

16.4 LEAVE

Introduction

- 16.4.1 Leave forms part of the employees' benefits in the remuneration package. It can be defined as an authorised period of absence of an employee from his/her place of work and is, among others, a break from duty for recreational and recuperation activities, for attending personal and religious obligations, for continuous learning and development purposes, for promoting good physical and mental health and improving a work-life balance.
- 16.4.2 There are various types of leaves namely casual leave, vacation leave, sick leave, leave without pay, study leave with and without pay, maternity and paternity leave, adoption leave, annual leave, injury leave and family responsibility leave.
- 16.4.3 In the context of this review, stakeholders made several representations to enhance the existing provisions of leave. The Bureau has considered all the issues and is of the view that the current provisions are mostly in line with what obtain internationally.
- 16.4.4 However, we are reviewing certain provisions, whenever possible, to render it more implementable for all public officers.

Casual Leave

- 16.4.5 Employees, on permanent and pensionable establishment, after completing 12 months' continuous service or after being appointed in a substantive capacity are eligible to casual leave or authorised paid absence from work. Casual leave is meant to cover brief absences in foreseen and unforeseen circumstances for attending to personal matters, among others, including religious obligations.
- 16.4.6 During consultation with Federations, representations were made mainly for an increase in the casual leave entitlement and for the refund of unutilised casual leave to all public officers. The Bureau was also requested to advise on the eligibility of teaching personnel to avail up to five days taken on and off from the accumulated vacation leave, upon exhaustion of the 11 days' casual leave.
- 16.4.7 The Bureau received no submission from the Ministry of Public Service, Administrative and Institutional Reforms (MPSAIR) on casual leave for this Report. However, on an *ad hoc* basis, the Bureau's advice was sought on the leave which may be taken on and off from the accumulated vacation leave. The gist of the issue, detailed under the Chapter dealing with the Vice -Prime Minister's Office, Ministry of Education, Tertiary Education, Science and Technology in Volume 2 Part I of this Report, was whether the leave which may be taken on and off from the accumulated vacation leave, after exhaustion of the casual leave is considered as casual leave or vacation leave. The MPSAIR initially ruled out that the vacation leave taken on and off is and remains, to all intents and purposes, vacation leave and thereafter requested for the Bureau's concurrence on its stand.

- 16.4.8 After an in-depth analysis of the aforementioned request of the Vice-Prime Minister's Office, Ministry of Education, Tertiary Education, Science and Technology, it was observed that (i) officers do not earn passage benefits during both vacation leave and vacation leave taken as casual leave; and (ii) no accrual of leave is permitted during both vacation leave and vacation leave taken as casual leave. In the light of the foregoing, the Bureau considers that the stand of the MPSAIR that vacation leave taken on and off, after exhaustion of casual leave, remains vacation leave, is appropriate.
- 16.4.9 With regard to the requests received from the different Federations, the Bureau considers that, in view of the various types and quantum of leave already available to employees, the leave entitlements in the Public Service are, by any standard, generous when compared internationally. Therefore, the existing leave regime in the public sector is still effective. We recommend accordingly.

Recommendation 1

16.4.10 We recommend that:

- (i) the quantum of casual leave should continue to be 11 working days in each calendar year;**
- (ii) an employee who has exhausted all his casual leave may, subject to the exigencies of service, be allowed in any calendar year, to take up to five days from his total 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 authorised 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 (father, mother, brother, sister, husband, wife, son, daughter, father-in-law, mother-in-law) or to look after the family around the time of his child's birth; and**
- (iv) 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.**

16.4.11 Notwithstanding the recommendation at paragraph 16.4.10 above, the Bureau recommends that the following provisions for the grant of casual leave should be adhered to:

- (i) 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;**
- (ii) 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;

- (iii) 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;
- (iv) 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;
- (v) 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; and
- (vi) 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. This provision shall mandatorily be subject to the approval of the Supervising Officer.

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

16.4.12 Casual Leave taken on a Saturday by an employee working on a six-day week basis was previously counted as a full day leave although he works only for half a day. This provision was amended in the 2008 PRB Report such that absences on a Saturday for such category of employees was reckoned as half a day's casual leave. The 2013 and 2016 PRB Reports maintained this provision as it was considered fair and reasonable.

Recommendation 2

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

Annual Leave entitlement for employees not holding substantive appointment including Trainee Educators (Primary and Secondary) and Part-time employees

16.4.14 Presently, employees not holding a substantive appointment as well as Trainees other than Trainee Educators (Primary and Secondary) are, after completing one year's service, entitled to Annual Leave in lieu of casual and vacation leave as follows:

- (i) 14 working days for those working five days a week; and

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

16.4.15 Trainee Educators (Primary and Secondary) are entitled to 10 working days of Annual Leave after the first year of training.

16.4.16 Part-time employees are presently governed by the following provisions regarding Annual Leave entitlement:

(i) 14 working days where the part-time work covers five days or more in a week and incumbent has been in continuous employment for a period of 12 consecutive months;

(ii) the quantum of annual leave is pro-rated where the part-time work covers less than five days a week and incumbent has been in continuous employment for a period of 12 consecutive months; and

(iii) a day of leave is reckoned as the day or part thereof the officer is expected to be on duty.

16.4.17 All of the above provisions governing Annual Leave entitlement for each category of employees are still valid and should continue.

Vacation Leave

16.4.18 Vacation leave is a paid leave granted to employees on permanent and pensionable establishment for the purpose of rest, relaxation and attendance to personal obligations, among others. It is based on the foundation that periodic breaks from work are beneficial to the well-being of employees, a key factor for improving performance.

16.4.19 Vacation leave may also be granted for convalescence purpose to an officer on termination of his approved medical leave.

Conditions governing Vacation Leave

16.4.20 Vacation leave is earned by virtue of the employee's effective service from the day of his substantive appointment, irrespective of the capacity in which he is employed. It is calculated on a *pro-rata* basis in respect of the actual period served. It is normally accumulative and is not granted in advance. It can also be spent either locally or abroad.

