

16.4 LEAVE

- 16.4.1 Paid leave is among the most valued employee benefits worldwide. It is an authorised absence from duty, granted for different purposes comprising health/medical, recreational, studies, personal, among others. Leave Without Pay also exists to cater for various circumstances. These are reported under their respective section.
- 16.4.2 For this Report, the Bureau received an array of representations with respect to the different leaves from both the Federations and staff side, as well as from the Ministry of Public Service and Administrative Reforms (MPSAR). All submissions have been studied and where, deemed relevant, we have reviewed or improved certain provisions for the benefit of our stakeholders. We have equally stressed on the importance of a proper Leave Management System in the whole Public Sector. Moreover, considering the panoply of leaves obtainable in the Public Service, we hold that new recruits should be made aware of same and on the rules governing them.

Leave Management System

- 16.4.3 Leave, if not properly managed, may seriously impact on the performance of an organisation. It may affect the entity's finance, result in time-consuming lawsuit and lead to strained relations between Management and staff side.
- 16.4.4 In the Civil Service, an e-HR System comprising the Core-HR Module and the Leave Management System (LMS) has been implemented. A phased approach was adopted for its implementation and E-HR Unit is responsible to look into all related issues. Since Government is laying much emphasis on the digitalisation of public services, we consider that such system should exist in the whole Public Sector.

Recommendation 1

- 16.4.5 **We recommend that the Ministry of Public Service and Administrative Reforms should ensure that all public sector organisations are equipped with such e-HR system or equivalent, for an effective leave management of employees.**
- 16.4.6 **We further recommend that for a proper leave management on the part of employees, the HR staff should provide new recruits relevant information on the different types of leave that exist in the service and on the rules governing them.**

Casual Leave

- 16.4.7 Casual Leave enables officers to attend to personal matters including religious obligations and recreation purposes. It is an authorised paid absence of an employee from duty and can be spent locally or abroad and can be combined with Vacation Leave. The grant of Casual Leave is governed by certain conditions.

- 16.4.8 In the context of this review, the Federations' representations were mainly geared towards the refund of unutilised Casual Leave to all officers and an increase in the Casual Leave entitlement. On the official side, the MPSAR submitted for officers to be eligible for Casual Leave on a *pro-rata* basis upon resuming work after a period of Leave Without Pay.
- 16.4.9 The Bureau has analysed the submissions and considers that in view of the various types and number of days of leave employees may avail of per year, the existing Casual Leave entitlement, when compared with what obtains internationally, is adequate to meet their needs for absences. We are, therefore, bringing no change thereto, save for providing clarification on unused days of Casual Leave that may be carried forward.

Recommendation 2

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); 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 unauthorised 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 unutilised days are normally non-accumulative. However, an employee who, owing to the exigencies of service, cannot be granted part or whole of his Casual Leave entitlement, 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 normal entitlement for two years. Additionally, Casual Leave carried forward once but which has remained unutilised at the end of the calendar year during which it has been carried forward, should lapse; and
- (vi) Casual Leave may be spent locally or overseas and can be combined with Vacation Leave only in cases where the Casual Leave or Vacation Leave alone, is not sufficient to cover the number of days required. 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 At present, Casual Leave taken on a Saturday by an employee working on a six-day week and scheduled to work up to a maximum of four hours on Saturdays, is reckoned as half a day's Casual Leave. Since this provision is considered fair and reasonable, it is being maintained.

Recommendation 3

- 16.4.13 We recommend 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 The current Annual Leave entitlement for employees not holding a substantive appointment as well as Trainees other than Trainee Educators (Primary and Secondary) are, after completing one year's service 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 The provisions regarding Annual Leave entitlement for Part-Time employees are as follows:
- (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 The provisions governing Annual Leave entitlement for employees not holding substantive appointment including Trainee Educators (Primary and Secondary) and Part-time employees as mentioned above are still valid and should continue to prevail.**

Vacation Leave

- 16.4.18 Vacation Leave is among the different types of paid leave granted to employees on permanent and pensionable establishment for recreational and recuperation purposes and for attending to personal obligations, among others. Its main intent is to provide eligible employees the opportunity to avail themselves of periodic breaks to unplug from their job responsibilities with a view to maintaining a high standard of mental, emotional and physical conditioning.
- 16.4.19 Vacation Leave may also be granted for convalescence purpose to an officer on termination of his approved Sick Leave.

Conditions Governing Vacation Leave

- 16.4.20 Earning of Vacation Leave is by virtue of the employee's effective service as from the day of his substantive appointment, notwithstanding the capacity in which he is employed. It is computed on a *pro-rata* basis in respect of the actual period served. Normally, Vacation Leave is accumulative and is not granted in advance. Such leave may be spent either locally or abroad.
- 16.4.21 The minimum period of Vacation Leave granted to an employee is seven days which is normally taken at a stretch, except where it is granted as Casual Leave when it can be taken at a stretch or on and off basis, subject to a maximum of five working days annually. In circumstances where the number of days' leave

required, either Casual or Vacation, is insufficient, Vacation Leave can be combined with Casual Leave.

