

18.4 LEAVE

- 18.4.1 Leave is one of the most attractive conditions of service in the remuneration package of Public Officers. It can be defined as an approved period of absence of an employee. It is a break from duty for recreational and recuperation purposes, for attending to personal and religious obligations, learning and development events, among others. There are various types of Leave to cater for the needs of officers. These are: Vacation Leave, Casual Leave, Sick Leave, Maternity Leave, Paternity Leave, Adoption Leave, Leave Without Pay, Study Leave With and Without Pay and Injury Leave.
- 18.4.2 Officers are eligible for Leave after having served for a continuous period of at least 12 months or after they have been appointed in a substantive capacity in their respective grades. Vacation Leave has to be earned and accumulated before it is taken. Except for Sick Leave, Injury Leave and Maternity Leave, all applications for leave are approved subject to the exigencies of service.
- 18.4.3 In the context of this Review Exercise, both Management and Staff Side have expressed satisfaction on the existing provisions of Leave. However, some Federations have made representations to introduce Paternity Leave, increase the quantum of Sick Leave and to allow the unutilised Casual Leave to be cashed.
- 18.4.4 We have examined these requests and consider that the existing provisions are adequate and some improvements can be brought to render them more effective.

CASUAL LEAVE

- 18.4.5 Casual Leave is an authorised paid absence of an officer from duty to attend to urgent personal matters including religious obligations and for recreation. It caters for short and unexpected absences in foreseen and unforeseen circumstances.

Present Position

- 18.4.6 The present provision for casual leave is as hereunder:
- (i) the quantum of casual leave is 11 working days in any calendar year;
 - (ii) an officer who has already taken all his casual leave may be allowed to take, in any calendar year, up to five days from his accumulated **vacation leave**. The five days may be taken either at a stretch or on and off;
 - (iii) in addition to the provision at (ii) above, an officer may be allowed to take up to three days out of his vacation leave in case of the demise of a near relative or to look after the family around the time of his child's birth;

- (iv) an officer, appointed in a substantive capacity, whether directly or after a period of temporary service of less than one year, is eligible for casual leave on a *pro-rata* basis in the year of appointment;
- (v) an officer serving in a casual/temporary capacity for more than a year, on being appointed in a substantive capacity, is eligible for the full quantum of casual leave less annual leave already taken since the beginning of the year;
- (vi) an officer who has served for a period of less than a complete calendar year for any of the following reasons: leave prior to retirement/resignation; leave with/without pay; Injury Leave; and interdiction should be eligible to the full quantum of Casual Leave for the year;
- (vii) an officer who is absent from duty for a complete calendar year for any of the following reasons: leave prior to retirement/resignation; injury leave; leave with/without pay; and interdiction is not eligible for casual leave for the calendar year;
- (viii) casual leave should be taken in the calendar year it falls due and is normally non-accumulative. However, if owing to exigencies of the service, an officer cannot be granted part or the whole of his casual leave entitlement in the year it falls due, his Supervising Officer may allow him to carry over such leave to the following year, provided that the quantum of his casual leave in any particular year, does not exceed his entitlement for two years;
- (ix) as far as possible, Supervising Officers should continue to monitor the application and approval of casual leave, which should be granted subject to prior approval. Supervising Officers should satisfy themselves of the reasonableness of the grounds prior to granting leave which has been taken without prior approval on ground of unforeseen circumstances, otherwise it should be considered as unauthorised; and
- (x) casual leave can be spent locally or abroad and can be combined with vacation leave exceptionally in cases where the number of days required cannot be made up by taking either casual or vacation leave alone.

18.4.7 There have been representations from staff associations for an increase in casual leave entitlement and refund of casual leave not taken. However, only in some exceptional cases unutilised leaves have been refunded. Refunding all unutilised casual leave will defeat the purpose of granting such leave to public officers.

18.4.8 The moreso, when compared internationally, the present leave provision in the public service is already generous. Therefore, we are maintaining the present quantum of our casual leave which we consider is adequate and appropriate.

Recommendation 1

18.4.9 We recommend that the present provision for casual leave as enunciated at paragraphs 18.4.6 (i), (ii) and 18.4.6 (iv) to 18.4.6 (x) be maintained.

18.4.10 We further recommend that, in addition to the provision at 18.4.6 (ii) above, an officer may be allowed to take up to five days out of his vacation leave in case of the demise of a near relative or to look after the family around the time of his/her child's birth. The five days may be taken either at a stretch or on and off.

Casual Leave on Saturday for officers working on a six-day week basis

18.4.11 At present, for officers working on a six-day week basis and scheduled to work up to a maximum of four hours on Saturdays, absences on Saturdays are reckoned as half a day's casual leave. We are maintaining the present provision.

Recommendation 2

18.4.12 We recommend that absences on a Saturday should continue to be counted as half a day's casual leave for officers working on a six-day week basis and scheduled to work up to a maximum of four hours on a Saturday.