16.4.21 The minimum period of vacation leave which can be granted to an employee is seven days and this should 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, 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.

16.4.22 Vacation leave is not earned during any of the following periods: vacation leave, vacation leave taken as casual leave, sick leave in excess of 21 working days in any calendar year, accumulated sick leave taken as leave prior to retirement, leave

without pay, study leave with/without pay, leave taken for revision and examination purposes, maternity leave, adoption leave, paternity leave, injury leave and interdiction.

Vacation Leave Earning Rate and Ceiling

- 16.4.23 For the past PRB Reports, the Unions/Federations have been submitting the same request on vacation leave, the most common one being an increase in its earning rate per annum. A comparison made with what obtains in the Private Sector and countries with similar historical background as Mauritius reveals that the quantum of vacation leave granted to public officers is far more reasonable.
- 16.4.24 Additionally, the vacation leave in the Public Sector is cumulative, subject to a maximum of 210 days whereas in the Private Sector, as introduced in the Workers' Rights Act 2019, the employee who remains in continuous employment with the same employer for a period of at least five consecutive years would be entitled to vacation leave of not more than 30 days. However, such leave, if not taken, is not cumulative.
- 16.4.25 Against these backdrops, the Bureau reiterates that the vacation leave earning rate and ceiling are over generous and maintains its stand as recommended in the ensuing paragraph.

Recommendation 3

16.4.26 We recommend that:

- (i) **the annual vacation leave earning rate and the maximum leave that can be accumulated for employees on the permanent and pensionable establishment should be as per the following table:**

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. Additionally, their vacation leave entitlement should continue to be governed by the appropriate provisions made in the Chapter dealing with the Vice Prime Minister's Office, Ministry of Education, Tertiary Education, Science and Technology in Volume 2 Part I of this Report;**

- (iii) **the maximum vacation leave that can be used as casual leave should be five days to cater for absences in case of the demise of a near relative (father, mother, brother, sister, husband, wife, son, daughter, father-in-law, mother-in-law) or to look after the family around the time of a child's birth, notwithstanding the conditions related to the purpose and grant of vacation leave; and**
- (iv) **in case of demise of an officer holding a substantive appointment, the balance of vacation leave standing to the credit of the deceased officer should be refunded at the rate of 1/30 of the last monthly salary per day to the heirs.**

Length of Service

16.4.27 In determining eligibility for vacation leave, the length of service of an officer starts from the date he joins the Public Service and begins to be paid from public funds irrespective of the capacity in which he joins. Periods of break or leave without pay or secondment to outside bodies or organisations, (for example, with or without approved service status) are discounted from the length of service qualifying for vacation leave. Since this provision is serving its purpose, we consider that it should be maintained. We are recommending accordingly.

Recommendation 4

16.4.28 We recommend that any period of break or leave without pay or secondment to outside bodies or organisations with or without approved status should continue to be discounted from the length of service qualifying for vacation leave.

Planning of vacation leave

16.4.29 Research shows that leave from work is essential for recuperative purpose and for the good health of employees. The Bureau, therefore, considers that officers should be encouraged to take periodic breaks from work. The grant of such leave must, however, be planned in advance so that the organisation has the right number of staff for the smooth functioning of its day-to-day activities and to enable it to deliver on its mandate.

16.4.30 To this end, it is mandatory that a "Vacation Leave Scheduling Programme" be established at the beginning of each calendar year. This would enable the organisation to make appropriate arrangements for the release of employees to better balancing employees' needs with workplace demand as well as allow Management to make proper arrangement for a substitute or any other arrangement to ensure continuous service delivery.

Recommendation 5

16.4.31 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 and avoiding conflicting situations among the workforce.**

Accumulation of Vacation Leave above authorised ceiling

16.4.32 Earning of vacation leave ceases when an officer has accumulated vacation leave up to his prescribed ceiling. Every year, there are cases where some officers are not able to take their vacation leave. They are authorised to earn and accumulate vacation leave above the normal maximum ceiling in either of the following specific areas:

(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).

16.4.33 The above exceptions prevent disruption of the smooth running of the organisation, the moreso, employees in these specific areas do not forego their leave. Since the existing provisions are appropriate, we are not bringing any amendments at this stage.

Recommendation 6

16.4.34 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 16.4.32 above should only be authorised 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 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 16.4.34(ii) above should be subject to the approval of the MPSAIR;**
- (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. 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, provided the officer would retire on the day he would normally have proceeded on pre-retirement leave, as mentioned in the Circular Note No. 25 of 2018 of the then Ministry of Civil Service and Administrative Reforms; and**
- (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

- 16.4.35 Paid sick leave is a significant benefit granted to employees when they are not well so as to enable them to manage their health and seek treatment, without sacrificing wages or job security. Sick Leave is presently given solely in case of absence on grounds of illness.
- 16.4.36 For this Report, the Bureau has examined the uses of sick leave against those obtained elsewhere and in line with societal changes. It is observed that in most developed countries, employees may take sick leave, on grounds of, among others, illness, convalescence, medical appointments and other health purposes. Since there is an increasing prevalence of non-communicable diseases in the mauritian society, there have been changes in everyday life of employees. The moreso, the rise in the number of working parents has a direct impact on social life in general.

16.4.37 In the above context, we consider that officers may be allowed to avail of sick leave for other uses as well, such as to attend medical appointments/routine health checks. It is against this background that the recommendations regarding the uses of sick leave have been reviewed.

Recommendation 7

16.4.38 We recommend that sick leave should be granted to eligible officers on the following grounds:

(i) when the officers are sick and need to recuperate; and

(ii) to attend medical appointments and routine health checks.