- 16.4.22 Vacation Leave is earned for the period of effective service. Officers, therefore, do not accumulate this leave during 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 during interdiction period.

Vacation Leave Earning Rate and Ceiling

- 16.4.23 Almost all our stakeholders have requested for an increase in the yearly Vacation Leave entitlement, as has also been the case for past reviews. Vacation Leave in the Public Sector is by far more attractive than what obtains in the Private Sector, the more so it is accumulative, subject to a maximum of 210 days. This ceiling is comparatively generous when considering what prevails in other countries.
- 16.4.24 Against this background and considering the range of leave that exists in the Public Sector, the Bureau is keeping a *status quo* on the existing provision governing Vacation Leave earning rate and its ceiling.

Recommendation 4

16.4.25 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 enunciated hereunder:

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

- (ii) during school holidays, Teachers of the Pre-Primary schools, Primary School Educators and Educators (Secondary) should not earn Vacation Leave save for those periods when they are officially in attendance. Moreover, their Vacation Leave entitlement should continue to be governed by the appropriate provisions made in the

Chapter regarding the Ministry of Education and Human Resource 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 to the heirs at the rate of $\frac{1}{30}$ of the last monthly salary per day.**

Length of Service

- 16.4.26 One determinant for earning Vacation Leave is the length of service of an officer, which 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. Any period of break or Leave Without Pay or secondment to outside bodies or organisations, with or without approved status, is discounted from the length of service qualifying for Vacation Leave. In view of its continued relevance, we are maintaining the existing provision.

Recommendation 5

- 16.4.27 **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

- 16.4.28 Periodic breaks from work benefit employees in numerous ways, namely through improved productivity, better mental health, lower turnover rates and higher job satisfaction. In this perspective, public officers are encouraged to avail of their Vacation Leave, as far as possible, every year.
- 16.4.29 To circumvent any interruption in the service delivery, planning of Vacation Leave at the beginning of each calendar year is compulsory. This ensures that organisations have the required number of human resources for business continuity and thereby avoiding conflicting situations among the staff. Pursuant to the foregoing, the existing provisions are being replicated.

Recommendation 6

- 16.4.30 **We recommend that:**

- (i) employees should be allowed to take periodic breaks from their work and avail of their Vacation Leave, as far as possible, every year; and**

- (ii) **Supervising Officers and Heads of Departments should obligatorily carry out an HR Planning exercise and establish a “Vacation Leave Scheduling Programme” at the beginning of each calendar year to ensure that an adequate number of staff is available for business continuity and for maintaining a harmonious working environment.**

Accumulation of Vacation Leave above Authorised Ceiling

16.4.31 In principle, an officer ceases to earn Vacation Leave once he has accumulated same up to the prescribed ceiling, and forfeits any untaken Vacation Leave beyond the ceiling. However, exceptionally, he is allowed to earn and accumulate Vacation Leave in excess of the normal maximum ceiling as encapsulated below:

(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 significantly disturb the smooth running of the activities of the organisation.

(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 remained unfilled.

(c) Exigencies of Service

Where the exigencies of service cannot allow the release of the incumbent(s) since the remaining staff would not be able to fully cope or deliver during the absence of the officer(s).

16.4.32 As the existing provisions remain relevant, no amendments are being brought thereto.

Recommendation 7

16.4.33 **We recommend that an employee should, to the extent possible, apply for Vacation Leave before reaching his normal maximum entitlement, as such leave is meant to be taken during the year.**

16.4.34 **We also recommend that subject to the approval of the MPSAR, an employee who qualifies by virtue of paragraph 16.4.31 above should only be allowed to earn and accumulate Vacation Leave over and above his normal entitlement provided that:**

- (i) **he has applied for Vacation Leave in writing which, on account of exigencies of service or other reasonable grounds, could not be acceded to by the Supervising/Responsible Officer or the Authorities; and**

- (ii) the employee has been so notified in writing as well as of the alternative date on which he could be granted the leave.

16.4.35 We further recommend that:

- (i) 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”;
- (ii) 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; and
- (iii) 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”.

16.4.36 We additionally recommend that the above provision should equally apply in all those organisations where, by virtue of a specific recommendation, such provision exists.

Sick Leave

- 16.4.37 Paid Sick Leave forms an integral part of our leave package. It enables employees to be absent from work on grounds of illness, injury or other health-related issue and to seek the necessary medical treatment, if so required, without forsaking their salary.
- 16.4.38 The provisions regarding Sick Leave have evolved over time to respond to the exigencies of service and societal changes. In the same vein, we have, in our previous report, extended the outreach of this condition to allow officers to avail of their Sick Leave for convalescence purpose and to attend to medical appointments as well as routine health checks.
- 16.4.39 Following changes in legislation, an employee may avail of his Sick Leave to take care of his sick child, provided he notifies his Supervising Officer on the first day of his absence. Where an officer absents himself for more than three consecutive working days, it is incumbent upon him to submit a Medical Certificate certifying that his child is sick. In addition, as per MPSAR Circular Letter No. 29 of 2024,

an officer may use up to 10 days' leave to care for his parents and grandparents with health-care related issues.

