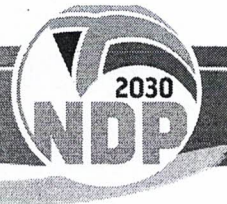




dlg&hs

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## HUMAN RESOURCE MANAGEMENT

# PRECAUTIONARY SUSPENSION POLICY

EFFECTIVE DATE: 01 APRIL 2018

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## 1. DEFINITION OF CONCEPTS

<b>Department</b>	-	Department of Local government and Human Settlements
<b>Employer</b>	-	Management of the Department
<b>Employee</b>	-	Employees of the Department
<b>Executing Authority</b>	-	MEC for the Department
<b>Head of Department</b>	-	Accounting Officer for the Department
<b>Precautionary suspension</b>	-	Suspension of employee with retention of salary and other related benefits
<b>Suspension</b>	-	Precautionary suspension
<b>Precautionary Transfer</b>	-	Temporary transfer for the purpose of conducting investigations

## 2. PREAMBLE

The Department of Local Government and Human Settlements is committed to ensuring that labour relations management and practices are based on objectivity, fairness, consistency and transparency.

- i. Provide guidelines on precautionary suspension.
- ii. Provide the employer and employees with a precautionary suspension tool that will
- iii. Assist fair employment relationship.
- iv. Promote a consistent approach thereby creating procedural certainty in the broader context as far as issues relating to precautionary suspension are concerned.
- v. Promote impartial and equitable precautionary suspension administration.

## 4. SCOPE OF APPLICATION

This policy is applicable to all employees of the Department of Local Government and Human Settlements

## **5. LEGISLATIVE FRAMEWORK**

- i. Constitution of South Africa Act No 108 of 1996.
- ii. Labour Relations Act no 66 of 1995 as amended.
- iii. Basic Conditions of Employment Act 20 of 2013
- iv. Public Service Act, 1994 as amended by Act 30 of 2007
- v. Promotion of Administrative Justice Act No 2000
- vi. SMS Handbook, Chapter 7
- vii. PSCBC Resolution 1 of 2003: Disciplinary Code and Procedure for Public Service
- viii. White Paper in Human Resource Management

## **6. PURPOSE**

- i. The purpose of this document is to determine the procedure when dealing with precautionary suspensions and or transfer of employees who have allegedly committed serious misconducts.
- ii. To establish uniform standards when effecting precautionary suspension or transfer.

## **7. POLICY PROVISIONS**

- i. The precautionary suspension or transfer shall be applied as a precautionary measure only and does not constitute a judgment regarding the merits of the case.
- ii. Employees remain innocent until proven guilty by the disciplinary committee and therefore the salary of an employee who is on precautionary suspension or transfer shall be protected.
- iii. Precautionary suspension or transfer shall be effected where it is believed that the presence of an employee at the workplace might jeopardize any investigation into the alleged misconduct, or endanger the well being or safety of any person or state property.
- iv. The authority to effect precautionary suspension or transfer shall be with the Head of the Department unless otherwise there is written delegation.



- v. Rules of natural justice must always be observed.
- vi. The employer may suspend an employee on full pay or transfer the employee if
  - 1. If the employee is alleged to have committed a serious misconduct;
  - 2. If the presence of the employee at the workplace might jeopardize any investigation into the alleged misconduct;
  - 3. If the presence of the employee might endanger the well-being or safety of any person or state;
  - 4. If the employee is likely to repeat the same offence.
- v. Employees shall not be suspended for a period exceeding sixty (60) days.

## **8. MANAGEMENT OF PRECAUTIONARY SUSPENSION**

- i. The HOD shall inform the employee in writing of the suspected misconduct case and inform him/her of his/her intention to effect precautionary suspension or transfer.
- ii. The employee suspected of committing misconduct shall make written representation with regard to the HOD's intention to effect precautionary suspension.
- iii. The HOD will evaluate all relevant information before him / her and decide whether it is in the interest of the department to effect precautionary suspension or transfer.
- iv. Precautionary transfer shall only be done on a horizontal basis, post level of the employee shall not be affected.

## **9. REVIEW OF PRECAUTIONARY SUSPENSION OR TRANSFER**

- i. The HOD may review the precautionary suspension or transfer if circumstances that led to precautionary suspension or transfer no longer exist.
- ii. The precautionary suspension or transfer may be reviewed even if there is pending disciplinary enquiry or the outcome thereof.

**8. MONITORING AND EVALUATION**

The effectiveness of this policy shall be monitored and evaluated continuously by Directorate Human Resource Management through Sub-Directorate Labour Relations.

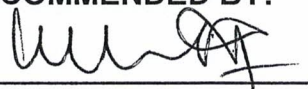
**9. REVIEW**

This policy will be reviewed every three years unless otherwise dictated by the national directive and/or legislative

**10. ANNEXURES**


**Annexure A- Notification of intention to suspend.**  
**Annexure B- Notification of Suspension**

**RECOMMENDED BY:**

  
\_\_\_\_\_  
**MS M LEHOKO**  
**CHIEF DIRECTOR:CORPORATE SERVICE**

01/04/2018  
**DATE**

**SUPPORTED BY:**

  
\_\_\_\_\_  
**MR J.K MASHIGO**  
**CHAIRPERSON: DCC**

01/04/2018  
**DATE**

**APPROVED BY:**

  
\_\_\_\_\_  
**MR. P.E MOTOKO**  
**HEAD OF DEPARTMENT**

09/04/2018  
**DATE**

## Annexure A

### NOTICE OF INTENTION TO SUSPEND

**Name of Employee**

**Personal Details of Employee**

You are informed that the Department is intending to suspend you in terms of chapter 7 of SMS Handbook or clause 7.2 of the PSCBC Resolution 1 of 2003 (Disciplinary code and Procedure for Public Service).

The reason for above-mentioned step are as result of the following allegations **(state allegations and attached copies of documents, where applicable)**

You are therefore requested to submit written representation to the Employer advancing reasons as to why you should not be suspended. **(Employee should be given reasonable timeframe for response, minimum of 3 days and maximum of 7 days depending on the complexity of the allegations).**

\_\_\_\_\_  
**SIGNATURE OF EMPLOYER**

\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**SIGNATURE OF EMPLOYEE**

\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**SIGNATURE OF WITNESS (IF APPLICABLE)**

\_\_\_\_\_  
**DATE**

## ANNEXURE B

### NOTICE OF SUSPENSION

#### NAME OF EMPLOYEE

#### PERSONAL DEATILS OF EMPLOYEE

Your representations submitted on or dated regarding the Department's intention to suspend you from duty, refers.

Your representations were thoroughly considered and I decided to suspend you from duty, with full payments, with immediate effect, in terms of clause 7.2 of Resolution 1 of 2003 of Disciplinary Code and Procedure of the Public Service. The suspension is a precautionary measure, and it does not constitute a judgment or sanction.

The reasons for the above-mentioned decision are as follows:

**(State reason/s for the decision to suspend)**

To avoid possible interference with the investigation or potential witnesses, you are directed not to enter the premises of the Department during your period of suspension, unless authorized to do so by Head of Department. Should you require access to the Department, you are kindly requested to obtain permission from the Head of the Department.

\_\_\_\_\_  
**SIGNATURE OF EMPLOYER**

\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**SIGNATURE OF EMPLOYEE**

\_\_\_\_\_  
**DATE:**

\_\_\_\_\_  
**SIGNATURE OF WITNESS (IF APPLICABLE)**

\_\_\_\_\_  
**DATE**