Annual Leave Entitlement for officers not holding substantive appointment

18.4.13 The present annual leave provision for officers not holding a substantive appointment including Trainees other than Trainee Educators (primary and secondary), students and apprentices is as follows:

- (i) 14 working days for those working on a five-day week basis
- (ii) 16 working days for those working on a six-day week basis

Recommendation 3

18.4.14 We are maintaining the present provision governing Annual Leave for officers not holding a substantive appointment after one year's continuous service including Trainees other than Trainee Educators, Students, Cadets and Apprentices.

Annual Leave for Trainee Educators (Primary and Secondary)

18.4.15 Trainee Educators (Primary and Secondary) are entitled to 10 working days of annual leave after the first year of training.

Recommendation 4

18.4.16 We are maintaining the above provision.

Annual Leave for part-time officers

18.4.17 Presently, part-time officers who have been in continuous employment for a period of 12 consecutive months are entitled to 14 working days of annual leave. A day of leave is reckoned as the day or part thereof the officer is expected to be on duty. We are maintaining the above provision.

Recommendation 5

18.4.18 We recommend that, in case of part-time work that covers five days or more in a week, part-time officers who have been in continuous employment for a period of 12 consecutive months should continue to be eligible to 14 working days of annual leave on full pay. In case of part-time work of less than five days a week, the number of annual leave should be pro-rated. A day of leave is reckoned as the day or part thereof the officer is expected to be on duty.

VACATION LEAVE

18.4.19 Vacation Leave is paid break from duty of longer duration for recreational, cultural or religious purposes. The aim for granting such paid leave is to encourage officers on permanent and pensionable establishment to take a longer break to renew themselves physically and mentally and to attend to personal obligations.

18.4.20 It is earned by virtue of effective service from the day of the officer's substantive appointment irrespective of the capacity in which he is employed. It is computed on a *pro-rata* basis in respect of the actual period served.

18.4.21 The present provision for earning or accumulating vacation leave is based on length of service of the officer and is as follows:

Length of service (in years)	Leave Earning Rate per Annum (in days)	Maximum leave that can be accumulated (in days)
Up to 5	25	105
5+ to 10	30	140
10+ to 15	35	175
Over 15	35	210

18.4.22 Officers can spend their vacation leave either locally or abroad. The vacation leave is normally accumulative subject to a maximum and is not granted in advance. The minimum grantable period of vacation leave is seven days and this is taken at a stretch, except where it is granted as casual leave when it can be taken at a stretch or on and off but subject to a maximum of five working days annually. Vacation leave can be combined with casual leave whenever the number of days' leave required, either casual or vacation, is not sufficient.

18.4.23 Vacation leave accrual rates are based on an officer's continuous length of service. Leave of absence excluding leave without pay does not constitute a break in service; however, no accrual of leave is permitted during any of the following periods: vacation leave, vacation leave taken as casual leave, sick leave in excess of 21 days in any calendar year, accumulated sick leave taken as leave prior to retirement, leave without pay, study leave with or without pay, leave taken for revision and examination purposes, maternity leave, injury leave, interdiction, adoption leave, and parental leave.

18.4.24 **Officers in the teaching profession do not earn vacation leave during school holidays save for those periods when they are officially in attendance.**

Recommendation 6

18.4.25 We recommend that:

- (i) the vacation leave provision for officers on the permanent and pensionable establishment should be as follows:

Length of service (in years)	Leave Earning Rate per Annum (in days)	Maximum leave that can be accumulated (in days)
Up to 5	25	105
5+ to 10	30	140
10+ to 15	35	175
Over 15	35	210

- (ii) Teachers of the Pre-Primary schools, Educators (Primary) and Educators (Secondary) should not earn vacation leave during school holidays except for those periods when they are officially in attendance. They should also be governed by the appropriate provision made at the Chapter dealing with the Ministry of Education and Human Resources in Volume 2 of this Report.

Recommendation 7

18.4.26 We further recommend that the conditions related to the purpose and grant of vacation leave as at paragraphs 18.4.19, 18.4.20 and 18.4.22 to 18.4.24 should be maintained save that the maximum vacation leave that can be used as casual leave may be increased to five days to cater for absences in case of the demise of a near relative or to look after the family around the time of a child's birth.

Length of Service

18.4.27 Eligible officers earn vacation leave which is accrued and based on an officer's continuous length of service. Periods of break or leave without pay or secondment to outside bodies, e.g. approved services are not considered when computing the length of service for Vacation Leave. This is being maintained.

Recommendation 8

18.4.28 We recommend that any period of break or leave without pay or secondment to outside bodies or organizations should continue to be discounted from the length of service for vacation leave.

Planning of vacation leave

18.4.29 Planning of vacation leave is important as it avoids conflicting situations and minimizes disruption in the smooth running of the organization. Given the importance and purpose of vacation leave, all employees should be encouraged to take their vacation leave or at least part of their entitlement every year. Consequently, Supervising Officers must ensure that leave for vacation purposes should be arranged with due regard for operating needs and to accommodate the convenience of the officer. In this regard, a "leave programme" is a useful tool for the grant of leave as well as to ensure proper manning of the unit/section/department.