- 16.4.40 It is further incumbent upon an officer to inform his immediate supervisor of any absence on ground of sickness and same would be reckoned as Sick Leave only after being approved by his Supervisor. In practice, any Sick Leave is to be reported on the same day of absence at the earliest to allow for any arrangement to be made, where deem necessary, so as not to disrupt work continuity. In the event Sick Leave is taken for more than three consecutive working days, the officer shall, on the fourth day of his absence, submit a Medical Certificate or documentary evidence to explain his prolonged absence.
- 16.4.41 As a safeguard, a Supervising Officer may, where malingering is suspected, require an officer to provide a Medical Certificate or documentary evidence, even for one day of absence. Moreover, a Supervising Officer may, upon the sick leave record of an officer being unsatisfactory, arrange for the latter to be examined by a medical board to determine his fitness for duty.
- 16.4.42 For this review, the Federations requested for officers to be allowed to avail of one-quarter ($\frac{1}{4}$) Sick Leave to attend to medical or any other health-related appointments, given that in most cases, only a few hours of leave are required to attend to same. We consider the proposal relevant and are recommending accordingly.
- 16.4.43 As regards requests from the MPSAR, demand was made for a few recommendations to be reviewed namely, grant of Sick Leave to attend to medical appointments and routine health checks as well as advance sick leave. These have been studied taking into consideration any repercussion that this may trigger.
- 16.4.44 Following the publication of the last Report, no major implementation problem in respect of Sick Leave has been encountered, except for a few clarifications provided by the Bureau to stakeholders.
- 16.4.45 For this Report, we are improving as well as revisiting a few recommendations, where we consider relevant for a more consistent implementation across our remit group. Moreover, given that our Sick Leave scheme is already generous, we deem it reasonable to maintain existing recommendations, as far as possible. These are being listed in the ensuing paragraphs.

One Quarter Sick Leave

- 16.4.46 Further to a proposal from the Federations for officers to be allowed to avail of one-quarter Sick Leave in specific circumstances, we are making an appropriate recommendation.

Recommendation 8

- 16.4.47** We recommend that officers should be allowed to avail of one-quarter Sick Leave for the purpose of attending to medical or any other health-related appointment and routine health checks.

Sick Leave for Officers holding a Substantive Appointment

- 16.4.48 Most of the existing provisions governing Sick Leave for officers holding a substantive appointment have been maintained, save for some amendments brought in a few cases.

Recommendation 9

- 16.4.49** We recommend that officers holding a substantive appointment should be governed by the following provisions:

- (i) an entitlement of 21 working days on full pay on a yearly basis;
- (ii) untaken Sick Leave at the end of the year shall be accumulated in a bank of Sick Leave up to a maximum of 110 days;
- (iii) when the bank ceiling has been reached, a maximum of 16 untaken days out of the annual entitlement of 21 days is paid in cash at the rate of $\frac{1}{22}$ of monthly salary per day;
- (iv) where an officer has exhausted all his Sick Leave, that is, both annual entitlement and bank, he is, in exceptional cases only and on the recommendation of the Ministry of Health and Wellness (MOHW), granted not more than twice in his career, additional sick leave up to a maximum of six months on full pay followed by six months on half pay, inclusive of non-working days. Such leave, is considered as an “advance” and therefore, is not to be granted consecutively. It should first be refunded on the officer’s resumption of duty at a rate of 14 days annually. The quantum to be refunded shall be one day for each working day of Sick Leave with full pay and half day for each working day of Sick Leave on half pay. For a more consistent implementation of this recommendation, an officer should not be granted a second advance unless he has fully refunded the first one. Additionally, any unutilised days of Sick Leave at the end of the year is used to offset the leave advanced. No officer shall be allowed to cash or “bank” Sick Leave until all leave advanced has been refunded;
- (v) an officer who has been granted six months’ Sick Leave on full pay and is subsequently granted Sick Leave on half pay, may opt to use his accumulated Vacation Leave instead of Sick Leave on half pay;
- (vi) officers who opted to retain their accumulated Sick Leave in excess of 90 days as at 30 June 1993 and who genuinely are in need of additional Sick Leave after having exhausted their annual entitlement and “bank”,

are allowed on a case-to-case basis to make use of the excess Sick Leave, upon recommendation of the MOHW and subject to the approval of the MPSAR;