16.4.39 In general, absence to be reckoned as sick leave is considered as such only after being sanctioned by the Supervising Officer. It is the duty of the employee to inform his immediate supervisor, as far as possible, on the same day in the morning in case he would not attend duty due to sick leave. Upon resumption of duty, he should submit an application for sick leave. In the event the officer has been absent for more than three consecutive working days, he must produce on the fourth day a medical certificate or documentary evidence, depending on the ground he has taken the sick leave.

16.4.40 With a view to avoiding any abuse of sick leave, a Supervising Officer who suspects malingering on the part of an employee, may require the latter to furnish a medical certificate or documentary evidence, whichever relevant, even for one day of absence. The Supervising Officer should, however, not make an abuse of this discretionary power.

Representations made by Federations/Unions

16.4.41 Representations were made by Unions/Federations in the context of this Report, namely the refund of all unutilised sick leave; refund of sick leave at the time of retirement should not be taxable; and refund of sick leave in bank to undergo surgical operations.

16.4.42 The Bureau carefully examined the representations anew and considered most of them as being not tenable, on the following grounds:

(i) the refund of all unutilised sick leave would defeat the very purpose of granting sick leave which may lead to a growing problem of presenteeism at the workplace;

(ii) the refund of sick leave being taxable emanates from Government's fiscal policy and, therefore, is the concern of the Mauritius Revenue Authority; and

(iii) the fact that Government health services are provided free of charge, we did not find it justified to refund the balance of sick leave for undergoing surgical operations. However, the Bureau has come up with a new recommendation

allowing an officer to be refunded his accumulated sick leave prior to his retirement in an exceptional circumstance only.

The Bureau has, wherever deemed relevant, brought some clarifications to the extent possible regarding broad terms used in certain recommendations, as requested by the Unions/Federations.

Sick leave for officers holding a substantive appointment

16.4.43 No change has been brought to the provisions that govern sick leave for officers holding a substantive appointment. **These provisions are reproduced hereunder:**

- (i) a yearly entitlement of 21 working days' full pay sick leave;**
- (ii) a maximum of 110 days of unutilised sick leave may be accumulated in a bank of sick leave;**
- (iii) a maximum of 16 unutilised days out of the yearly entitlement of 21 working days is paid in cash at the rate of $\frac{1}{22}$ of monthly salary per day, provided the officer has accumulated the maximum of 110 days of sick leave in bank;**
- (iv) where an officer has exhausted all his sick leave that is, annual entitlement and bank, he is, in exceptional cases only, 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 Wellness. Such leave is not granted consecutively since it 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. For the purpose of implementation, an officer would be eligible for the second advance only after he has fully refunded the first advance. 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 and Wellness, to make use of the excess sick leave subject to the approval of the MPSAIR;**
- (vi) 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 instead of sick leave on half pay;**

- (vii) on expiry of any period of leave (vacation, casual, study leave or without pay), any period of illness abroad is on no pay. However, any period of hospitalisation 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 Wellness and MPSAIR;
- (viii) 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 hospitalised 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 Wellness and MPSAIR;
- (ix) 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 Wellness 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 MPSAIR;
- (x) sick leave accumulated in bank may either be cashed in full on retirement, 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;
- (xi) upon resignation from employment, officers are paid the total value (100%) of accumulated sick leave, if any; and
- (xii) in case of demise of an officer, the total value (100%) of accumulated sick leave is paid to the heir(s).

Sick Leave for officers not holding a substantive appointment

16.4.44 During the first year in service, an officer is not eligible for paid sick leave. The provisions that govern sick leave for officers who do not hold a substantive appointment after one year's continuous employment in service have remained unchanged. **These provisions are as follows:**

- (i) **annual entitlement of 12 working days on full pay;**
- (ii) **in case of prolonged illness and subject to production of medical certificate, 14 additional working days on full pay;**
- (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 Wellness;**
- (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 rate of 14 days a year on the officer being appointed substantively;**

- (v) a maximum of six unutilised days of sick leave out of the annual entitlement of 12 working days is refunded in cash at the rate of $\frac{1}{22}$ of monthly salary per day.

Sick Leave for Part-Time Employees

Recommendation 8

16.4.45 We recommend that the provisions governing sick leave for officers employed on a part-time basis should be as hereunder:

- (i) a part-time employee who has been in continuous employment for 12 consecutive months but does not hold a substantive appointment 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 in the service for 12 consecutive months but does not hold a substantive appointment, 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 part-time employee holding a substantive appointment and who puts in 40 hours of work weekly is eligible for 15 working days' sick leave annually. Those who put in less than 40 hours of work per week are eligible for sick leave on a *pro-rata* basis depending on the number of hours of work per week;
- (iv) 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 $\frac{1}{22}$ of the monthly salary per day; and
- (v) 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.

Sick Leave on Saturday for Employees working on a six-day week basis

Recommendation 9

16.4.46 We recommend that absence on account of sickness on a Saturday should continue to be reckoned as half-day sick leave for employees working on a six-day week basis and scheduled to work up to a maximum of four hours on a Saturday.

16.4.47 In the event a Supervising Officer or any officer acting on his behalf suspects malingering, he may require the employee to submit a Medical Certificate from a Government Medical Officer.