Recommendation 9

18.4.30 We recommend that:

- (i) officers should be allowed to take periodic breaks from their work and enjoy their vacation leave, as far as possible, every year; and**
- (ii) Supervising Officers and Heads of Departments should ensure that a "Leave Programme" is established at the beginning of each calendar year to minimise disruption in the smooth running of the organisation and avoid conflicting situations.**

Accumulation of Vacation Leave above authorised ceiling

18.4.31 Despite the fact that leave is meant to be taken, as far as possible, every year, there are cases where some officers are not able to take their vacation leave. It is incumbent upon the Supervising Officer/Head of Section/Division/Unit to approve vacation leave and ensure that this causes little disruption in the smooth running of the organisation.

Presently, an officer is authorised to earn and accumulate vacation leave over and above his normal maximum entitlement in either of the following specific cases:

- (a) Sensitive and Critical/Essential Areas**

Where the services provided by grades with a small establishment size (one or two) are crucial involving either formulation of policy at the highest level or member of personnel responsible for the security of the country or of vital services where the officer(s) cannot be released.

(b) Scarcity Areas/Skills in Short Supply

Grades, requiring professional or technical qualifications, which have registered a vacancy rate of 20% and above for a continuous period of 1½ years or more and where, in spite of various recruitment attempts, the vacancies have not been filled.

(c) Exigencies of Service

Where the exigencies of service do not permit the release of the incumbent(s) and the remaining labour force would not be able to fully deliver during the absence of the officer(s).

18.4.32 As a means to compensate leave foregone or leave that cannot be granted and for the smooth running of the organization, officers falling in the above specific cases are allowed to accumulate their vacation leave over and above the authorised ceiling.

18.4.33 There have been requests from the Ministry of Civil Service and Administrative Reforms and other Chief Executives to limit the quantum of leave that can be accumulated. The Bureau has studied those requests and is agreeable that there should be a ceiling. Consequently, we are recommending accordingly.

Recommendation 10

18.4.34 We recommend that:

- (i) an officer should, as far as possible, apply for vacation leave before reaching his normal maximum entitlement, as such leave is meant to be taken during the year.**
- (ii) an officer who qualifies by virtue of paragraph 18.4.31 should only be authorized to earn and accumulate vacation leave over and above his normal entitlement provided that:**
 - (a) he has made a written application for leave and on reasonable grounds, he has not been released by the Supervising/ Responsible Officer or the Authorities due to the exigencies of the service; and**
 - (b) he has been notified in writing that, due to exigencies of the service, his request for leave has not been acceded to and of the date when he could be granted such leave.**

- (iii) the recommendation at subparagraph (ii) above should be subject to the approval of the Ministry of Civil Service and Administrative Reforms.
- (iv) any accumulated vacation leave over and above the normal maximum entitlement should be kept in a separate account known as “Beyond Ceiling Vacation Leave Account”. The maximum vacation leave which may be accumulated over and above the vacation leave ceiling should not exceed 50% of the maximum accumulated vacation leave entitlement for the incumbent. However, officers who have already exceeded half the normal maximum entitlement as at date of implementation of the Report, should retain same on a personal basis. Such leave should either (a) be taken as leave prior to retirement or earlier; or (b) be cashed at the time of retirement at the rate of 1/30 of the last monthly salary per day.
- (v) an officer who has accumulated vacation leave beyond the authorised ceiling and who subsequently proceeds on vacation leave should take all his accumulated vacation leave under the normal scheme prior to taking his accumulated vacation leave beyond ceiling from his “Beyond Ceiling Vacation Leave Account”.

SICK LEAVE

- 18.4.35 Employees are granted sick leave, whenever they are absent from duty on grounds of illness, convalescence or for any other health purpose. An officer is required to submit a medical certificate if he is absent from duty for more than three consecutive working days. However, a Supervising Officer may require the employee to submit a medical certificate for any period of absence on medical grounds.
- 18.4.36 Since 1993 Report, the Bureau has brought major changes to the sick leave scheme. The annual entitlement and the maximum ‘bank’ ceiling were reviewed and the concept of cash in lieu of sick leave not taken was introduced. In successive Reports, we have improved the scheme to discourage abuse of sick leave but at the same time to safeguard those who are genuinely sick and need sick leave.
- 18.4.37 Survey findings have revealed that since 2003, there has been a reduction in the number of days taken as sick leave, which revolved around 1-5 days per year on average for most employees of the public sector. In the 2008 PRB Report, we provided further inducement by increasing the bank ceiling and the maximum number of cashable sick leave up to 16 days at full rate while maintaining the other provisions. In the context of this Report, both Management and Unions have reported that the majority of officers do not take more than five days’ sick leave annually and have proposed for the refund of unutilized days of sick leave in *toto*.

