

18.4 LEAVE

Introduction

- 18.4.1 The concept of leave has evolved over successive reports to become an important component that forms part of the compensation package of officers/employees in the public sector. Employees across all public sector organisations, who are appointed in a substantive capacity or after completing one year's service, are entitled to a certain number of leave yearly aside from the days-off and public holidays. These leaves allow employees to maintain a work and life balance.
- 18.4.2 Authorised period of absence or leave is a privilege granted, subject to the exigencies of service, to an employee to relieve him from attending duty for a specific purpose. The employee continues to receive his salary or wage during that period of approved absence whilst delivery of service is continual.
- 18.4.3 There are various types of leave to cater for different needs of employees. These are vacation leave, casual leave, annual leave, sick leave, maternity leave, leave without pay, study leave with/without pay and injury leave.
- 18.4.4 For this Report, we have received representations from staff side to increase leave entitlement, refund of unutilised leave and to carry forward leave which has not been granted among others. We have studied in-depth all the representations and provided our views under the relevant topics with the appropriate recommendations. We are also making provision for the MCSAR to consider the advisability or otherwise to introduce a new leave scheme.

Casual Leave

- 18.4.5 Casual Leave or authorised paid absence from work is granted to each employee, on permanent and pensionable establishment after completing twelve months' continuous service or after being appointed in a substantive capacity to cater for brief absences, to attend to urgent personal matters including religious obligations and for recreation purposes.
- 18.4.6 The current provisions for the grant of casual leave to eligible officers are as hereunder:
- (i) the quantum of casual leave is 11 working days in each calendar year;
 - (ii) in any calendar year, after utilising all his casual leave, an employee may be allowed to take up to five days from his accumulated vacation leave which may be taken either at a stretch or on and off;

- (iii) an employee may, in addition to the provision at (ii) above, be authorized to take up to five days out of his vacation leave either at a stretch or on and off 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 employee on appointment 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) on being appointed in a substantive capacity, an employee who has served in a casual/temporary capacity for a period of more than a year is eligible for the full quantum of casual leave less annual leave already taken since the beginning of the year;
- (vi) an employee, serving 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, is eligible to the full quantum of casual leave for the calendar year;
- (vii) an employee, who is absent from duty for a complete calendar year for any of the following reasons: leave prior to retirement/resignation; leave with/without pay; injury leave 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, an employee who, owing to the exigencies of the service, cannot be granted part or the whole of his casual leave entitlement it falls due, may be allowed by his Supervising Officer 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) to the extent it is possible, Supervising Officers should continue to monitor the application and approval of casual leave, which should be granted subject to prior approval. In cases of application for casual leave taken without prior approval on ground of unforeseen circumstances, Supervising Officers should satisfy themselves of the reasonableness of the ground prior to approving such leave, otherwise it should be considered as unauthorized leave; and
- (x) casual leave may be spent locally or overseas and can be combined with vacation leave only in cases where by taking either casual or vacation leave alone, the number of days required cannot be made up.

Representation Received

- 18.4.7 Representations have been made by staff associations for an increase in the casual leave entitlement and also for the refund of all unutilized casual leave.

Bureau's View

- 18.4.8 Public Sector employees have a well-balanced leave provision taking into account the number of non-working days and public holidays.
- 18.4.9 Provisions already exist for the refund of all unutilized casual leave in some exceptional sectors so as not to impede the delivery of services and to maintain industrial relation and social harmony.
- 18.4.10 The Bureau still holds the view that an officer should be granted casual leave to cater for brief absences for recreations or to attend to urgent personal matters including religious obligations. The possibility to carry over vacation leave entitlement not granted to officers due to exigencies of service and usage of up to five days of vacation leave upon exhaustion of all casual leave have not been contested and favourably implemented. Such facilities to employees in the Public Service, when compared internationally, are generous and sufficient.
- 18.4.11 Therefore, the present quantum of casual leave and other options granted to all employees of the Public Service are reasonable and adequate to meet the recreational and other needs of absences and no change is envisaged.

