

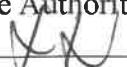


Province of the  
**EASTERN CAPE**  
COOPERATIVE GOVERNANCE  
& TRADITIONAL AFFAIRS

# **ABSCONDMENT POLICY**

<b>Physical Address</b>	<b>Tyamzashe Building Phalo Avenue Bhisho 5605</b>
<b>Postal Address</b>	<b>Department of Cooperative Governance &amp; Traditional Affairs Private Bag X0035 Bhisho 5605</b>
<b>Document Number</b>	
<b>Document Name</b>	<b>Abscondment Policy</b>
<b>Custodian</b>	<b>Mpumelelo Madikane</b>
<b>Designation</b>	<b>Director</b>
<b>Component</b>	<b>Employee Relations &amp; Wellness</b>
<b>Telephone No.</b>	<b>040 940 7206</b>
<b>Cell Phone No.</b>	
<b>E-mail Address</b>	<b>mpumelelo.madikane@eccogta.gov.za</b>
<b>Date Completed</b>	<b>10 February 2021</b>
<b>Date of Approval</b>	
<b>Date Last Amended</b>	
<b>Related Policies</b>	<b>Attraction &amp; Retention, Talent Management, Career Path Development &amp; Management, Acting, Succession Planning, Leave Management, Employment Equity,</b>

Executive Authority

Initials:                     

HoD


Initials:                     

**SIGN OFF****I. Head of Department**

The Policy on Abscondment has been recommended by 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 Abscondment 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	30/03/2021

**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 Abscondment in the department.

Signed	
Designation	MEC: Honourable X.E Nqatha of Cooperative Governance and Traditional Affairs
Date	30/03/21

Executive Authority  
Initials:   XN  

HoD  
Initials:   AF



## 1. PREAMBLE

The Department of Cooperative Governance and Traditional Affairs commits itself in ensuring that the Abscondment Policy serves to identify the challenges that are faced by employees and make use of available remedies to curb the situation with a view to encourage employees to execute their duties with diligence.

## 2. PURPOSE OF THE POLICY

- 2.1 To promote fairness in the application of Section 17(3) (a) (i) of the Public Service Act, 1994.
- 2.2 To promote consistency and establish uniform approach in the handling of abscondment in the Department.
- 2.3 To make employees aware of the consequences of the provision of Section 17(3) (a) (i) of the Public Service Act.
- 2.4 To provide appropriate handling mechanism of the abscondment cases.

## 3. DEFINITIONS

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

Word/Term	Definition (with examples if required)
Abscondment	An employee who absents him/herself from his/her official duties without permission of his/her Head of Department, office or institution for a period exceeding one calendar month shall be deemed to have been dismissed from the public service on account of misconduct with effect from the date immediately succeeding his/her last day of attendance at his/her place of duty.
Employee	A person contemplated in section 8 (1) (c) of the Public Service Act (A person who is employed by an organization to perform specific functions, on the staff of the organization).

Executive Authority  
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Calendar month	A period extending from a day in one month to a day preceding the day corresponding numerically to that day in the following month, both days inclusive.
Executing Authority	In relation to a provincial department within an Executive Council portfolio, means the Member of such Executive Council responsible for such portfolio.
Audi Alteram Partem Rule	Affording the other person an opportunity to state his/her case or to hear the other side of the story.
Head of Department	The administrative head of a provincial department.

#### 4. APPLICATION & SCOPE

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

#### 5. LEGISLATIVE FRAMEWORK

- 5.1 Public Service Act, 1994 (as amended)
- 5.2 Labour Relations Act, Act 66 of 1995 (as amended)
- 5.3 Labour Relations Policy Framework for the Public Service
- 5.4 Basic Conditions of Employment Act
- 5.5 Public Service regulations

#### 6. POLICY STATEMENT

The Department of Cooperative Governance and Traditional Affairs is committed to render a valued and quality service to its population through a motivated and disciplined staff. To provide this service, employees need to attend to work timeously and not to be absent without authorization.

#### 7. POLICY PRINCIPLES

This policy is guided by the following main principles:

- 7.1 Consistency
- 7.2 Transparency

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## 11. AUTHORISATION

Abscondment derives its authority from section 17 (3) (a) (i-ii) and (b) of the Public Service Act.

## 12. REINSTATEMENT

If an employee who is deemed to have been so discharged, reports for duty at any time after the expiry of the period referred to in paragraph 17 (3) (a) (i) the relevant executing authority may, on good cause shown and notwithstanding anything to the contrary contained in any law, approve the reinstatement of that employee 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 said authority may determine. (this blue paragraph is section 17 (3) (b) it talks about reinstatement) Duties have been terminated due to abscondment, reports for duty after dismissal, and the audi alteram partem rule must be applied to determine whether he/she has a valid explanation for his/her unauthorized absence prior to the making of a recommendation to the Executing Authority with regard to a possible reinstatement. The employee is however, not permitted to resume duties before the Executing Authority has approved so accordingly.

Section 17(3)(b) of the Public Service Act rules that if an employee who is deemed to have been dismissed due to abscondment, reports for duty at any time after the expiry of one 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 employee in the Public Service in his/her former or another post or position. In such a case the period of his/her absence from official duty shall be deemed to be leave without pay. (I think this whole paragraph is a repetition we must delete it)

## 13. COMMUNICATION / EDUCATION OF THE POLICY

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

Executive Authority

Initials: LN

HoD

Initials: AF





### 18. 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			

Executive Authority  
Initials:   *LN*  

HoD  
Initials:   *AF*