18.4.38 We believe that a certain number of days should be kept free from any financial inducement so that employees may take sick leave whenever they are sick. The refund of unutilised sick leave has undoubtedly not only contributed to the decrease in the rate of sickness absence, but at the same time encouraged presenteeism at the workplace. The Chartered Institute of Personnel and Development defines presenteeism as situations when employees attend duty whilst impaired by an illness, injury or medical conditions. Research has revealed that the costs of sickness presence are even higher than for sickness absence. It is further argued that if presenteeism is allowed to fester, it can also lead to higher levels of sickness absence as the sick employee may pass along contagions to other workers and customers.

18.4.39 We are maintaining the present provisions.

Sick Leave Provisions for Officers holding Substantive Appointment

Recommendation 11

18.4.40 We recommend that the present provisions governing sick leave for officers appointed in a substantive capacity be maintained as hereunder:

- (i) Annual entitlement of 21 working days' full pay sick leave;**
- (ii) Unutilised sick leave at the end of the year is accumulated up to a "bank" maximum of 110 days;**
- (iii) After the bank maximum has been reached, a maximum of 16 unutilised days of sick leave, out of the annual entitlement of 21 working days, is paid in cash at the rate of $\frac{1}{22}$ of monthly salary per day;**
- (iv) Upon exhaustion of all sick leave (annual entitlement and 'Bank'), an officer is eligible, not more than twice in his career, for sick leave up to a maximum of six months on full pay followed by six months on half pay, inclusive of non-working days, on the recommendation of the Ministry of Health and Quality of Life. Such leave is considered as an 'advance' and should be refunded on the basis of the actual number of working days, on resumption of duty, at the rate of 14 days a year. The number of days to be refunded should be one day for each working day in case of sick leave on full pay and half day for each working day in case of sick leave on half pay. No officer is allowed to cash or 'bank' sick leave until all leave advanced has been refunded. Any unutilised sick leave at the end of the year is used to offset leave advanced;**

- (v) an officer who has been granted six months sick leave on full pay and is subsequently granted sick leave on half pay, may opt to use his accumulated vacation leave in lieu of the sick leave on half pay.
- (vi) on retirement, sick leave accumulated in bank may either be cashed in full, computed on the officer's retiring salary at the rate of $\frac{1}{22}$ of monthly salary per day, or taken as leave prior to retirement, to be reckoned against working days;
- (vii) in case of resignation from employment, officers are paid the total value (100%) of accumulated sick leave, if any; and
- (viii) on the demise of an officer, the total value (100%) of accumulated sick leave is paid to his heir(s).

18.4.41 The Bureau is bringing a few changes to certain specific provisions following various representations received as highlighted below.

Accumulated Sick Leave as at 30 June 1993

18.4.42 Officers who had opted to retain any accumulated sick leave in excess of 90 days in bank as at 30 June 1993 were required to opt for the retention of such leave to be cashed, in full on retirement or to be taken as pre-retirement leave. The Bureau has received representations to the effect that officers who genuinely need sick leave, upon the exhaustion of their annual entitlement and accumulated sick leave in bank, be allowed to use, if any, the sick leave in excess of the 90 days as at 30 June 1993. The Bureau recommends accordingly.

Recommendation 12

18.4.43 We recommend that officers who have opted to retain accumulated sick leave in excess of 90 days as at 30 June 1993 and who upon the recommendation of the Ministry of Health and Quality of Life, genuinely need additional sick leave after exhaustion of their annual entitlement and accumulated sick leave in bank, should be allowed, on a case to case basis, to make use of the excess sick leave, subject to the approval of the Ministry of Civil Service and Administrative Reforms.

Illness Abroad

18.4.44 At present, any period of illness abroad, on expiry of any period of leave (vacation, casual, study leave with or without pay) is on no pay except for the period an officer is hospitalised. The Bureau has received many representations to the effect that sick leave should be granted in genuine cases e.g. for convalescence and rehabilitation purposes or where the officer is not in a position to travel back immediately after hospitalisation period, etc. We have examined the claims carefully and consider that in genuine critical cases, the officers may be granted sick leave with pay.

Recommendation 13

- 18.4.45** We recommend that any period of illness abroad, on expiry of any period of leave (vacation, casual, study leave with or without pay) should continue to be on no pay. In case an officer is hospitalised, the period of hospitalisation should be reckoned against the officer's sick leave entitlement upon production of documentary medical evidence and approval of Ministry of Health and Quality of Life and Ministry of Civil Service and Administrative Reforms.
- 18.4.46** We, however, recommend that in critical cases where the officer is not in a position to travel back, irrespective of whether he has been hospitalised or not, owing to convalescence, rehabilitation, or any other genuine medical reasons, sick leave should be granted against the officer's sick leave entitlement, on a case to case basis, upon production of documentary medical evidence and approval of the Ministry of Health & Quality of Life and Ministry of Civil Service and Administrative Reforms.
- 18.4.47** We further recommend that consideration should continue to be given, on a case to case basis, to grant sick leave to officers upon production of documentary medical evidence, as approved by the Ministry of Health and Quality of Life, certifying that they should proceed abroad for medical treatment not available locally even though no hospitalisation is warranted and subject to the approval of the Ministry of Civil Service and Administrative Reforms.