- (vii) when any period of leave (vacation, casual, study leave with or without pay) has been exhausted, any period of illness abroad should be on no pay. Nonetheless, any period of hospitalisation should be reckoned against the officer's Sick Leave entitlement upon production of documentary medical evidence and subject to the recommendation of the MOHW and approval of the MPSAR;
- (viii) in critical cases, an officer who is abroad and unable to travel back owing to convalescence, rehabilitation or any other genuine medical reasons and irrespective of whether he is hospitalised or not, may, on a case-to-case basis, be granted Sick Leave against his entitlement subject to the production of documentary medical evidence and recommendation of the MOHW and approval of the MPSAR;
- (ix) an officer may be granted, on a case-to-case basis, Sick Leave to follow treatment abroad, even though hospitalisation is not warranted, upon production of documentary medical evidence and recommendation of the MOHW, certifying that the officer should proceed abroad for medical treatment not available locally and subject to the approval of the MPSAR;
- (x) at the time of retirement, Sick Leave accumulated in bank may either be cashed in full at the rate of $\frac{1}{22}$ of the monthly salary of the retiring officer per day or may be taken as leave prior to retirement, to be reckoned against working days;
- (xi) in exceptional cases, where the health condition of an officer is critical or life-threatening and requires immediate medical treatment in a private clinic either locally or abroad, he may be allowed, prior to his retirement, to cash the full balance of the Sick Leave accumulated in bank at the rate of $\frac{1}{22}$ of his monthly salary per day, subject to the production of documentary medical evidence and recommendation of the MOHW and approval of the MPSAR;
- (xii) pursuant to the preceding provision, upon refund of the accumulated Sick Leave, the officer would no longer be eligible to accumulate any unutilised Sick Leave and would, therefore, not qualify for any refund of unutilised Sick Leave until his retirement from the service;
- (xiii) accumulated Sick Leave in bank to be refunded to an officer resigning from employment or to the heir(s) of an officer who has passed away, should be *in toto* (100%); and

- (xiv) all cases not falling within the ambit of the existing recommendations should be referred to the High Powered Committee for consideration through the MPSAR.

Prolonged Advance Sick Leave in Exceptional Cases

- 16.4.50 Paragraph 16.4.49 (iv) provides for the grant of advance Sick Leave for six months on full pay followed by six months on half pay, among others, and such leave may be granted only twice in an officer's career. However, same is not to be granted consecutively as the leave is meant as an advance, which has to be reimbursed, prior to availing of a final round of Sick Leave.
- 16.4.51 Following 2021 PRB Report, a few requests were submitted to the High Powered Committee (HPC) for the grant of such leave consecutively owing to the specific health condition of the officer, which required immediate additional leave to pursue his medical treatment. We view that a specific provision is warranted in respect thereof.

Recommendation 10

- 16.4.52 We recommend that, further to provision made at paragraph 16.4.49 (iv) of this Report, advance Sick Leave may be granted consecutively subject to the recommendation of the MOHW and approval of the High Powered Committee, based on the genuineness of the case.

Sick Leave for Officers not holding a Substantive Appointment

- 16.4.53 An officer is not eligible for paid Sick Leave during his first year in service. However, those who, after one year of continuous employment in the service, do not hold a substantive appointment, are entitled to Sick Leave as follows:
- (i) a yearly entitlement of 12 working days on full pay;
 - (ii) after exhausting the 12 days' Sick Leave entitlement, he may, in case of prolonged illness and upon production of a Medical Certificate, be granted up to a maximum of 14 additional working days on full pay;
 - (iii) in exceptional cases, further Sick Leave may be granted on half pay for a maximum period of 62 working days', subject to the production of documentary medical evidence and upon recommendation of the MOHW and approval of the MPSAR;
 - (iv) any paid Sick Leave in excess of the 12 working days granted over a period of one calendar year is considered as an advance, which should be refunded on the officer being appointed substantively, at the rate of 14 days a year; and
 - (v) unutilised Sick Leave up to a maximum of seven days out of the annual entitlement of 12 working days, is paid in cash each year at the rate of $\frac{1}{22}$ of the monthly salary per day.

16.4.54 We consider the abovementioned provisions to be adequate and should continue to prevail.

Sick Leave for Part-Time Employees

16.4.55 Provisions exist regarding the entitlement to Sick Leave and refund of same, where applicable, to part-time employees holding a substantive as well as non-substantive appointment. For this Report, we have revisited the recommendations relating thereto to facilitate implementation. These have been reported separately in the ensuing paragraphs.

Sick Leave for Part-Time Employees holding a Substantive Appointment

Recommendation 11

16.4.56 We recommend that a part-time employee holding a substantive appointment should be entitled to Sick Leave on full pay as below:

- (a) 15 working days per calendar year provided he puts in 40 hours of work per week; and**
- (b) on a *pro-rata* basis if he puts in less than 40 hours depending on the number of hours worked weekly, based on the principle of 15 days per year for a 40-hour working week.**

16.4.57 We further recommend that out of the annual entitlement of 15 days, unutilised days of Sick Leave of up to a maximum of 10 days should be refunded in cash each year at the rate of $\frac{1}{22}$ of the monthly salary per day, for those putting in 40 hours per week.