Recommendation 1

- 18.4.12 We recommend that the present provisions for casual leave as stipulated at paragraph 18.4.6 above be maintained.**

Casual Leave on Saturday for employee working on a Six-day week basis

- 18.4.13 At present, absences of a Saturday for employees working on a six-day week basis and scheduled to work up to a maximum of four hours on Saturdays, are reckoned as half a day's casual leave. The present provision is fair and reasonable and no change is envisaged.

Recommendation 2

- 18.4.14 We recommend that absences on a Saturday should continue to be reckoned as half a day's casual leave for employees 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 employees not holding substantive appointment including Trainee Educators (Primary and Secondary) and Part-time employees

- 18.4.15 Employees not holding a substantive appointment, after completing one year's service are entitled to Annual Leave in lieu of casual and vacation leave as follow:
- (i) 14 working days for those working five days a week;

(ii) 16 working days for those working six days a week.

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

18.4.17 Employees, in case of part-time work are entitled to Annual Leave as follow:

(i) In case of part-time work that covers five days or more in a week and for being in continuous employment for a period of 12 consecutive months, the number of annual leave is 14 working days.

(ii) In case of part time work of less than five days a week and for being in continuous employment for a period of 12 consecutive months, the number of annual leave is pro-rated.

A day of leave is reckoned as the day or part thereof the officer is expected to be on duty.

Submission from Staff Side

18.4.18 During consultation, staff side have requested that employees appointed on a temporary capacity and not holding a substantive appointment should be eligible to six working days of annual leave after having served for a continuous period of six months.

Views of the Bureau

18.4.19 The Bureau holds the view that an officer on temporary capacity or probationary period, may terminate his/her employment before time for non-adaption to working environment or better offer elsewhere. Further, as per the HRMM regulation, casual leave is granted to an officer who has been appointed in a substantive capacity. Hence, any leave granted to an officer on temporary capacity or probationary period may be offset once the officer is appointed thereafter.

18.4.20 The present provisions of annual leave for employees not holding a substantive appointment after one year's continuous service including Trainee Educators (Primary and Secondary) and for part-time employees have so far not given rise to any industrial dispute and are thoroughly implemented to the satisfaction of both employer and employee. Therefore, it is not envisaged to bring any change in the quantum of such leave.

Recommendation 3

18.4.21 We are maintaining the above provisions as enunciated at paragraphs 18.4.15, 18.4.16 and 18.4.17 above.

Vacation Leave

18.4.22 Eligible employees are granted vacation leave, a pre-approved paid absence from work, for their use in invigorating their physical, psychological, and mental vigour, their enthusiasm for their work, and in accomplishing personal needs or tasks.

18.4.23 The current provision for earning or accumulating vacation leave, depending on the length of service of an officer is as given 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

Teachers of the Pre-Primary Schools, Educators (Primary) and Educators (Secondary)

- (ii) Employees in the teaching profession do not earn vacation leave during school holidays save for those periods when they are officially in attendance. Their condition is governed by the specific provision made at the Chapter dealing with the Ministry of Education and Human Resources.
- (iii) Notwithstanding the conditions related to the purpose and grant of vacation leave, a maximum of five days from the vacation leave can be used as casual leave 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.

Present Position

18.4.24 Amount of vacation leave earned is based on the effective service from the day of the employee'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. Employees can spend their vacation leave either locally or abroad. The vacation leave is normally accumulative, subject to a maximum ceiling and is not granted in advance. The minimum period of vacation leave which can be granted to an employee is seven days and this can be 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.

- 18.4.25 Accrual rates of vacation leave are based on an employee'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.

Representation from Staff Side

- 18.4.26 In the context of this Review, proposals of varying nature have been received from staff associations in respect of vacation leave. Some have requested that officers should be allowed to utilize part of their outstanding accumulated vacation leave as pre-retirement leave and allowed to cash the remaining balance at the time of retirement. Others have proposed that vacation leave should be offset against working days only. It has also been put forward that the quantum of vacation leave be increased and officers should be allowed to cash or to carry forward leave which have not been granted.