Sick Leave Entitlement for Employees not holding a Substantive Appointment

- 18.4.48** The following provisions are applicable to employees not holding a substantive appointment, which we are maintaining:
- (i)** an officer is not eligible for sick leave with pay during his first year of service. After one year's continuous service, he is eligible for 12 working days sick leave on full pay in a calendar year;
 - (ii)** after exhaustion of the annual entitlement of 12 working days, the officer may, in case of prolonged illness and on production of a medical certificate, be granted additional sick leave on full pay up to a maximum of 14 days, inclusive of non-working days;
 - (iii)** the officer may be granted further sick leave on half pay for a maximum period of 62 days, inclusive of non-working days, in exceptional cases, upon production of medical evidence and recommendation of the Ministry of Health and Quality of Life;
 - (iv)** the additional 14 days' sick leave on full pay and 62 days' sick leave on half pay are deemed to be grantable over a period of

one calendar year. Any absence on account of illness in excess of the 88 days is on no pay;

- (v) any paid sick leave in excess of the 12 working days is considered as an “advance” and is to be refunded at the prescribed rate as specified at paragraph 18.4.40 (iv) on the officer being appointed substantively; and
- (vi) unutilised sick leave at the end of the year out of the annual entitlement of 12 working days, up to a maximum of 6 days, is refunded in cash. The computation for a day’s sick leave is at the rate of 1/22 of monthly salary per day.

Sick Leave to Part-time Employees

18.4.49 Existing provisions regarding sick leave for part-time employees and refund of unutilised sick leave are as hereunder and are being maintained:

- (i) a part-time employee who has been in continuous employment for 12 consecutive months and who puts in 40 hours of work weekly, should continue to be eligible for 12 working days’ sick leave on full pay in a calendar year;
- (ii) a part-time employee who has been in continuous employment for 12 consecutive months and who puts in less than 40 hours of work weekly is eligible for sick leave on a *pro-rata* basis depending on the number of hours of work per week based upon the principle of 12 working days’ sick leave annually for a 40-hour working week;
- (iii) unutilised sick leave at the end of the year out of the annual entitlement of 12 working days, up to a maximum of six days, should be refunded in cash each year at the rate of 1/22 of the monthly salary per day; and
- (iv) the refund of unutilised sick leave in respect of a part-time employee who puts in less than 40 hours of work weekly should be computed on a *pro-rata* basis depending on the number of hours of work per week.

Sick Leave Entitlement and Refund of unutilised sick leave in specific cases

18.4.50 The following existing provisions are applicable in certain specific cases with respect to the sick leave entitlement and refund of unutilised sick leave:

- (i) officers appointed in a substantive capacity in the service whether directly or after a period of temporary service of less than one year are eligible for sick leave on a *pro-rata* basis in the year of appointment;
- (ii) officers serving in a casual/temporary capacity for more than a year, are, on being appointed substantively, eligible for the full quantum of

sick leave less sick leave already taken since the beginning of the year;

- (iii) officers who are absent from duty for a period of less than a complete calendar year owing to leave prior to retirement/resignation, injury leave, leave with/without pay, or interdiction are eligible for the full quantum of sick leave for the year, whereas officers who are absent from duty for a complete calendar year for any of the reasons mentioned earlier are not eligible for sick leave for that calendar year;
- (iv) officers who are absent from duty in a calendar year owing to leave prior to retirement/resignation, injury leave, leave with/without pay, or interdiction are refunded in cash any unutilised sick leave on a *pro-rata* basis in respect of the period actually served in that calendar year; and
- (v) officers on leave with pay and who have been absent from duty for a period of less than a complete calendar year, are refunded unutilised sick leave in accordance with paragraph 18.4.40 (iii) provided they have attended duty for at least 22 working days in the calendar year.

Recommendation 14

18.4.51 We are maintaining the existing provisions governing sick leave entitlement and refund of unutilised sick leave in other specific cases except that for officers who have been absent from duty for a period of less than a complete calendar year, due to leave prior to retirement, they should be refunded unutilised sick leave in accordance with paragraph 18.4.40 (iii), provided they have attended duty for at least 22 working days in that calendar year.

Sick Leave Eligibility for Officers on Contract

18.4.52 As per existing provisions:

- (i) an officer employed on contract is not eligible to sick leave during the first year of contract;
- (ii) after completion of one year contract the officer is entitled to 21 days of sick leave annually but is not refunded in cash any unutilised sick leave; and
- (iii) the provision at (i) above is however not applicable to:
 - (a) a retired public officer who has been re-employed on contract;
 - (b) a contract officer who is serving under a contract of employment (embodying leave entitlement) already in force on 31 December 2012; and
 - (c) a contract officer serving in established posts.