Sick Leave for officers employed on a Contractual Basis

16.4.48 The following provisions on sick leave are applicable to officers employed on a contractual basis and same remain unchanged:

- (i) **officers employed on contract are not eligible to sick leave during the first year of contract. However, this provision does not concern retired public officers under the purview of the PRB, who have been employed on contract or officers serving on contract against established posts; and**
- (ii) **after serving one year on contract, the officer is entitled to 21 days of sick leave per year. However, unutilised days of sick leave are not refunded in cash.**

Sick Leave in Specific Cases

16.4.49 The following provisions regarding the grant of sick leave remain applicable in certain cases, as below:

- (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 have been absent from duty in a calendar year owing to resignation, injury leave, leave 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 in a calendar year owing to leave prior to retirement or leave with pay are refunded in cash unutilised days of sick leave as per paragraph 16.4.43 provided they have attended duty for at least 22 working days in the calendar year. In the event they have worked less than 22 working days in the calendar year, they should be refunded unutilised days of sick leave on a *pro-rata* basis in relation to the 22 working days for the period actually served in that calendar year [that is, $(\frac{16}{22} \times \text{no. of days actually worked}) \times \frac{1}{22} \times \text{salary}$].**

Refund of Sick Leave accumulated in bank prior to retirement

- 16.4.50 Sick leave accumulated in bank may either be cashed in full at the time of retirement or taken as leave prior to retirement. It has been reported that some officers on the verge of their retirement had to undergo treatment and/or surgical operation in a local private clinic or overseas and for that purpose they requested to avail of the balance of their accumulated sick leave in bank.
- 16.4.51 In such circumstances, these officers may be in urgent need of financial support to meet the costs of their immediate treatment. We are thus, providing for such refund as a means of financial assistance, exceptionally, in a case where the health condition of a sick officer is considered very critical and life threatening, and which necessitates immediate local or overseas treatment in a private clinic.

Recommendation 10**16.4.52 We recommend that:**

- (i) an officer may, exceptionally, prior to his retirement, be refunded in cash his balance of sick leave accumulated in bank, at the rate of $\frac{1}{22}$ of monthly salary per day, provided the officer's health condition is very critical and life threatening and where immediate treatment is required in a local private clinic or overseas subject to the production of medical documentary evidence and approval of the Ministry of Health and Wellness and MPSAIR;**
- (ii) upon refund of the balance of sick leave, the officer would no longer be eligible to accumulate his unutilised sick leave and subsequently not refunded any unutilised sick leave during the year; and**
- (iii) an officer should be refunded the full balance of accumulated sick leave.**

Monitoring of Sick Leave

- 16.4.53 The provisions meant to reinforce control on the use of sick leave and detect suspected cases of malingering remain as below:
- (i) Supervising Officers should develop and maintain proper control mechanisms at all levels;**
 - (ii) where a Supervising Officer considers that the sick leave record of an officer is unacceptable, 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) a Supervising Officer may initiate action for the retirement of an officer in the interest of the public service according to regulations in force, in the**

event the latter's record of sick leave continues to be unacceptable despite having been found fit by a medical board.

Refund of Sick Leave post Covid-19

- 16.4.54 Following the Covid-19 pandemic, in order to exercise tighter control on recurrent expenditure, it was announced in the budget speech 2020-2021 that exceptionally, there will be no cash refund for unutilised sick leave for the year 2020. These leaves will be accumulated in the sick leave bank.
- 16.4.55 Presently, at the time of retirement, besides their normal entitlement, employees are also paid the accumulated sick leave for year 2020. On one hand, the Ministry of Finance, Economic Planning and Development has expressed its inability to pay the unutilised sick leave in this difficult financial situation while on the other hand, retirees should not be deprived of their dues. Hence, a proper scheme needs to be designed to address this singular situation while at the same time meeting the employer's obligation.
- 16.4.56 Several proposals have been made and the Bureau critically analysed all to come up with proposed solutions in the form of recommendations. We consider that the unutilised sick leave in terms of monetary value, while the payment is deferred, should not be subject to substantial increase as it would defeat the purpose of designing the present scheme. We are also making provision for the usage mode of this scheme and also catering for similar situations that may arise in the future.

Recommendation 11

- 16.4.57 We recommend that the monetary value of untaken sick leave for year 2020 should be kept in a separate account and refunded to the beneficiary at the time of retirement or when the Government so deems fit, bearing in mind the financial soundness of the economy.**
- 16.4.58 We also recommend that the amount kept in the separate account, may be used by officers for medical expenses/treatment for themselves or immediate member(s) of their family.**
- 16.4.59 We further recommend that similar provisions as above may be applicable should a similar situation arise in the country or in case of a "force majeure".**

Maternity Leave

- 16.4.60 Maternity leave is an essential part of the conditions of service of a female employee in as much as besides allowing the officer to recover from childbirth and take care of the infant child, it also protects the employment of that officer. In cases where the officer needs to be away from work, she may take up to four weeks out of her maternity leave, prior to delivery. As regards pre-natal treatment, time off is generally granted against sick, casual, vacation or annual leave entitlement.
- 16.4.61 Following the ratification of the International Labour Organisation (ILO) convention on maternity leave by the Mauritian Government, this condition has known an

improvement from 12 weeks to 14 weeks leave and was reflected in the 2016 PRB Report. At that point in time, the provisions governing maternity leave were adequate. Nevertheless, further changes were brought to the existing recommendations through the issue of Circular Notes by the MPSAIR, in pursuance of budgetary provision, as follows:

- (i) Circular Note No 20 of 2018 provided for female officers reckoning less than 12 months' service to be granted maternity leave on full pay; and
- (ii) Circular Note No. 30 of 2019 provided for the restriction on maternity leave which was limited to three confinements to be removed. Further, female officers who were nursing their unweaned child were granted permission on the same basis as working mothers in the private sector, that is, for a period of 6 months as from date of birth.

16.4.62 Consequently, the said provisions have been strengthened and we are accordingly recommending for the applicability of same across the public sector.

Recommendation 12

16.4.63 We recommend that:

- (i) any female officer should, irrespective of the number of confinements, be entitled to 14 weeks' maternity leave on full pay;**
- (ii) in case an officer gives birth to a stillborn child, on production of medical certificate, the officer should be eligible for 14 weeks' leave on full pay;**
- (iii) for pre-natal treatment, an officer may take either earned sick/casual/annual or vacation leave; and**
- (iv) prior to childbirth, an officer may take up to a maximum of four weeks of maternity leave.**

16.4.64 We further recommend that the above provisions should also apply to female officers who are employed on contract.

Provision for birth of twins or more

16.4.65 A female public officer, who gives birth to twins or more in one confinement, is presently entitled to six weeks' special leave, over and above her normal maternity leave. This provision is being maintained.