Bureau's Views

- 18.4.27 Presently, officers proceeding on retirement are given the option to cash at the rate of 1/30 of the last monthly salary per day the accumulated vacation leave provided they retire on the day they would normally have proceeded on leave prior to retirement. This provision allows officers to retire earlier while providing space for other officers to be appointed earlier in the position. The request to allow officers to utilise part of the accumulated vacation leave prior to retirement would defeat the very purpose of early retirement scheme.
- 18.4.28 Additionally, an officer should always be at the disposal of government to provide his/her service whenever he/she may be called upon to attend unforeseen and emergent tasks. Hence, vacation leave is earned by virtue of residential service and cannot be offset against working days only.
- 18.4.29 The categorisation of vacation leave earning rate per annum and the maximum leave entitlement that can be accumulated depending on the length of service in the public service are over generous and readily acceptable by all stakeholders. Employees are eligible to leave without staking their post and position and enjoying the leisure of being away from office to attend personal matters, while organisations arrange for the ongoing delivery of services.
- 18.4.30 As the existing provisions are adequate, the Bureau does not recommend any change.

Recommendation 4

18.4.31 We recommend that:

- (i) the vacation leave provision for employees 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. Their vacation leave entitlement should also be governed by the appropriate provision made at the Chapter dealing with the Ministry of Education and Human Resources, Tertiary Education and Scientific Research in Volume 2 Part I of this Report.

Recommendation 5

18.4.32 We further recommend that the conditions related to the purpose and grant of vacation leave as at paragraphs 18.4.22, 18.4.23 and 18.4.25, 18.4.27 to 18.4.29 and 18.4.31 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

18.4.33 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 or organisations, (e.g. with or without approved service status) are discounted from the length of service for Vacation Leave. This warrants no change.

Recommendation 6

18.4.34 We recommend that any period of break or leave without pay or secondment to outside bodies or organizations with or without approved

status should continue to be discounted from the length of service, qualifying for vacation leave.

Planning of vacation leave

- 18.4.35 In the Public Service, although employees are encouraged to take their vacation leave or part of their entitlement throughout the year, unforeseen absences very often degenerate into unexpected disruption of daily operations. When outgoing staff are not relieved from duty, morale is low and productivity of the officers is adversely affected, thus impeding delivery of service.
- 18.4.36 To avoid disruption of service and ensure smooth running of organisation while maintain harmonious industrial climate, the grant of vacation leave to employees must be planned in advance so that organisation have the right number of staff to deliver efficiently.
- 18.4.37 While arranging for the grant of vacation leave, public sector organisations should mandatorily carry out an HR Planning exercise to ensure that daily workload matches with the number of people required to continue providing services to the public. As such, Supervising Officers should ensure the establishment of “Vacation Leave Scheduling Programme” at the beginning of the calendar to better balance employees’ needs as well as to ensure proper manning of the unit/department/organisation.

Recommendation 7

18.4.38 We recommend that:

- (i) employees 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 mandatorily carry out an HR Planning exercise and establish a “Vacation Leave Scheduling Programme” at the beginning of each calendar year to ensure that the right number of staff has been retained to continue providing services to the public with a view to minimising disruption in the smooth running of the organisation and avoiding conflicting situations among the workforce. This exercise will have the benefit of giving opportunity well in advance to each employee to plan his vacation leave and for management to make proper arrangement for a substitute or any other arrangement to ensure continuous service delivery to the public.**

Accumulation of Vacation Leave above authorised ceiling

- 18.4.39 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.

18.4.40 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 of vital importance involving either formulation of policy at the highest level or member of personnel responsible for the security of the country or of essential services where the release of the incumbent (s) would cause serious disruption of work.

(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 despite several 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 cope or deliver during the absence of the officer(s).

18.4.41 Employees in specific areas, have been allowed to accumulate to a certain limit, their vacation leave over and above the authorised ceiling for the vacation leave foregone or vacation leave not granted for the smooth running of the organisation.