16.4.58 We also recommend that the refund of untaken Sick Leave for part-time employees who put in less than 40 hours per week should be computed on a *pro-rata* basis, based on the principle that a maximum of 10 days is refunded when putting in 40 hours per week.

Sick Leave for Part-Time Employees not holding a Substantive Appointment

16.4.59 A part-time employee who has been in continuous employment for 12 consecutive months but does not hold a substantive appointment, should be entitled to Sick Leave on full pay as hereunder:

- (a) 12 working days per year if he puts in 40 hours of work weekly; and**
- (b) on a *pro-rata* basis if he puts in less than 40 hours of work weekly, based on the principle of a yearly entitlement of 12 working days of Sick Leave for a 40-hour working week.**

16.4.60 A part-time employee who puts in 40 hours of work weekly should be refunded in cash on a yearly basis, unutilised Sick Leave up to a maximum of seven days out of the annual entitlement of 12 working days at the rate of $\frac{1}{22}$ of the monthly salary per day.

- 16.4.61** Whereas, a part-time employee who puts in less than 40 hours of work weekly, should be refunded unutilised Sick Leave annually on a *pro-rata* basis based on the principle that a maximum of seven days is refunded when putting in 40 hours per week.

Sick Leave on Saturday for Employees Working on a Six-Day Week Basis

- 16.4.62** Sick Leave taken on a Saturday in respect of employees working on a six-day week basis and scheduled to work up to a maximum of four hours on a Saturday should be reckoned as half-day Sick Leave.
- 16.4.63** In case of suspected malingering, a Supervising Officer or any officer acting on the latter's behalf, may require an employee to submit a Medical Certificate to cover the latter's absence.

Sick Leave for Officers Employed on a Contractual Basis

- 16.4.64** Provisions governing Sick Leave in respect of officers employed on a contractual basis are being reproduced below:
- (i)** officers employed on contract are not entitled to Sick Leave during the first year of contract. Nonetheless, this provision does not apply to retired public officers who have been subsequently employed on contract and who were governed by the provisions of the PRB and contract officers serving against established posts; and
 - (ii)** an officer on contract is entitled to 21 days of annual Sick Leave provided he has completed one year on contract. Untaken days of Sick Leave are, however, not refunded in cash.

Sick Leave in Specific Cases

- 16.4.65** Certain provisions are applicable with regard to Sick Leave in a few specific cases:
- (i)** officers upon being appointed in a substantive capacity in the service directly or after serving a temporary period of less than one year, are entitled to Sick Leave on a *pro-rata* basis in the year of appointment;
 - (ii)** officers who have served in a casual/temporary capacity for a period exceeding one year are entitled, on their substantive appointment, to the full quantum of Sick Leave minus Sick Leave already taken since the beginning of the year;
 - (iii)** officers who are on leave prior to retirement/resignation, Injury leave, Leave With/Without Pay, or interdiction for a period of less than a complete calendar year, are eligible for the full quantum of Sick Leave for that year. In case an officer absents himself from duty for a complete calendar year for any of the reasons mentioned earlier, he is not eligible for Sick Leave in respect of that calendar year;

- (iv) officers who are absent from duty on grounds of resignation, Injury Leave, Leave Without Pay or interdiction in a calendar year, are eligible for refund in cash of any unutilised Sick Leave on a *pro-rata* basis in respect of the period served in that calendar year; and
- (v) an officer on leave prior to retirement or Leave with Pay is refunded in cash unutilised Sick Leave up to a maximum of 16 untaken days out of the annual entitlement of 21 days at the rate of $\frac{1}{22}$, provided the officer has attended duty for at least 22 working days in that calendar year. In the event an officer has attended duty for less than 22 working days in that calendar year, the unutilised Sick Leave is refunded on a *pro-rata* basis based on the 22 working days for the period actually served in that calendar year [that is, $(\frac{16}{22} \times \text{no. of days actually worked}) \times \frac{1}{22} \times \text{salary}$].

Monitoring of Sick Leave

16.4.66 The provisions below act as safeguard against any abuse of Sick Leave and are also meant to detect any suspected cases of malingering. We consider that they should continue to apply:

- (i) Supervising Officers should develop and maintain proper control mechanisms at all levels;
- (ii) when malingering is suspected, a Supervising Officer may require an officer to submit a Medical Certificate for any absence due to illness, even if it lasts for less than four working days;
- (iii) where the Sick Leave record of an officer is considered as unacceptable (unsatisfactory) by a Supervising Officer, the latter shall arrange for the officer to be examined by a Medical Board to determine the officer's fitness for further service;
- (iv) an officer may be placed on Sick Leave by a Supervising Officer in the best interest of the Service as from the date arrangements are made for his examination by a Medical Board;
- (v) in the event an officer has been found fit by the Medical Board and his Sick Leave record continues to be unacceptable, the Supervising Officer may, in accordance with the regulations in force, initiate action for his retirement in the best interest of the Public Service; and
- (vi) where an officer is declared unfit by a Medical Board, the Supervising Officer shall initiate action for his retirement on medical grounds in accordance with the regulations in force.