18.4.53 We are maintaining the above-mentioned existing provisions.

Monitoring of Sick Leave

18.4.54 In general, the rate of sickness absence as well as cases of abuse of sick leave has declined over the years. Nevertheless, the Bureau considers that the measures enunciated in our 2008 PRB Report to strengthen control on the utilisation of sick leave and to rapidly detect suspected cases of malingering should continue to prevail. These recommendations are reproduced below:

- (i) **Supervising Officers should develop and maintain proper control systems at all levels;**
- (ii) **where a Supervising Officer considers that the sick leave record of an officer is unsatisfactory, he shall arrange for the officer to be examined by a medical board to determine the officer's fitness for further service;**
- (iii) **where an officer has been found unfit by a medical board, the Supervising Officer shall initiate action for his retirement on medical grounds in accordance with the regulations in force; and**
- (iv) **where the sick leave record of an officer, who has been found fit by a medical board, continues to be unsatisfactory, the Supervising Officer may initiate action for his retirement in the interest of the public service in accordance with the regulations in force.**

Maternity Leave

18.4.55 Maternity Leave is the time a mother takes off from work around the time of the birth of her child. The reason for granting such leave is to protect the health of the mother and the child. The broad guidelines governing the rights of female employees in relation to maternity leave have been established by the International Labour Organisation (ILO) and these are ratified by member countries, of which Mauritius forms part. However, specific criteria are determined by each member country, in line with its own policy and requirements. Each member country, therefore, adopts appropriate measures to ensure that female officers who have taken maternity leave are not subject to any form of discrimination. We are, in this Report, maintaining the present provision.

18.4.56 The present provisions governing maternity leave are as follows:

- (i) In the event of a confinement, an officer is eligible to 12 weeks' maternity leave. The leave is on full pay if the officer holds a substantive appointment or reckons at least one year's continuous service.
- (ii) Where the officer does not satisfy the criteria for leave on full pay, the maternity leave granted to her is on no pay.

- (iii) Maternity Leave on full pay is granted to officers for three confinements while in service. Any leave required for subsequent confinements is reckoned against vacation leave or leave without pay, as appropriate.
- (iv) On giving birth to a stillborn child, the mother may take maternity leave out of her entitlement. Or else she may take sick leave and her entitlement of confinements is not affected.
- (v) For births exceeding two in one confinement, the officer is granted six weeks' special leave in addition to her maternity leave.
- (vi) The officer may take either sick/casual/annual or vacation leave to undergo pre-natal treatment.
- (vii) An officer may take a maximum of four weeks of maternity leave prior to childbirth.

These provisions are appropriate and adequate.

Recommendation 15

18.4.57 We, therefore, recommend that the present provision regarding maternity leave be maintained.

Leave after Confinement

18.4.58 According to the ILO Reports there is, in general a movement towards longer maternity period, evidence of the extent to which the officers are valuing parenthood. With the present arrangement, female public officers may, in the period of 12 months following the expiry of maternity leave, in addition to vacation leave, either take a maximum of nine months leave without pay or six months leave without pay followed by six months part-time employment for half the working time on half pay.

18.4.59 The second part of this recommendation has not been implemented inasmuch as an officer cannot have two types of employment with the same employer at the same time. Nevertheless, given the evolution of society and the movement towards nuclear family, there is need for family protection. We are, therefore, reviewing this recommendation.

Recommendation 16

18.4.60 We recommend that subject to exigencies of service, female public officers may, in the period of 12 months following the expiry of maternity leave, be granted in addition to vacation leave, either (a) a maximum of nine months' leave without pay; or (b) six months' leave without pay followed by six months' leave on half pay computed on the basis of half the working time per day on half pay.

Paternity Leave

18.4.61 Requests have been received for the grant of Paternity Leave to fathers. We have examined the submission and consider that the total leave package granted to public sector employees is already generous. There are also provisions in the present Report, allowing fathers some flexibility to make leave arrangement to attend to their wife prior to and after confinement. We are, therefore, maintaining these provisions.

Recommendation 17

18.4.62 We recommend that:

- (i) priority of consideration be given for the grant of vacation leave to a male officer following confinement of his wife;**
- (ii) around the time of child birth, in addition to the normal casual leave entitlement, a father may, subject to the exigencies of service, take up to 10 days from his accumulated vacation leave, which is inclusive of the normal five days of accumulative leave taken at a stretch or on and off;**
- (iii) male officers holding a substantive appointment or having completed at least one year's continuous service should, on the demise of their working wife following delivery of a non-still born child, be granted leave on full pay for a duration equal to the unused portion of the maternity leave to which the deceased wife was entitled;**
- (iv) male officers holding a substantive appointment or having completed at least one year's continuous service should, on the demise of their non-working wife following delivery of a non-still born child, be granted leave on full pay equivalent to the hypothetical unused maternity leave computed as from the date of delivery.**

Adoption Leave

18.4.63 Adoption is where a child legally becomes a member of a new family with one or two new parents. As from the moment of adoption, the parental rights and responsibilities are conferred upon the adoptive parents. Besides bearing the surname of the adoptive parents, adopted children also have the same rights and privileges as the biological children of the parents.