Recommendation 8

18.4.42 We recommend that:

- (i) an employee 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 employee who qualifies by virtue of paragraph 18.4.40 above 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, employees 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 employee 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

18.4.43 Sick leave is granted to eligible officers when they are absent from duty on grounds of illness.

Provisions for Officers appointed in a Substantive Capacity

18.4.44 Sick leave provisions in respect of officers appointed in a substantive capacity are as follows:

- (i) 21 working days' full pay sick leave every calendar year;
- (ii) Untaken sick leave at the end of the year is accumulated in a bank of sick leave up to a maximum of 110 days;
- (iii) When the “bank” maximum has been reached, a maximum of 16 unutilised days, 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) In exceptional cases, where an officer has exhausted all his sick leave (annual entitlement and 'Bank'), he is eligible, not more than twice in his career, for the grant of 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 is refunded on resumption of duty at the rate of 14 days a year. One day for each working day is refunded in case of sick leave on full pay and half day for each working day in case of sick leave on half pay. An officer is not 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) Officers who opted to retain accumulated sick leave in excess of 90 days as at 30 June 1993 and who genuinely need additional sick leave (after exhaustion of their annual entitlement and "bank") are allowed on a case to case basis and upon the recommendation of the Ministry of Health & Quality of Life, to make use of the excess sick leave subject to the approval of the Ministry of Civil Service & Administrative Reforms.
- (vi) Any period of illness abroad, on expiry of any period of leave (vacation, casual, study leave with or without pay) is on no pay. However, any period of hospitalization is reckoned against the officer's sick leave entitlement subject to the production of documentary medical evidence and approval of the Ministry of Health and Quality of Life and Ministry of Civil Service & Administrative Reforms.
- (vii) In critical cases, an officer who is abroad and is not in a position to travel back due to convalescence, rehabilitation or any other genuine medical reasons and irrespective of whether he has been hospitalized or not, is granted sick leave against his entitlement, on a case to case basis, upon production of documentary medical evidence and approval of the Ministry of Health and Quality of Life and Ministry of Civil Service & Administrative Reforms;
- (viii) Consideration is given, on a case to case basis, to grant sick leave to officers on 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 & Administrative Reforms;
- (ix) 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;
- (x) in case of resignation from employment, officers are paid the total value (100%) of accumulated sick leave, if any; and
- (xi) on the demise of an officer, the total value (100%) of accumulated sick leave is paid to the heir(s).

Representations made to the Bureau

- 18.4.45 For this Review, Federations have submitted, among others, that the annual entitlement should be increased as well as the maximum of unutilized days should be refunded. It has also been represented that officers should be allowed to cash sick leave accumulated in bank for the treatment of any immediate member of his family to finance surgical operations and other medical treatment.
- 18.4.46 The Bureau has cautiously examined these representations and considers that the refund of all unutilized days of sick leave would encourage officers who are genuinely sick to attend duty thus exposing colleagues to the risk of contagion. Sick Leave is granted, among others, to enable the officer to stay at home to recuperate. This is in itself a major reason for not allowing the cashing of all unutilized sick leave and a control to avoid the effect of presenteeism.
- 18.4.47 It is worth highlighting that the quantum of sick leave granted to employees per year is far more reasonable when compared with what obtains in the private sector and in other countries. Since the introduction of the refund in cash of part of unutilised leave, absences on ground of sick leave have reduced. This measure has helped to combat absenteeism, motivate staff to work longer periods at the office and thereby ensuring continuity in service delivery.
- 18.4.48 As regards the cashing of accumulated sick leave in bank to pay for surgical operations or medical treatment, the Bureau views that such a step may not be appropriate given that government health services are free and that a medical insurance scheme for public sector employees is underway.
- 18.4.49 We consider that the existing provisions are appropriate and should be maintained.

Recommendation 9

- 18.4.50 We recommend that the existing provisions governing sick leave as mentioned at paragraph 18.4.44 (i) – (xi) should be maintained.**

Provisions for Officers not holding Substantive Appointment

- 18.4.51 An officer is not eligible for sick leave with pay during his first year of service. However, officers not holding a substantive appointment after one year's continuous service are eligible to the grant of sick leave as recommended in the ensuing paragraph.