Recommendation 13

16.4.66 We recommend that a female officer who gives birth to twins or more in one confinement should be granted six weeks' special leave in addition to her normal maternity leave entitlement.

Leave after Confinement

16.4.67 As per existing provisions, female public officers may, at the expiry of their maternity leave, in addition to vacation leave, opt for leave without pay up to a maximum of nine months or six months without pay followed by six months' leave on half pay, subject to exigencies of service. The essence of these provisions is to allow the female officers meet their family obligations while also catering for those who wish to have a long period of leave and at the same time not to lose contact with their work. Given the relevance of these options, particularly, in the present context, we are maintaining same and recommending accordingly.

Recommendation 14

16.4.68 We recommend that, subject to the exigencies of service, female public officers may, after their maternity leave, be granted vacation leave. Subsequently, they may, within a period of 12 months following the expiry of the maternity leave, be granted 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.**

Permission to nurse unweaned child

16.4.69 Subsequent to a decision taken by the Government, female public officers who are nursing their unweaned child are, with effect from 01 July 2019, granted permission for that purpose for a period of six months as from the date of birth or such longer period as may be recommended by a Medical Practitioner. Following representations received from several quarters to the effect that certain officers have made an abuse of the extended period of permission, we are reviewing this provision to avoid such occurrences in the future.

Recommendation 15

16.4.70 We recommend that:

- (i) A female officer who is nursing her unweaned child should be entitled to two permissions of half-hour or one permission of one hour every day at a time convenient to her with regard to the needs of the child; and**
- (ii) the permission should be for a period of six months from the date of confinement and should not be deducted from the number of hours of work of the officer. A further period of six months may be granted on production of a medical testimony from a Government Medical Practitioner.**

Paternity Leave

- 16.4.71 As per existing provisions, male officers are given priority of consideration to take vacation leave to attend to their wife following confinement. Specific considerations are also given to those who have to look after their newly born child on the demise of their wife after delivery.
- 16.4.72 We have, for this review, received numerous representations from the Federations for male officers to be granted paternity leave as provided in the private sector and for such leave to be disconnected from vacation leave.
- 16.4.73 After having scrupulously examined the leave entitlement in the public sector and that of the private sector, we are inclined to conclude that the leave granted to fathers in the public sector is far better than that prevailing in the private sector. Consequently, major changes are not warranted in this condition of service. However, as a consequence of recommendations made for female officers reckoning less than 12 months to be entitled to maternity leave on full pay, necessary adjustments are being brought to the provisions regarding grant of leave to male officers on the demise of their wife.

Recommendation 16

16.4.74 We recommend that:

- (i) male officers should be given priority to take vacation leave after confinement of their wife;**
- (ii) besides the normal casual leave entitlement, a male officer may, 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, around the time of child birth;**
- (iii) male officers should, on the demise of their working wife following the delivery of a non-still born child, be eligible to leave on full pay equivalent to the unused part of the maternity leave to which the deceased was entitled; and**
- (iv) male officers should, on the demise of their non-working wife following delivery of a non-still born child, be eligible to leave on full pay equivalent to the hypothetical unused part of the maternity leave computed as from the date of delivery.**

Adoption Leave

16.4.74 Adoption leave is granted to allow the adoptive parents a period of time for bonding and taking care of a child in a new family, following his/her adoption. The prime objective of this type of leave is to facilitate the adaptation of the child in his/her new environment. As from the moment of adoption, the parental rights and responsibilities are conferred upon the adoptive parents.

16.4.75 The Bureau has been apprised that the implementation of adoption leave is not consistent across the Public Sector and this gave rise to cases of abuse. We are, therefore, addressing this issue as well as reviewing the existing provisions in line with the Government's decision on maternity leave entitlement and the Circular Note No. 20 of 2018 issued by the MPSAIR.

Recommendation 17

16.4.76 We recommend that:

- (i) **both male and female officers should, upon production of documentary evidence, be eligible to paid adoption leave which starts as from the date mentioned in the document for adoption;**
- (ii) **the quantum of adoption leave to be granted, should be as per the table below:**

Age of child adopted	Adoption leave granted
Up to 3 months	14 weeks
Above 3 months and up to 3 years	7 weeks
Above 3 years and up to 11 years	3 weeks
Above 11 years and up 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; and**
- (iv) **even if more than one child is being adopted at the same time, only one period of adoption leave should be granted.**

Study Leave with Pay

- 16.4.77 Study Leave with pay is granted to an officer holding a substantive appointment and who has been nominated to follow an in-service training under an approved scheme or for an open scholarship considered as in-service training, provided that the course forms part of the priority field of study.
- 16.4.78 For this review exercise, we did not receive any proposal regarding study leave with pay from the Federations and MPSAIR. However, we received claims from other quarters for the Bureau to look at the whole issue holistically following significant changes in the educational landscape and from a financial perspective so as to ensure a more judicious use of tax payers' money.
- 16.4.79 During consultations, we have been apprised that the priority fields of study is determined by the Higher Education Commission. However, different lists are being used to determine whether an officer should be eligible to study leave with pay. In such a context, many officers who otherwise would not have been eligible, have been granted leave with pay. Furthermore, many officers have taken advantage of this condition of service for their own personal gain, without any benefit to their organisation and work unit, while in a few cases, the bond signing exercise has been circumvented.
- 16.4.80 According to Chesworth Report, the purpose of granting study leave with pay is to enable officers in the public sector to pursue study in specific fields so as to increase their usefulness to the service. Though we do not dispute the philosophy, the Bureau believes that with: the significant increase in the number of higher education institutions locally; the advent of free tertiary education as far as public universities are concerned; an excess of overqualified candidates in the market and public officers in the service; and the number of open scholarships for short award or postgraduate courses being offered by several donor agencies/countries, in fields not necessarily considered as priority; and given that much emphasis is being laid by Government on an efficient use of public funds, there is a need to revisit the grant of study leave with pay in a few specific cases only. We are, therefore, reviewing the scheme.

