



UNAUTHORISED ABSENCE/ABSCONDMENT POLICY

Date Approved: **15/12/2017**

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Resolution (DC
No):

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Contents

1. Introduction	Error! Bookmark not defined.
2. Legal Framework	4
3. Purpose of this Policy	4
4. Scope of this Policy	4
5. Policy	Error! Bookmark not defined.-7
6. Policy Review	7
7. Effective date & Approval	7

1. Introduction

- 1.1. All Employees have a duty to report every working day and timeously for duty.
- 1.2. If an Employee is unable to report for duty due to unforeseen reasons or illness, the Employee has to inform the supervisor accordingly within three hours after he should have commenced duty on the first day of being sick or absent and must notify the supervisor again if absence is going to be longer than only that day. Shift workers are required to report absence within two hours before the start of the shift (Garden Route District Municipality Leave Policy).
- 1.3. Unauthorised absence is viewed in a serious light and the Employer shall take the necessary disciplinary action to correct and address such absence. Action will be taken in accordance with the Disciplinary Code.
- 1.4. If an Employee has been absent without authorisation from duty for a period exceeding 10 consecutive working days, such employee is deemed to have absconded.
- 1.5. Before an Employee's service's is terminated on account of abscondment, the Employee's Supervisor must endeavour to determine the Employee's whereabouts. For this purpose, the procedure set out in clause 5 must be adhered to and a checklist must be completed.
- 1.6. All Employees must provide the Employer with the exact and correct contact and residential details. If an Employee's residence and/or contact details change, the Employee must within one month inform the Employer accordingly.

2. Legal Framework

- 1996 – The Labour Relations Act
- 1998 – The Basic Conditions of Employment Act
- Garden Route District Municipality Leave Policy

3. Purpose of this Policy

To regulate unauthorised absence in the workplace through procedural means

4. Scope of this Policy

This policy applies to all employees of Garden Route District Municipality.

5. Policy

5.1 Definitions

- 5.1.1 **Abscondment** refers to an Employee who is absent from work without authorisation and for a period exceeding 10 consecutive working days. If an Employee takes up other employment, such person shall be deemed to have absconded irrespective of whether the said prescribed minimum period for abscondment has expired or not.
- 5.1.2 **Desertion** has the same meaning as abscondment
- 5.1.3 **Employer** is Garden Route District Municipality.
- 5.1.4 **Unauthorised absence** refers to an Employee being absent from work without authorisation and in the absence of a reasonable excuse for the absence, including any failure to inform the Employer timeously of the reason for being absent from duty.
- 5.1.5 **Working days** refers to the days an Employee normally work, or have to work.

5.2 Abscondment

- 5.2.1. Abscondment refers to an Employee who absconds from the workplace in a manner which may suggest that the Employee has abandoned his employment and no longer wishes to continue with the employment contract.
- 5.2.2. As a general rule, it is a common law duty of Employees to inform Supervisors when they are unable to report for duty. The Employer has a specific rule that employees must inform their Supervisors as stipulated in clause 1.2.
- 5.2.3. Abscondment is characterized by an Employee's unauthorised absence from work for a period that exceeds 10 consecutive working days. If the Employee had not communicated his/her absence to his/her Supervisor and no reasonable explanation is available in respect of the Employee's absence, these facts will support an assumption that the Employee had in fact absconded his/her position and will put the onus squarely on the Employee to provide a satisfactory explanation to rebut such assumption.
- 5.2.4. If, in addition to clause 5.2.3, the Employer had made reasonable efforts to contact the Employee to no avail, the Employer is entitled to regard an Employee as having absconded.