Refund of Sick Leave for the Year 2020

- 16.4.67 Following a Government decision in 2021, refund of unutilised Sick Leave for year 2020 for public sector employees has been deferred owing to the negative impact of the COVID-19 Pandemic on public finance. As per Circular Note 17 of 2021, payment in respect thereof would be effected at the time of retirement based on the officer's last salary drawn. Notwithstanding the Circular Note, we are, alongside, making a few recommendations related to the issue with a view to enhancing existing provisions in exceptional circumstances.

Recommendation 12

- 16.4.68 We recommend that an officer may, with respect to the unutilised days of sick leave accruing for Year 2020:**

- (i) avail of same on a case-to-case basis, in the event he has exhausted his annual Sick Leave entitlement and bank of Sick Leave and genuinely needs additional Sick Leave, subject to the production of documentary medical evidence and upon recommendation of the MOHW and approval of the MPSAR;**
- (ii) opt to take same as leave prior to retirement, instead of being refunded in cash; and**
- (iii) be refunded in cash prior to retirement, in line with recommendations made at paragraph 16.4.49 (xi).**

Maternity Leave

- 16.4.69 Maternity Leave is a universal labour right. It is enshrined in the ILO Maternity Protection Convention. The prime objectives of such leave are to safeguard the health of the expectant and nursing mothers and their newborns while ensuring job security for the female officers.
- 16.4.70 Since the ratification of the Convention by the State of Mauritius, substantial improvements have been brought to the provisions governing Maternity Leave in the Public Sector. The restriction on the number of confinements to three was waived and paid Maternity Leave is now granted to female officers irrespective of their length of service or appointment status. Moreover, the possibility to avail of breastfeeding breaks has also been introduced as part of the support for working mothers. Over the years, the duration of Maternity Leave has been progressively reviewed and in line with MPSAR Circular Letter No 66 of 2024, female officers are now entitled to 16 weeks of paid leave.
- 16.4.71 Given the adequacy of the leave duration in providing the necessary protection to the mothers, the proposal from Federations to further extend the duration of the paid leave has not been retained. We are, nevertheless, enhancing the existing provisions to better safeguard the health interest of mothers and infants.

Recommendation 13

16.4.72 We recommend that a female public officer:

- (i) should be entitled to 16 weeks' Maternity Leave on full pay irrespective of the number of confinements;**
- (ii) should be eligible for 16 weeks' leave on full pay, on production of Medical Certificate, in case she gives birth to a stillborn child;**
- (iii) may take either earned Sick/Casual/Annual or Vacation leave for pre-natal treatment; and**
- (iv) may take up to a maximum of eight weeks of Maternity Leave prior to childbirth.**

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

Provision for Birth of Twins or more

16.4.74 A special leave of six weeks, over and above the normal Maternity Leave, is presently granted to female public officers who give birth to twins or more in one confinement. This arrangement should continue to prevail.

Recommendation 14

16.4.75 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

16.4.76 At the expiry of their Maternity Leave, female public officers have the possibility to avail of Vacation Leave and opt for up to a maximum of nine months or six months' Leave Without Pay, followed by six months' leave on half pay, subject to the exigencies of service.

16.4.77 The leave after confinement is, among others, granted to the female officers to allow them meet their family obligations; have an elongated period of rest and recovery time from childbirth and nurse their infant for a longer period. Following the MPSAR's Circular Letter No. 66 of 2022, this benefit has been extended to female public officers who have not yet completed one year's continuous service. In such case, however, the probationary period of the officer is extended by the corresponding period of Maternity Leave and Leave Without Pay taken by them.

16.4.78 We have examined the proposal to allow female public officers to proceed directly on Leave Without Pay at the expiry of their Maternity Leave so that they can make use of their Vacation Leave at a later stage and we are recommending accordingly.

Recommendation 15

16.4.79 We recommend that, subject to the exigencies of service, female Public Officers may:

- (a) following the expiry of their Maternity Leave, be granted Vacation Leave; and
- (b) within a period of 12 months following the expiry of their Maternity Leave, irrespective of having availed of Vacation Leave or not, be granted either:
 - (i) a maximum of nine months' Leave Without Pay; or
 - (ii) 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.

16.4.80 We further recommend that the above provisions should also apply to female Public Officers who have not yet completed one year's continuous service. In such situation, however, the probationary period of the officer would be extended by the corresponding period of Maternity Leave and Leave Without Pay.

