



Province of the
EASTERN CAPE
COOPERATIVE GOVERNANCE
& TRADITIONAL AFFAIRS

PRECAUTIONARY SUSPENSION POLICY
2021

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Document Number	
Document Name	Precautionary Suspension Policy
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Date Completed	10 February 2021
Date of Approval	
Date Last Amended	
Related Policies	

Executive Authority

Initials: K. ENQATHI (1)

Head of Department

Initials: _____

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SIGN OFF

I. Head of Department

The Policy on Precautionary Suspension has been recommended by Mr AA Fani in my capacity as Head of Department for the Department of Cooperative Governance and Traditional Affairs.

I am satisfied and concur with the contents of this Policy.


The development of the policy on Precautionary Suspension will ensure the department is able exercise its powers in compliance with the law and guide decision- making in the department. This policy improvement is also part of our strategic thrust to remodel the Department's internal machinery and its productivity.

Recommended	
Designation	Head of Department
Date	30/03/2024

II. Executive Authority

The Department of Cooperative Governance and Traditional Affairs (COGTA) has unprecedented opportunity to improve the lives of the staff by effectively rendering services that it is expected to provide. We have envisaged a Department that has the required capacity to respond adequately to challenges of its staff.

I therefore trust that the guidance from this Policy will contribute to the effective management of Precautionary Suspension in the department.

Signed	
Designation	MEC: Honourable X.E Nqatha of Cooperative Governance and Traditional Affairs
Date	30/03/2024

Executive Authority
Initials: X.E NQATHA

Head of Department
Initials: _____

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Executive Authority Initials: A. PRATHIX (3) Head of Department Initials: _____

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1 PREAMBLE

The Department of Cooperative Governance and Traditional Affairs commits itself in providing an enabling environment for complying with the statutes that govern precautionary suspensions in the workplace.

2 PURPOSE OF POLICY

- To provide guidance on the precautionary suspension of employee (s).
- To ensure compliance with the applicable provisions of the Constitution, the Labour Relations Act, Public Service Act, SMS Handbook, PSCBC Resolution 1 of 2003 and other related prescripts.
- To increase the awareness of the consequences of failing to comply in holding a disciplinary hearing within 30 or 60 days of suspension in terms of the precautionary measures.
- To help ensure consistency in the application of the precautionary suspension policy.

3 DEFINITIONS

Terms and definitions that will be used throughout the procedure that need clarification for the reader, this can also include any keywords; include also technical terms, abbreviations that may be used in this document.

Word/Term	Definition (with examples if required)
Unfair Labour Practice	Means any unfair act or omission that arises between an employer and an employee involving unfair conduct by the employer relating to promotion, demotion, probation or training of an employee or relating to the provision of benefits to an employee.
Unfair suspension	Means unfair disciplinary action that does not comply with the principle of fairness.
Precautionary suspension	The employer may place an employee on precautionary suspension on full pay if the employee is alleged to have committed a serious offence, and the employer believes that the presence of an employee at the workplace might jeopardize any investigation into the alleged misconduct, or endanger the well-

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	being or safety of any person or state property. A suspension of this kind is a precautionary measure that does not constitute a judgment.
Word/Term	Definition (with examples if required)
Employee	Any person, excluding an independent contractor who works for another person or for the State and who receives, or is entitled to receive any remuneration; or any other person who in any manner assists in carrying on or conducting the business of an employer.

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4 APPLICATION & SCOPE

The Policy is applicable to all the employees of the Department of Cooperative Governance and Traditional Affairs.

5 LEGISLATIVE FRAMEWORK

- Constitution of the Republic of South Africa, 1996
- Labour Relations Act, Act 66 of 1995 (as amended)
- Public Service Act, 1994 (as amended)
- Public Service Code of Conduct
- SMS Handbook
- PSCBC Resolution 1 of 2003 as amended.
- Promotion of Administrative Justice Act 2000
- Batho Pele Principles

6 POLICY PRINCIPLES

This policy is guided by the following main principles:

- Consistency
- Fairness
- Reasonableness
- Transparency
- Value System
- Accountability

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7 POLICY STATEMENT

The Department of Cooperative Governance and Traditional Affairs is committed to the promotion of fair labour practices and administrative justice. Discipline is a Management responsibility for promotion of high levels of labour stability, peace, and productivity at the workplace.

8 AUTHORITY OF THE HEAD OF DEPARTMENT

- Head of Department is the only person clothed with authority to place an employee on a precautionary suspension.
- *Audi alteram partem* principle (Rules of natural justice) must be observed at all material times when contemplating instituting precautionary suspension against any employee.
- The maintenance of a good labour relations atmosphere in the workplace requires that acceptable and fair procedures are in place and observed.
- There must be justifiable and objective reasons for placing an employee on a precautionary suspension.
- Precautionary suspension is an interim measure to allow investigations to be conducted in the absence of the employee in the workplace.
- Once the investigation is completed, the Head of Department may lift the precautionary suspension.

9 REPORTING

- Members of the Senior Management Service are responsible for discipline management in their areas of authority.
- Programme Managers (DDGs) may process a request for approval by the Head of Department for an employee to be placed on a precautionary suspension as a measure of last resort if there is a clear breakdown of discipline.

10 DISCIPLINARY PROCEDURE

- 10.1. A disciplinary enquiry must be instituted within 30 days from the date instituting the precautionary suspension.
- 10.2. An extension of the precautionary suspension up to 60 days is permissible in consultation with the suspended employee.

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10.3. The Chairperson of the disciplinary enquiry is empowered to lift the precautionary suspension if he/she finds non-compliance with the principles of fairness and justice.

11 MONITORING AND EVALUATION

The Labour Relations Directorate will monitor the implementation of this policy and will submit a quarterly report to the General Manager: Corporate Services for submission to the Head of Department.

12 COMMUNICATION / EDUCATION OF THE SUSPENSION POLICY

The Precautionary Suspension Policy will be communicated by means of workshops and circulars to all employees of the Department.

13 APPROVAL OF THE POLICY

The policy will be approved by the Member of the Executive Council on the recommendation of the Head of Department as per the updated Departmental Delegations and the policy will become official on the date it is signed by the Executive Authority (i.e. the MEC for Cooperative Governance and Traditional Affairs).

14 DISPUTE RESOLUTION MECHANISM

14.1. An employee who has a grievance or dispute within the Department concerning unfair suspension as defined in this policy, shall have normal recourse to the applicable resolutions as well as any other right they have by law.

14.2. An employee may appeal for the intervention of the Executive Authority to consider setting aside and lifting the precautionary suspension if there exist the sustained objective facts of abuse of authority.

14.3. Any party to a dispute concerning unfair labour practice may refer the dispute in writing to the Bargaining Council within 90 days after the act or omission occurred.

15 REVIEW OF THE POLICY

This policy will be reviewed within the MTEF period from the date of approval and when there are material changes in the enabling legislation.

Executive Authority
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16 VERSION CONTROL AND CHANGE HISTORY

Version Control	Date Effective	Approved By	Amendment
Start from	YYMMDD (the date the policy takes effect)	Contact person – full name & title.	
2021	March 2021	Xolile Nqatha (MEC)	
2021	March 2021	Xolile Nqatha (MEC)	The implementation of the policy will be monitored by Labour Relations Directorate. Supervisors should be workshopped on the contents of the policy Policy to be reviewed when there are materialistic changes in the enabling legislation
2026			

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Head of Department
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