Recommendation 18

- 16.4.81 We recommend that the following parameters be considered for the grant of study leave with pay:**
- (i) officers holding a substantive appointment and who have been nominated for an in-service training or awarded an open scholarship should be granted study leave with pay, subject to core requirements of the cadre and exigencies of the service;**
 - (ii) in the case of an open scholarship, the officer should reckon at least two years' service in a substantive capacity and not subject to adverse reports or poor performance;**

- (iii) the field of training should be related to the officer's current employment or sphere of his work and in case of an open scholarship, the course should form part of the updated list of priority fields of study of the Higher Education Commission; and**
- (iv) officers should stand guided by the bonding policies as applicable in the Public Service.**

Recommendation 19

16.4.82 We further recommend that:

- (i) the period of leave begins from the day the course starts to the day the course/examination ends;**
- (ii) for courses being pursued overseas, an officer should be granted two additional days of paid leave for travelling each way from and to Mauritius;**
- (iii) an officer may apply for an extension of leave in the event he wishes to await the results of his examination prior to resuming duty. Such extension of leave may be reckoned against his earned vacation leave or leave without pay, depending on the specificity of the case; and**
- (iv) an officer who fails his examination may, on submission of relevant documentary evidence, be granted:**
 - (a) an extension of study leave on half pay up to a maximum of three months following the examination results;**
 - (b) vacation leave in lieu of the study leave on half pay following examinations results. In such case, the officer automatically forgoes the study leave on half pay;**
 - (c) a combination of vacation leave and study leave on half pay, in case the former is not adequate to cover the three months. The aggregate of leave should not be more than three months; and**
 - (d) any extension granted beyond the three months as per provision mentioned under (a), (b) and (c), shall be without pay.**

Leave Without Pay

- 16.4.83 Officers holding a substantive appointment are eligible for leave without pay for different purposes, subject to the exigencies of the service.
- 16.4.84 For this review exercise, the Federations proposed for: the grant of leave without pay for an initial period of three years for any purpose, subsequently renewable and to waive the eligibility period of 10 years, wherever relevant; and public officers who undertake pre-registration training in the public sector to be granted leave with pay.

- 16.4.85 The Bureau considers that with a view to limiting cases of abuse and demotivation/frustration, the proposal to grant leave without pay for an initial period of three years cannot be acceded to, on the ground that when officers are absent for extended periods, much hindrance is caused in the smooth running of activities. As regards the second request, the Bureau rightly acknowledges that same treatment should apply in cases of pupillage and pre-registration training in the public sector, the more so we have been apprised that the existing recommendation is causing prejudice to some officers undergoing pre-registration training. In this perspective, we have reviewed the recommendation concerned for parity of treatment to prevail, while keeping in mind a more judicious use of public funds.
- 16.4.86 Representations from other quarters consisted in: the grant of leave without pay to female officers for a period not exceeding one year to take care of the family and/or children, at least once in their career; and allowing officers to avail of leave without pay to undertake consultancy in international organisations for a period of less than six months.
- 16.4.87 While examining the proposal to grant leave without pay to female officers to take care of the family, the Bureau took into account the increasing number of women in the workplace caused by a rise in the dual earner families against a decrease in the number of traditional/extended families. According to research/studies, this way of life has given rise to many challenges in enabling officers to find the right balance between their work and family roles. Such situation is worsened in times of unexpected sickness of children/family members especially when the latter are special needs cases.
- 16.4.88 Moreover, with an increase in the aging population and high prevalence of Non-Communicable Diseases, officers are more and more called upon to take care of their elderly dependent parents, in need of medical care and attention. Consequently, the inability to take care of the family in such circumstances, due at times to a lack of social support at the workplace and within the family, often leads to work-related issues namely absenteeism, poor performance, anxiety, low morale and lack of motivation from the part of the concerned officers.
- 16.4.89 Against this backdrop, we are extending the period of 90 days which officers may take for personal reasons to enable them to take care of the family in such situations. Furthermore, we consider the request to allow officers to undertake consultancy services/work for periods of less than six months against the grant of leave without pay to be justified on grounds of international exposure, personal development and learning of best practices.
- 16.4.90 Proposal was also received for the extension of the period of leave without pay for more than two years for taking up employment in Parastatal and other Statutory Bodies with a view to allowing the officer to cover the training period until he/she is appointed in the new post.

- 16.4.91 With respect to the existing provision regarding the abovementioned proposal, the Bureau has observed that many cases have been referred to the High Powered Committee for an extension by several years of the leave without pay beyond the recommended maximum period of two years. We consider that in such cases, for the benefit of the service, the officer has to exercise a choice prior to the expiry of his two-year period of leave without pay as to whether he would resign from his substantive post and be employed in the new organisation or revert.
- 16.4.92 The MPSAIR on its side made several representations further to a few issues which cropped up during the implementation of certain recommendations. These, among others, comprise: defining "international organisation of which Mauritius is a member, foreign countries under a scheme approved by Government and member countries of regional organisations"; the possibility for a public officer to be granted leave without pay to accompany his/her spouse not for the duration of the initial contract but for that of a subsequent contract on the ground that the officer concerned may not be able on personal/professional reasons, to take the leave for the duration of the initial contract and to specify the duration of the contract; to mention in the case of leave without pay to run a business whether same should be registered under the officer's name for the latter to enjoy this benefit for an aggregate period of one year over a period of 10 years; granting an officer leave without pay for a period of two years for any purpose over a period of 10 years, so as to limit any abuse whereby officers may avail of almost 10 years of leave without pay for different purposes within the recommended period of 10 years, as per existing provisions; and granting leave without pay for placement training other than pre-registration and pupillage.
- 16.4.93 After duly examining the abovementioned requests, we have reviewed certain provisions to render them more explicit and in some cases more flexible, so as to ease implementation process and provided for the grant of leave without pay to another category of officer to take up employment in the Civil Service on a contractual basis. We equally made pertinent observations regarding a few specific issues. In addition, we have waived the recommendation regarding the grant of leave without pay to a female officer following child birth in cases where the officer has already benefitted from paid maternity leave on three occasions. This provision has outlived its utility following a government decision in 2019 to grant paid maternity leave to a female officer irrespective of the number of confinements.