Specific Provision

16.4.81 With a view to safeguarding the health of pregnant officers and ensuring that they are provided with safe and comfortable working conditions during pregnancy, the Bureau is making appropriate provision.

Recommendation 16

16.4.82 We recommend that:

- (i) Management considers the advisability, to the extent possible, of relieving pregnant officers from performing extra hours or night shifts or duties that involve continuous standing for at least three months before their confinement; and
- (ii) Notwithstanding the above, where the health of the officers or that of their unborn child may be at risk, Management may, on a case-to-case basis, relieve the officers from such duties at any point in time during their pregnancy.

Permission to Nurse Unweaned Child

16.4.83 Female Public Officers who are nursing their unweaned child are granted permission for a period of six months as from the date of confinement or for such longer periods as may be recommended by a Medical Practitioner, to breastfeed their child. A further period of six months is granted on production of a medical testimony. Since no implementation issue has since been reported regarding this particular provision, we are maintaining the status-quo.

Recommendation 17**16.4.84 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

- 16.4.85 Prior to this Report, a male officer was given priority to take Vacation Leave following confinement of his wife. Provision also existed for the officer, besides his normal casual leave entitlement, to be granted up to 10 days from his accumulated vacation leave around the time of childbirth.
- 16.4.86 These conditions were reviewed through the MPSAR's Circular Letter No 66 of 2024 which provided for a male officer to take up to four weeks from his accumulated Vacation Leave besides his normal Casual Leave entitlement, around the time of childbirth.
- 16.4.87 We have re-examined the above provisions taking into consideration the various proposals from Federations and the MPSAR, the Government's policy to give additional support to parenthood, the conditions governing paternity leave in foreign jurisdictions and the prevailing leave entitlement in the public and private sector as well as the total leave package. In tandem, we also took on board the need for a better distribution of childcare responsibilities between the mother and the father, specially, in the early stages of an infant's development.
- 16.4.88 Based on the above, we are revisiting the existing provisions by allowing fathers to take leave exclusively earmarked for them, in addition to the grant of vacation leave. As regards the provisions governing leave on demise of a male officer's wife following the birth of a surviving child, same are being maintained.

Recommendation 18**16.4.89 We recommend that a male officer:**

- (i) **holding a substantive appointment should be entitled to a Paternity Leave of 10 working days on full pay following confinement of his wife;**
- (ii) **may, subject to exigencies of service, be granted up to four weeks from his accumulated vacation leave at the expiry of the Paternity Leave; and**

- (iii) who does not hold a substantive appointment should be granted up to 10 days of Paternity Leave on no pay.

16.4.90 We further recommend that a male officer should be eligible:

- (i) in case of demise of his working wife following the delivery of a non-still born child, for leave on full pay equal to the unused part of the Maternity Leave to which the deceased was entitled; and
- (ii) in case of the death of his non-working wife following delivery of a non-still born child, for leave on full pay equivalent to the hypothetical unused part of the Maternity Leave computed as from the date of delivery.

Adoption Leave

16.4.91 Adoption Leave was introduced in the 2008 PRB Report as a general Condition of Service for public officers who have adopted or are in the process of adopting a child. The essence of this leave is to bond with and take care of the new child thereby easing adaptation in the new environment.

16.4.92 In the last review, provisions governing Adoption Leave were relaxed by removing the requirement for officers to hold a substantive appointment to qualify for paid adoption leave and waiving the restriction on the number of adoptions. Moreover, the leave entitlement when adopting a child aged up to three months was increased from 12 weeks to 14 weeks.

16.4.93 Following the review of the Maternity Leave entitlement from 14 to 16 weeks, necessary amendments were brought in the Worker's Rights Act (Miscellaneous Provisions) Act 2024. Accordingly, the existing quantum of Adoption Leave was reviewed as stipulated in the MPSAR's Circular Letter No. 66 of 2024. It has been submitted that since the publication of the 2021 PRB Report to date, four officers have availed of this leave and no implementation issues on the existing provisions have so far been encountered. We are, in this Report, further enhancing the Adoption Leave entitlement.

Recommendation 19

16.4.94 We recommend that:

- (i) both male and female officers should, subject to the production of documentary evidence, be eligible for paid Adoption Leave which starts as from the date mentioned in the Court Order;

- (ii) the new quantum of Adoption Leave to be granted, should be as hereunder:

Age of Child	Adoption Leave Entitlement
Less than 12 months	16 weeks
12 months and up to 3 years	8 weeks
Above 3 years and up to 11 years	4 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) only one period of Adoption Leave should be granted even if more than one child is being adopted at the same time.