5.3 Supervisor's Guideline to Manage Absenteeism/Abscondment

- 5.3.1. If an Employee on the first day of absence, fails to inform the supervisor of the reason for his/her absence, as stipulated in clause 5.2.3, the Employee could be guilty of unauthorised absence and/or failure to inform the Supervisor of the reason for his/her absence.
- 5.3.2. The Supervisor should enquire from colleagues if any of them are aware of the Employee's whereabouts, but nothing specific is required from the Supervisor, as it is the duty of the Employee to inform the Supervisor of his/her inability to report for duty.
- 5.3.3. If, however, an Employee is absent for a second consecutive day, the Supervisor must make reasonable efforts to determine the whereabouts of the Employee.
- 5.3.4. The reasonable efforts will include –
 - a) The Supervisor shall on the second day of absence, phone the Employee at his/her last available telephone or cell phone number and enquire about the Employee's absence. This conversation should include a warning that disciplinary action will be taken against the Employee for unauthorized absenteeism and that the Employee must report for duty immediately.
 - b) If the Employee does not answer the telephone or cell phone, a voice message to the above effect should be left if such facility is available.

- c) Irrespective of whether the Employee had answered the telephone or cellular call or whether a voice message has been able to be left or not, the Supervisor should also SMS/WhatsApp (if a cellular number is available) a short and clear message to the Employee to communicate with the Supervisor and to instruct an immediate return to work.
- 5.3.5. On the morning of the 10th consecutive day of absence, and if the Employee had not informed the Supervisor of the reason for absence and/or the Supervisor was unable to get hold of the Employee on day 2-9 after following the preceding steps, the Supervisor should phone the Employee and to send him/her an SMS/WhatsApp to confirm the Employer's message relating to the Employee's absence.
- 5.3.6. The message must contain a clear instruction to report for duty immediately. The Employee must also be informed that if he/she is absent for another consecutive working day; such absence will be treated as having absconded.
- 5.3.7. If the Supervisor is aware that the Employee has a fax or email facility available, a message should also be sent to such facilities.
- 5.3.8. The Supervisor must deliver a letter at the Employee's last known home address to warn him that if he/she is absent for another day, he/she may be deemed as absconded. The delivery may be executed by the Supervisor/Fellow Employee/ messenger/courier service or any other appropriate person who will be able to execute the task.

5.4 Supervisor's Duties

- 5.4.1. The Supervisor of the Employee, who is guilty of absenteeism, must send a formal request to the Employee Relations Practitioner to proceed with disciplinary enquiry. The Employee Relations Practitioner will forward the request to the Municipal Manager. The Municipal Manager must immediately analyse the evidence available and determine if all the procedures stipulated in this policy has been adhered to.
- 5.4.2. Once the Municipal Manager is satisfied that all evidence indicates that the Employee has been absent from duty for a period exceeding 10 consecutive working days and that the Employee may be deemed to have absconded, approve that disciplinary action be taken as soon as possible.
- 5.4.3. The Employee must be charged with abscondment, alternatively unauthorised absenteeism. According to the Employer's Disciplinary Code/ Labour Relations Act, an employee who was absent for a period exceeding 10 consecutive days without authorisation or informing the employer of the reason for such absence, could be dismissed even for a first offence. The appropriate disciplinary action must therefore be instituted by means of a Disciplinary Hearing as

soon as reasonably possible.

5.5. Communicating the Sanction

- 5.5.1. All efforts will be made, to inform the employee within 24 hours of the decision to terminate his/her services for abscondment.
- 5.5.2. Dismissal for abscondment is with immediate effect from the date of the Employee's last work day.
- 5.5.3. No notice pay will be due to the Employee, but the Employer is obliged to pay out any outstanding remuneration, accrued leave pay, and other benefits which are due to the Employee, less outstanding debt.

5.6. If Employee return to work after being dismissed for Abscondment

If the Employee at any later stage after being dismissed, return for duty, the Supervisor should inform the Employee that the employment contract has been terminated on account of abscondment and that the Employee may not resume duties.

6 Policy Review

This policy will be reviewed annually as necessary.

7 Effective date & Approval

On the minutes of the Council meeting that took place on 25 August 2020 (E.2) this Policy was approved.

THIS DOCUMENT WAS SIGNED ON THE _____ OF _____ 20 __.

MUNICIPAL MANAGER

Union Representative (SAMWU)

Union Representative (IMATU)