Recommendation 10

- 18.4.52 We recommend that officers not holding a substantive appointment after one year's continuous service should be eligible to the grant of sick leave as follows:**

- (i) 12 working days on full pay per calendar year;
- (ii) 14 additional working days on full pay in case of prolonged illness upon production of a medical certificate;
- (iii) In exceptional cases, further sick leave on half pay for a maximum period of 62 working days, upon production of medical evidence and recommendation of the Ministry of Health and Quality of Life;
- (iv) The paid sick leave in excess of the 12 working days is granted over a period of one calendar year and is considered as an advance, which is refunded at the prescribed rate as specified at paragraph 18.4.44 (iv) on the officer being appointed substantively;
- (v) Unutilized sick leave at the end of the year, out of the annual entitlement of 12 working days, is refunded in cash up to a maximum of six days. 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

18.4.53 Part time employees are eligible to sick leave as hereunder:

- (i) a part-time employee who has been in continuous employment for 12 consecutive months and who puts in 40 hours of work weekly, is 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) a maximum of six days of unutilised sick leave, out of the annual entitlement of 12 working days, is 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 is computed on a *pro-rata* basis depending on the number of hours of work per week.

18.4.54 The above provisions regarding the grant of Sick Leave to Part-time Employees are considered as appropriate and are thus being maintained.

Officers employed on a contractual basis

18.4.55 At present, officers on contract are not eligible to sick leave during the first year of contract. However, this is not applicable to a retired public officer who has been re-employed on contract and a contract officer serving against established posts.

18.4.56 Furthermore, after completion of one year, the contract officer is entitled to 21 days of sick leave annually but is not refunded in cash any unutilized day of sick leave.

18.4.57 These existing provisions are being maintained.

Sick Leave in Specific Cases

18.4.58 The following provisions regarding sick leave are applicable in certain specific cases:

- (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 who have been absent from duty for a period of less than a complete calendar year owing to leave with pay or leave prior to retirement, are refunded untaken sick leave as per paragraph 18.4.44 (iii) provided they have attended duty for at least 22 working days in the calendar year.

18.4.59 We are not bringing any change to these existing provisions.

Monitoring of sick leave

18.4.60 Provisions in view of strengthening control on sick leave utilization and detection of suspected cases of malingering are maintained, as hereunder:

- (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

18.4.61 As stipulated by the International Labour Organisation (ILO) Maternity Protection Convention, Maternity Leave is meant to protect the health of the mother and that of the child. Though generally taken after confinement, such type of leave may also be taken to cover periods of absence prior to delivery. As regards pre-natal treatment, time off is granted against sick, casual, vacation or annual leave entitlement.

18.4.62 In line with paragraph 42 of its Programme 2015-2019: "Achieving meaningful change", Government has decided that the quantum of maternity leave be increased from 12 to 14 weeks with a view to better supporting working mothers to fulfill their obligations. We are recommending accordingly to reflect this decision, except for birth of twin or more.

Recommendation 11

18.4.63 We recommend that:

- (i) A female officer should be eligible for 14 weeks' maternity leave in the event of a confinement. If the officer holds a substantive appointment or has completed one year's continuous service, the leave should be on full pay.**
- (ii) Where the officer does not satisfy the criteria for leave on full pay, the maternity leave to be granted to her should be on no pay**

Recommendation 12

18.4.64 We also recommend that:

- (i) maternity leave with full pay should be granted to officers for three confinements while in service and any leave required for subsequent confinements be reckoned against vacation leave or leave without pay, as appropriate;**
- (ii) on giving birth to a stillborn child, the officer may either (a) take maternity leave out of her entitlement or (b) take sick leave in which case her entitlement of confinements would not be affected;**
- (iii) for pre-natal treatment, an officer may take either sick/casual/annual or vacation leave; and**
- (iv) prior to childbirth, an officer may take a maximum of four weeks of maternity leave.**

18.4.65 The above provisions also apply to female officers who are employed on contract and who have served for a minimum period of 12 months, subject to the conditions as laid down at paragraph 18.4.55.

Provision for birth of twin or more

- 18.4.66 At present a female officer is granted six weeks special leave, in addition to her normal maternity leave entitlement for birth exceeding two in one confinement.
- 18.4.67 Representation has been made to extend this provision to female officers who give birth to twin or more in one confinement and to which the Bureau is agreeable.

Recommendation 13

- 18.4.68 We recommend that a Female Officer who gives birth to twin or more in one confinement should be granted six weeks' special leave in addition to her normal maternity leave entitlement.**

Leave after Confinement

- 18.4.69 At present, female public officers may, subject to the exigencies of service, 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.