Recommendation 20

16.4.94 We recommend that officers holding a substantive appointment should be eligible to the grant of leave without pay, subject to the exigencies of the service, as hereunder:

A. to take up employment in:

- (i) Parastatal and other Statutory Bodies as well as other institutions with approved service status for a maximum aggregate period of two years over a period of 10 years, to cover the probationary period of employment. In the event the officer is still not appointed in a**

substantive capacity at the end of the 24-month period on reasonable grounds, the leave without pay may be extended subject to the recommendation of the Responsible Officer and the approval of the MPSAIR;

- (ii) the private sector in Mauritius for a maximum aggregate of one year over a period of 10 years. In the event an officer has been granted such leave and takes up employment in a Mauritian Branch of an International Private/Multi-National Company he/she may, upon authorisation of the parent Ministry and the approval of the MPSAIR, 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;
 - (iii) international and regional organisations of which Mauritius is a member; in foreign countries under a scheme approved by Government; and in member countries of regional organisations, for the duration of the initial contract not exceeding three years or an aggregate period of three years, over a period of 10 years. However, the period of 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 documentary evidence that contributions in respect of service provided abroad have been made and a pension is payable for continuous service.
- B. to conduct consultancy for short period of contract of not less than six months in international and regional organisations of which Mauritius is a member; in foreign countries under a scheme approved by the Government; and member countries of regional organisations, for a total period not exceeding two years over a period of 10 years. However, the Responsible Officer may approve the grant of leave without pay in cases where the period of contract is less than six months on not more than three occasions for a total period not exceeding two years over a period of 10 years.
- C. to accompany spouse, whether the latter is a public officer or not, proceeding on approved leave and employed in international and regional organisations of which Mauritius is a member; in foreign countries under Government approved schemes; and in member countries of regional organisations subject to the approval of the MPSAIR. The leave without pay should cover the duration of only one contract the spouse is required to serve, irrespective of whether it is the initial or a subsequent contract, offered by the same or a different employer.
- D. to explore the possibility of emigration for an aggregate period of one year over a period of 10 years.

- E. for other personal reasons for an aggregate period of 90 days over a period of 10 years, which can be taken either at a stretch or staggered. However, the aggregate period of 90 days may be extended further by 60 days, on a case to case basis, in the event the officer is called upon to provide medical care and assistance to his/her elderly dependent parent/close family member with a serious/critical health condition, subject to the production of documentary medical evidence and approval of the MPSAIR.**
- F. to run a business for an aggregate period of one year over a period of 10 years, except for officers performing in scarcity areas or where replacement is not easily available and retention of staff is difficult or where the officer has been provided a training at government's expense for a year or more. The grant of such leave is subject to the approval of the MPSAIR and the High Powered Committee.**
- G. to pursue higher studies on a full time basis for the duration of the course, up to a maximum of four years in aggregate and subject to the following conditions:**
 - (i) such leave is granted for a maximum period of one year initially;**
 - (ii) extension of the leave is considered at the end of each academic year, upon provision of documentary evidence of continued studies in the same field, subject to exigencies of service; and**
 - (iii) the aggregate period of four years should cover the period the officer is awaiting the examinations' results and the holding of the graduation ceremony.**
- H. (i) to undertake pupillage whether in the private or public sector or undergo pre-registration training, for an aggregate period of two years; and**
 - (ii) officers who, as per provisions of 2016 PRB Report, have been granted leave with pay for undertaking pupillage at the Attorney-General's Office, should continue with this arrangement on a personal basis, until the end of their training, provided that same does not exceed 24 months.**

Leave Without Pay to take up employment in the Civil Service on a contractual basis

16.4.95 The Bureau has been apprised that it is current practice for officers holding substantive appointment in the Civil Service to be offered positions on contractual basis in another Ministry/Department in the Civil Service itself to serve in another capacity or in positions related to his/her qualifications held. In such cases, the officers are granted leave without pay, upon approval of the MPSAIR and appropriate authorities. In this respect, the attention of the Bureau has been drawn to the fact that our recommendations do not provide for leave without pay in this particular circumstance, so that there was need to address same in this Report.

16.4.96 We have examined the claim in depth and hold that there is ground to extend the grant of leave without pay in such cases but that it should apply to a certain category of officers only where registration with a professional body/council is mandatory. This course of action would enable the tapping of their valuable expertise or the acquiring/enhancing of their professional expert experience. The rationale for restricting this benefit to a certain category of officers is to enable a more judicious use of resources and limit a proliferation of such cases. We are therefore recommending accordingly.

Recommendation 21

16.4.97 We recommend that:

- (i) **an officer of the Civil Service performing in a professional position where registration is required, may be granted leave without pay for taking up employment on a fixed term contract in another Ministry/Department for an aggregate period of two years over a period of 10 years; and**
- (ii) **an officer who is registered with a professional body/council but who does not necessarily hold a position in that field in the Civil Service, may be granted leave without pay to take up employment on a contractual basis in a field in which he/she holds the professional qualification, for an aggregate period of two years over a period of 10 years.**

General Observations

16.4.98 During consultations, Management of certain organisations as well as the MPSAIR remarked that the leave without pay scheme is generous and flexible and that same should be reviewed. We have been apprised that when an officer is on leave without pay for extended periods, much inconvenience is caused at the workplace in terms of: sharing the additional workload among staff; officers being assigned higher duties for long periods coupled with the inability to fill the temporary vacant post; and frustration among staff following the extension of the leave.