18.4.64 In the 2008 PRB Report, Adoption Leave was introduced to support employees in their endeavour of adopting a child. The leave allows adoptive parents to have a period of time for bonding and taking care of a child following his/her adoption, hence easing adaptation in the new environment.

18.4.65 The present provisions regarding leave entitlements are adequate. However, while maintaining same, we are bringing in additional safeguards to facilitate implementation and regulation of adoption leave.

Recommendation 18

18.4.66 We recommend that:

- (i) both male and female officers who hold a substantive appointment or reckon at least 12 months' continuous service should, subject to the production of documentary evidence, be eligible to paid adoption leave;
- (ii) the quantum of adoption leave to be granted is as per table below.

Age of child adopted	Adoption leave granted
Up to 3 months	12 weeks
From 3 months to 3 years	6 weeks
From 3 years to 11 years	3 weeks
From 11 years to 18 years	1 week

- (iii) adoptive parents in the public sector may jointly take adoption leave in which case, the aggregate amount of leave should not exceed the amount prescribed as per the above table;
- (iv) only one period of adoption leave should be granted even if more than one child is being adopted at the same time;
- (v) paid adoption leave entitlement should be restricted to a maximum of three adoptions only; and
- (vi) officers who do not qualify for paid adoption leave, should be granted leave without pay equivalent to the quantum of adoption leave above for adoption purposes.

Study Leave

18.4.67 The existing provisions for the grant of study leave with pay are being maintained as hereunder:

- (a) study leave on full pay is granted to an officer on permanent and pensionable establishment nominated for in-service training or for an open scholarship considered to be in-service course in a priority field of study. The period of study leave with full pay starts from the day the course begins to the day the course/examination ends;
- (b) for overseas courses, an officer is granted two additional days of paid leave for travelling each way, from and to Mauritius;

- (c) an officer who wishes to await the result of his examination before resuming duty is granted, on application, an extension of leave. Such extension is either reckoned against his earned vacation leave or as leave without pay, as the case may be;
- (d) an officer who fails his examination is, on submission of relevant documentary evidence, granted an extension of study leave up to a maximum of three months on half pay immediately following the examination results. Any extension beyond three months shall be without pay. Any extension of leave either on half pay or without pay may be reckoned against the officer's earned vacation leave if he so wishes;
- (e) an officer who takes vacation leave in lieu of study leave following examination results automatically foregoes the study leave on half pay; and
- (f) however, an officer may be allowed to combine his vacation leave with study leave on half pay where the former leave is not adequate to make up for the three months' leave. The aggregate of leave taken should, however, not be more than three months.

Leave Without Pay

18.4.68 Leave without pay is authorised absence from official duty granted to an officer holding a substantive appointment. The officer retains his appointed position/post but draws no pay during the leave period. A defined set of provisions exists regarding the eligibility and grant of leave without pay.

18.4.69 Leave without pay is granted subject to the interest and exigencies of the service, to allow officers:

- (a) to take up employment in:
 - (i) Parastatal and other Statutory Bodies as well as in other institutions with approved service status for the probationary period of employment up to a maximum aggregate period of two years over a period of 10 years;
 - (ii) the Private Sector in Mauritius for an aggregate period not exceeding one year over a period of 10 years;
 - (iii) in International Organisations (of which Mauritius is a member), foreign countries under a scheme approved by Government, and member countries of Regional Organisations like SADC for the period of the initial contract or an aggregate of three years, whichever is the longer over a period of 10 years. However, on production of evidence that contributions in respect of service provided abroad have been made and a pension is payable for continuous service, the grant of Leave Without Pay may be extended for an aggregate

period not exceeding five years, subject to the approval of the High Powered Committee.

- (b) to undertake consultancy for short period of contract of not less than six months in International Organisations (of which Mauritius is a member), foreign countries under a scheme approved by the Government and member countries of regional organisations like SADC for an aggregate period not exceeding two years over a period of 10 years.
- (c) to accompany spouses, who are public officers proceeding on approved leave or who are not public officers but employed in International Organisations (of which Mauritius is a member) , in foreign countries under Government approved schemes and in member countries of regional organisations like SADC, for the duration of the initial contract the spouses would be required to serve.
- (d) to explore the possibility for emigration for an aggregate period of one year over a period of 10 years.
- (e) for other private purposes, including family commitment, an aggregate period not exceeding 90 days that can be taken either at a stretch or be staggered in a maximum number of three times every 10 years.
- (f) to run a business for an aggregate period of one year over a period of 10 years except for those in scarcity areas or where replacement is not easily available and retention is difficult or where training at Government expense has been for a year or more, but subject to the approval of the Ministry of Civil Service and Administrative Reforms and the High Powered Committee.
- (g) to pursue higher studies following full time courses for the duration of the course up to a maximum of 4 years in aggregate and subject to the following provisions:
 - (i) such leave is granted for a maximum period of one year in the first instance; and
 - (ii) extension of such leave is considered at the end of each academic year only on the basis of documentary evidence of continued studies in the same field, subject to exigencies of service.
- (h) a female Officer who has benefitted from maternity leave with full pay for three confinements should, on application, be granted leave without pay for a period of up to 12 weeks in the event of subsequent confinements; and
- (i) an officer who has been granted leave without pay for one year over a period of 10 years to take up employment in a Mauritian