- 18.4.70 We recommend that the above provisions should prevail.**

Paternity Leave

- 18.4.71 The present provisions governing leave granted to fathers are as follows:
- (i) Male officers are given priority of consideration to take their vacation leave following confinement of their wife;
 - (ii) In addition to the normal casual leave entitlement, a male officer may, around the time of child birth and subject to exigencies of service, take up to 10 days from his accumulated vacation leave, which is inclusive of the normal five days accumulative leave taken at a stretch or on and off;
 - (iii) On the demise of their working wife following the delivery of a non-still born child, male officers holding a substantive appointment or having completed at least one year's continuous service, are eligible to leave on full pay equivalent to the unused part of the maternity leave to which the deceased was entitled; and
 - (iv) On the demise of their non-working wife following delivery of a non-still born child, male officers holding a substantive appointment or having completed at least one year's continuous service, are eligible to leave on full pay equivalent to the hypothetical unused part of the maternity leave computed as from the date of delivery.

18.4.72 We are maintaining the provisions (i) to (v) of above paragraph (i) to (iv).

Adoption Leave

18.4.73 Adoption leave is granted to allow adoptive parents a period of time for bonding and taking care of a child following his/her adoption. The present provisions governing adoption leave are as hereunder:

- (i) Both male and female officers holding a substantive appointment or reckoning at least 12 months' continuous service, upon production of documentary evidence, are eligible to paid adoption leave;
- (ii) The quantum of adoption leave is as per the following table:

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 granted should not exceed the amount prescribed as per the above table;
- (iv) Even if more than one child is being adopted at the same time, only one period of adoption leave is granted;
- (v) Paid adoption leave entitlement is restricted to a maximum of three adoptions only; and
- (vi) Officers not qualifying for paid adoption leave are granted leave without pay for adoption purposes equivalent to the quantum of adoption leave as per the above table.

18.4.74 As these provisions are adequate, we are maintaining same.

STUDY LEAVE

Study Leave with Pay

18.4.75 At present, 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 begins from the day the course starts to the day the course/examination ends.

18.4.76 For overseas courses, an officer is granted two additional days of paid leave for travelling each way, from and to Mauritius.

- 18.4.77 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.
- 18.4.78 An officer who fails his examination, may on submission of relevant documentary evidence, be 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. The extension of leave either on half pay or without pay may be reckoned against the officer's earned vacation leave, if he so wishes.
- 18.4.79 An officer who takes vacation leave in lieu of study leave following examination results automatically foregoes the study leave on half pay. 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.
- 18.4.80 The Bureau has not received representations from the Ministry of Civil Service and Administrative Reforms nor Federations regarding the grant of Study Leave with Pay. We therefore consider the scheme to be appropriate and is serving its purpose.

Recommendation 14

- 18.4.81 We are maintaining the provisions for the grant of study leave with pay as specified at paragraphs 18.4.75 to 18.4.80.**

LEAVE WITHOUT PAY

- 18.4.82 Officers holding substantive appointment are, subject to the exigencies of service, eligible to the grant of leave without pay as hereunder:-
- 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 10 years;
 - (ii) the private sector in Mauritius for an aggregate period not exceeding one year over a period of 10 years;
 - (iii) 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. Nevertheless the duration of the Leave Without Pay may be extended, subject

to the approval of the High Powered Committee, for an aggregate period not exceeding five years, upon production of evidence that contributions in respect of service provided abroad have been made and a pension is payable for continuous service.

- 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 are 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, every 10 years, an aggregate period not exceeding 90 days that can be taken either at a stretch or staggered.
- F. to run a business for an aggregate period of one year over a period of 10 years except for those officers 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 is, on application, granted leave without pay for a period of up to 12 weeks in the event of subsequent confinements.
- I. Notwithstanding the provision made at paragraph 18.4.82 (A) (ii) above, 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.