16.4.99 It is worth pointing out that approval/recommendation for leave without pay rests upon the Responsible Officer who is in a better position to gauge the situation and decide whether the officer may be released on the ground that his/her prolonged absence would not cause prejudice to any officer and disturb the smooth running of activities. **The Responsible Officer should, therefore, prior to granting leave without pay to officers, use due diligence while ensuring that there is no disruption in service delivery. Moreover, any request for leave without pay or extension of leave without pay should be submitted through the proper channel, that is, to the Responsible Officer of the organisation for his recommendation, after duly, taking into account, the exigencies of the service. The request may further be forwarded to the MPSAIR and HPC for approval depending on the specificity of the case.**

- 16.4.100 Submissions have been received that in certain cases, officers have been granted extended periods of leave without pay to take up employment in international/regional organisations and this practice is being perceived in some quarters as abusive. While we do not dispute that the rationale for granting leave for this purpose is to allow officers to gain international experience which ultimately would be beneficial to the public sector, we also acknowledge that there may be some kind of abuse in the continued extension of the leave. In such a situation, we view that where an officer aged 55 years or more, has already availed of an aggregate period of five years leave without pay to take up employment in international or regional organisations and intends to apply for further extension of the leave, **the MPSAIR may contemplate advising the officer to retire from the service so as to take up employment in the international/regional body.**
- 16.4.101 Moreover, we have been apprised that in some instances, a few officers who have availed of leave without pay for one purpose, for example, emigration, thereafter apply for an additional period of leave without pay for another purpose, such as pursuing further studies, without resuming duty in between the two periods, as recommended by the Bureau. We wish to point out that this specific provision was introduced with a view to limiting cases of abuse and approval of leave in such circumstance by the authorities concerned, constitutes in not only a derogation from our recommendation but defeats the very purpose of this provision.
- 16.4.102 In view of the above, we opine that **the MPSAIR may consider carrying out a survey on a periodic basis, on the grant of leave without pay to detect any case of abuse for the sake of limiting such practice in the public sector.**
- 16.4.103 In addition to the above mentioned general observations, we are making the following provisions with a view to facilitating the implementation of certain recommendations:
- (i) **the period of 10 years as mentioned at paragraph 16.4.94A(i), (ii), (iii), B, D, E and F is deemed to take effect on the first day the officer proceeds for the first time on leave without pay for that particular purpose;**
 - (ii) **an officer who has been granted leave without pay for one purpose should thereafter, not be granted extension of the leave for another purpose unless and until he/she resumes work at the expiry of the leave. A new request for leave without pay should thereafter be submitted;**
 - (iii) **for the purpose of implementation of the recommendation made at paragraph 16.4.94 A (iii), B and C, the MPSAIR should liaise with the Ministry of Foreign Affairs, Regional Integration and International Trade in view of determining the list of institutions/international/regional organisations, approved schemes and member countries concerned;**
 - (iv) **Supervising Officers should continue to ensure that officers who are on leave without pay, do resume duty at the expiry of their leave. Any request for extension of leave without pay should be submitted to the MPSAIR**

through their Management, at least one month before the expiry of the approved absence; and

- (v) much caution should be exercised in implementing our recommendations in the right and appropriate manner as the absence of an officer from the service has a bearing on several factors at the workplace and at times entails the additional disbursement of public funds.**

Injury Leave

- 16.4.104 Currently, injury leave on full pay is granted to an injured officer on duty, provided that the latter was acting in accordance with rules and regulations in force and the accident was not due to intentional negligence on his part. All cases requiring more than 30 days' injury leave or that need further investigation are presently referred to the Injuries Committee which is under the responsibility of the Ministry of Health and Wellness.
- 16.4.105 For this review, it has been represented that there is an increase in accidents that occur at workplace causing injury to employees during the actual discharge of their duties. Federations have, therefore, requested that injury leave should not be restricted to the workplace only but should also be extended to officers who are travelling officially.
- 16.4.106 According to the present provisions, injury leave is granted to an officer when he is injured while on duty. Therefore, an officer who is injured while travelling officially is considered as being on duty.
- 16.4.107 The Bureau is keeping a status quo on the existing provisions.

Recommendation 22

16.4.108 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) pending the findings of the Departmental Board, the officer be granted sick leave upon recommendation from a Government Medical Officer;**
- (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 require further investigation.

Injury Leave Entitlement for Employees not holding a Substantive Appointment

16.4.109 At present, an employee not holding a substantive appointment, is granted injury leave with pay up to a maximum of 15 days, although the latter has not completed one year's continuous service, provided that the procedures set out in the existing regulations and above recommendation are followed. Since the existing provisions for officers not holding a substantive appointment have not given rise to practical problems, we are maintaining them.

Recommendation 23

16.4.110 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 16.4.108 above are followed.

16.4.111 We further recommend that, notwithstanding provision at paragraph 16.4.108, 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 16.4.108), 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 and Wellness.

Departmental Board

16.4.112 Following representations made to the Bureau regarding delay in the submission of the Departmental Board's Report, the Bureau recommended that the Departmental Board should submit its Report within a fortnight. This recommendation is being reiterated as there is need to reduce the undue hardship caused to the injured officer.

Recommendation 24

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

Family Responsibility Leave

16.4.114 In the last Report, we provided officers with a maximum of three consecutive days of urgent casual leave to look after the family. Since its introduction, many officers have taken advantage of this leave, which at the same time has contributed to a better worklife balance. We are, therefore, maintaining the recommendation.

Recommendation 25

16.4.115 We recommend that for the purpose of looking after the family, officers should be granted a maximum of three consecutive days of urgent casual leave.

16.4.116 We further recommend that in the event the officer has already availed of his casual leave entitlement, the days of absence should be reckoned against the five days of his accumulated vacation leave, as provided at paragraph 16.4.10 (ii) above.