Branch of an International Private/Multi-National Company may, with the approval of the MCSAR, be allowed to take advantage of the leave without pay or for part thereof in the event of an overseas posting in the same company.

- 18.4.70 The above provisions of Leave Without Pay cater, among others, for mobility, flexibility, exposure abroad and acquisition of foreign expertise, capacity building, reinforcing of diplomatic relations, motherly care, lifelong learning and other personal obligations of officers. It takes into account several social, managerial, and economic factors, as well as the aspirations of officers and the need for organizations to modernize and professionalize their services.
- 18.4.71 Representations have been received from officers for longer periods of leave without pay. On the other side, Management has submitted that prolonged absence of officers on leave without pay disrupts the organisation set up. Further, long periods of actingship/assignment of duties vice people on leave without pay are not motivating and officers' accountability are at stake.
- 18.4.72 After careful consideration of the arguments put forward, the Bureau holds the view that the rationality behind the provision for the grant of leave without pay is still valid today. However, there is a need to strike a balance between allowing mobility among sectors to allow people to get exposure, sharing competence and experience in the private sector and take opportunities outside, and limit disruptions to the proper functioning of organizations. These may be resolved with some planning and arrangements.
- 18.4.73 On these account, we are maintaining the provisions for leave without pay.

Recommendation 19

- 18.4.74 (a) **We recommend that the present provisions of Leave Without Pay for various purposes as highlighted at paragraph 18.4.69 above be maintained.**
- (b) **We further recommend that for the purpose of implementation of paragraphs 18.4.69 (a), (b), (d), (e), (f) and (i) above, the period of 10 years starts the day the first request of Leave without Pay is approved.**

INJURY LEAVE

- 18.4.75 Injury Leave is granted to an officer who, in the actual performance of his duties and while acting in accordance with rules and regulations, sustained an injury which rendered him unable to perform his regular duties.

- 18.4.76 The existing provisions for the grant of injury leave are as hereunder:
- (a) an officer, holding a substantive appointment and injured on duty, is granted injury leave on full pay, provided that he was acting in accordance with rules and regulations in force at the time of the accident and the accident was not due to his/her fault;
 - (b) pending the findings of the Departmental Board, as defined in the Human Resource Management Manual, the officer is granted sick leave upon recommendation for leave from a Government Medical Officer;
 - (c) the Supervising Officer may approve injury leave up to a maximum of 30 days, subject to the findings of the Departmental Board;
 - (d) all cases which require more than 30 days' injury leave are referred to the Injuries Committee, as defined in the Human Resource Management Manual, together with the necessary documents and comments as laid down in the existing regulations; and
 - (e) notwithstanding sub paragraph (c) above, the Supervising Officer may refer to the Injuries Committee any case where, in his opinion, the circumstances of the injury require further investigation.
- 18.4.77 The above provisions and arrangements are considered adequate. We are maintaining the present arrangements and **recommending accordingly**.

Injury Leave Entitlement for Employees not holding a Substantive Appointment

- 18.4.78 At present an employee, not holding a substantive appointment, is granted up to a maximum of 15 days' injury leave with pay, although the latter has not completed one year's continuous service, provided that the procedures set out in the existing regulations and at paragraph 18.4.76 above are followed.
- 18.4.79 The Bureau carried out a survey to find the appropriateness of the current recommendation. The survey revealed that there are certain cases of injury which necessitate longer period for recovery. We are making appropriate provision to address this issue.

Recommendation 20

- 18.4.80 We recommend that employees not holding a substantive appointment should continue to be eligible for injury leave with pay up to a maximum of 15 days, although they have not completed one year's continuous service, provided that the procedures set out in the existing regulations and at paragraph 18.4.76 above are followed.**
- 18.4.81 Notwithstanding provision at paragraph 18.4.80, for cases which require longer period for recovery, the employee may be granted injury leave with pay for up to a maximum of 180 days (inclusive of injury leave granted at paragraph 18.4.80), subject to production of Medical**

Certificate duly signed by a Police Medical Officer or a Government Medical Officer as appropriate and upon the recommendation of the Ministry of Health and Quality of Life.