- 18.4.83 In the context of this Review, members of different Federations have made several claims for the grant of longer periods of leave without pay. On the other hand, Management has highlighted that extended periods of leave without pay cause disruption in the smooth running of the organization, leading to an increase in apathy at work and a source for demotivation and frustration among employees.
- 18.4.84 The existing provisions governing leave without pay take into consideration the developmental needs of the country and cater for the aspirations of the officer as well as for the proper dispatch of services at organisational level. It allows officers to take advantage of a career break, pursue professional development and interests and acquire foreign expertise. It also encourages mobility, as well as reinforces diplomatic relations. Provision is equally made for an extended period of childcare and other personal obligations. The Bureau considers that the leave without pay Scheme is beneficial to both the employer and employee. We consider these existing provisions as appropriate.

Recommendation 15

18.4.85 We recommend that:

- (i) **the existing provisions of Leave Without Pay as enunciated at paragraph 18.4.82 (A) to 18.4.82 (I) above should be maintained; and**
- (ii) **for the purpose of implementation of paragraph 18.4.82 (A), (B), (D), (E), (F) and (I) above, the period of 10 years is deemed to have taken effect on the first day the officer has proceeded on leave without pay, as per these provisions.**

General Observations

- 18.4.86 The Ministry of Civil Service and Administrative Reforms has reported that a few cases of abuse have been noted whereby officers have availed of leave without pay for excessively long periods for different purposes. The Bureau wishes to point out that leave without pay is granted **subject to the exigencies of the service** and it is the responsibility of the Responsible Officer to decide whether the officer may be granted same.
- 18.4.87 In addition, we have been apprised that in certain cases, a few difficulties are encountered as regards the implementation of certain recommendations. We are addressing these issues.

Recommendation 16

18.4.88 We recommend that:

- (i) An officer who has been granted leave without pay for one purpose (e.g. to accompany spouse) should neither be granted extension of leave without pay for the same purpose nor for another purpose, such as for study, unless and until he/she resumes duty at the expiry of his/her leave.
- (ii) Supervising Officers should continue to ensure that officers, who are posted at their respective Ministry/Department and who are on leave without pay, do resume office at the expiry of their leave. Any request for extension of leave without pay should be submitted to the MCSAR at least one month before the expiry of the approved absence.
- (iii) the four years of Study Leave Without Pay as provided at paragraph 18.4.82 (G) should comprise the period the officer is awaiting the examinations' results and the holding of the graduation ceremony.

Leave to undertake Pupillage and Pre-Registration Training

18.4.89 During consultations, the Bureau has been requested to consider granting leave without pay or with pay in cases where public officers undertake pupillage and pre-registration training. We are making appropriate recommendations to that effect.

Recommendation 17

18.4.90 We recommend that a public officer who undertakes pupillage should be granted the following:

- (a) leave with pay provided it is undertaken at the Attorney General's Office; and
- (ii) leave without pay if it is conducted in the private sector.

Recommendation 18

18.4.91 We recommend that a public officer who undergoes pre-registration training should be granted leave without pay.

18.4.92 We also recommend that the period of leave with pay or without pay to undertake pupillage or pre-registration training should be for the whole duration of the training, subject to a maximum of two years.

INJURY LEAVE

18.4.93 Injury Leave, on full pay, is granted to an officer who sustains an injury whilst on duty, which renders him unable to perform his regular duties.

18.4.94 Over the years, the work environment has been subject to various changes, driven mainly by the advent of mechanization, automation, technological developments and work processes. These changes, among others, have increased the likelihood of accidents occurring at the workplace and workers sustaining an injury in the performance of his/her duties. In this perspective, the Bureau has been improving on the recommendations made on injury leave in its subsequent reports.

18.4.95 In the context of this review exercise, we have received several representations which we have carefully examined. Those having a merit in the case have been taken on board. The Bureau, therefore, whilst maintaining the existing provisions, is making appropriate recommendations.

Recommendation 19

18.4.96 We recommend that:

- (i) an officer, holding a substantive appointment and injured on duty, should be 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;**
- (ii) the officer be granted sick leave upon recommendation for leave from a Government Medical Officer pending the findings of the Departmental Board;**
- (iii) the Supervising Officer may approve injury leave up to a maximum of 30 days, subject to the findings of the Departmental Board;**
- (iv) all cases which require more than 30 days' injury leave should be referred to the Injuries Committee together with the necessary documents and comments as laid down in the existing regulations; and**
- (v) notwithstanding sub paragraph (iii) above, the Supervising Officer may refer to the Injuries Committee any case where, in his opinion, the circumstances of the injury requires further investigation.**

Injury Leave Entitlement for Employees not holding a Substantive Appointment

Recommendation 20

18.4.97 We recommend that employees, not holding a substantive appointment, should 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 they are in compliance with the provisions of the existing regulations and the procedures set out at paragraph 18.4.99 (i) – 18.4.99 (v) are followed.

18.4.98 Notwithstanding provision at paragraph 18.4.99, for cases which require a longer period of recovery, the employee may be granted injury leave with pay for up to a maximum of 180 days (inclusive of injury leave as mentioned at paragraph 18.4.99), subject to the production of a 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 & Quality of Life.

Departmental Board

- 18.4.99 The Bureau has received representations to the effect that at times, there is much delay in the submission of the Departmental Board's Report. Consequently, this delay causes much undue hardship to the officer, as in the meantime, his days of absence are being offset against his sick leave entitlement.
- 18.4.100 We consider the request to be fully justified, the more so the delay in submission of the Departmental Board's Report causes the processing and finalisation of cases referred to the Injuries Committee to be further delayed. We view that a specific time frame should be set in that respect so as to enable a timely completion of cases to be examined by the Injuries Committee.

Recommendation 21

- 18.4.101 We recommend that the Departmental Board should submit its Report within a fortnight and Supervising Officers should ensure that same is adhered to.**

Family Responsibility Leave (New)

- 18.4.102 It has been observed that some officers take urgent casual leave to cater for family responsibilities such as looking after his/her sick child or elder parent. However, due to unforeseen circumstances they have to take consecutive two additional days to ensure recovery. Under these cases, the officer has no choice except to give sick leave although he/she is not ill. Hence, there is a need to cater for such circumstances.
- 18.4.103 In order to provide much flexibility to the existing officers, the Bureau is introducing the Family Responsibility Leave.

Recommendation 22

- 18.4.104 We recommend that officers be granted a maximum of three days to cater for absences where the officer has to look after the family such as sick child or elder parents. Officers should produce medical evidence of the same, especially for the second and third day of absence. The three days should be reckoned against the casual leave entitlement of the officer. In case an officer has already taken all his casual leave, the three days' leave may be reckoned against the five days from his accumulated vacation leave or as leave without pay.**

Proposed New Leave Scheme

- 18.4.105 In the context of this Report, Federations mainly requested, as far as leave entitlement is concerned, for an increase in the quantum of leave presently granted as well as in the number of cashable days of unutilized leave.

Furthermore, the refund of untaken casual leave has been unanimously proposed. On the other hand, the Ministry of Civil Service and Administrative Reforms came up with a new leave scheme which consisted in lumping casual and vacation leave with a lower quantum with a view to reducing the rate of absenteeism.

18.4.106 Our existing leave scheme has always been viewed as unparalleled when compared to what obtains in the private sector and other countries. This issue has, on several occasions, been subject to criticism on the part of the private sector and experts from international organisations who consider the leave scheme to be overgenerous and unmatched anywhere else. In this respect, the Bureau has conducted an in-depth study on our present leave privileges and observed the following:

- (i) the introduction of cash refund for unutilized leave has, to a large extent, proved to be an effective and efficient means to reduce absenteeism in general and to ensure continuity in the workflow;
- (ii) many officers do not take their vacation leave or do not have opportunities to enjoy their vacation leave despite being encouraged to do so; and
- (iii) the practice of maintaining casual leave and vacation leave separately has become outdated, when compared to what prevails in the private sector and developed countries.

18.4.107 In view of the above mentioned points and in line with the main theme of this Report which aims at the transformation of the public sector for an enhanced service delivery to meet the needs of citizens' as well as other stakeholders, the Bureau holds the view that the new leave scheme may, to some extent, diminish the intricacies in the implementation of the existing leave schemes.

18.4.108 However, due to time constraint, the proposed new leave scheme has not been canvassed with the stakeholders in the public service.

18.4.109 Since this constitutes a major change in the condition of service, Government may consider setting up a high level committee under the chairmanship of the MCSAR to examine in-depth the advisability of including the new leave scheme and come up with implementable solutions or otherwise.