Study Leave with Pay

- 16.4.95 Study Leave with Pay is granted to officers on permanent and pensionable establishment to follow an in-service training under an approved scheme, related to their current employment or sphere of work, subject to exigencies of service and core requirements of their cadre. In the same vein, officers nominated for an open scholarship considered as an in-service training are granted Study Leave with Pay provided that they reckon at least two years' service in a substantive capacity; are not subject to adverse report or poor performance; and the course forms part of the list of priority fields of study of the Higher Education Commission.
- 16.4.96 With a view to safeguarding investment made by Government and rendering the present system more efficient, the MPSAR's Circular Letter No. 1 of 2022 provides for a new bonding policy for officers sponsored for training or open scholarships, among others.
- 16.4.97 For this review exercise, only the MPSAR made representations to provide parameters for the grant of study leave with pay taking into consideration those fields of study which do not appear in the list of priority fields of study but which are considered to be of considerable importance to specific Ministries/ Departments.
- 16.4.98 As the existing provisions governing the grant of study leave with pay are adequate, we are reiterating same for this Report. However, we are broadening the eligibility criteria for the grant of study leave with pay in specific circumstances and are making an appropriate recommendation to this end.

Recommendation 20

16.4.99 We recommend that the undermentioned parameters should continue to be taken on board 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 the core requirements of the cadre and exigencies of service;
- (ii) in the case of an open scholarship, the officer should reckon at least two years' service in a substantive capacity and not be subject to adverse report 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 Sector.

16.4.100 We also recommend that the following should apply when granting Study Leave with Pay:

- (i) the period of leave begins as 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 foregoes 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.

16.4.101 We further recommend that in case of open scholarships, notwithstanding provision made at paragraph 16.4.99 (iii) above, a Ministry/Department may contemplate granting Study Leave with Pay, subject to the approval of the MPSAR, though the course does not form part of the updated list of priority fields of study of the Higher Education Commission, provided that:

- (i) the Ministry/Department concerned considers the field of study to be scarce and/or a priority for its area of activity;
- (ii) the course is not run or available in Mauritius; and
- (iii) the course has a direct relationship with the duties performed by the officer as per his scheme of service and is considered as an in-service training.

16.4.102 We additionally recommend that officers should continue to stand guided by the bonding policies as applicable in the Public Sector.

Leave Without Pay

16.4.103 Provisions regarding Leave Without Pay have undergone consistent enhancement through our Reports to address the needs of public officers, catering for both career development and personal responsibilities, among others. The grant of this leave is, however, conditional upon the exigencies of service.

16.4.104 To gain deeper insight into the various reasons for which Leave Without Pay is granted within the Public Service, the MPSAR was requested to provide relevant data covering the period 2021 to 2024. A total of 2136 cases were recorded across a wide range of purposes, as per the table below:

Number of Cases of Leave Without Pay for the Period 2021-2024

Purpose of Leave Without Pay	Number of Cases
Study Leave	473
Personal Reasons	407
Employment in Parastatal Bodies or Approved Services	306
Employment in Private Sector	303
Emigration	269
After Confinement	241
Other Purposes	137

Submissions of Federations and MPSAR

- 16.4.105 Representations submitted by the Federations were mainly to: rationalise the period of Leave Without Pay, regardless of the purpose, to three years; and review the eligibility period of 10 years applicable in most cases. On its part, the MPSAR proposed that the existing provisions be extended to officers employed on a part-time basis and certain conditions attached to specific purposes be reviewed. Moreover, the Ministry pressed for some other purposes of Leave Without Pay to either be waived or introduced.
- 16.4.106 Certain requests for Leave Without Pay which have been received in-between reviews are, to: recognise temporary resignation for the purpose of being called to the Bar or swearing in as a Law Practitioner as a valid ground for such leave; take up contractual employment in Parastatal Bodies; and allow officers to extend their leave beyond the recommended period to continue employment in Parastatal Bodies, pending confirmation in their respective position. Numerous cases were referred to the High Powered Committee (HPC) concerning the extension of Leave Without Pay to enable officers to work in international or regional organisations. Additionally, the demographic changes and the rising prevalence of non-communicable diseases have pressed on the need for officers to support elderly dependent parents and close relatives suffering from serious or critical health conditions.
- 16.4.107 Following examination of the representations, the Bureau holds that Leave Without Pay continues to serve as a vital mechanism for accommodating both personal and professional aspirations. In the case of temporary resignation for legal practice, it was concluded that such a provision would be in conflict with the principles outlined in the Code of Ethics for Barristers. In response to increasing requests related to caregiving responsibilities for elderly or critically ill relatives, a specific provision has been formulated to address such circumstances. Given the relevance and adequacy of existing provisions, we are maintaining them while also reframing and enhancing selected aspects to facilitate the implementation process.

Recommendation 21

- 16.4.108 **We recommend that, subject to the exigencies of service, officers holding a substantive appointment should be eligible for the grant of Leave Without Pay, as below:**

A. to take up employment in:

- (i) **Parastatal and other Statutory Bodies as well as other institutions with approved service status up to a maximum aggregate period of two years over a period of 10 years, on contractual basis (full time) or to cover the probationary period of employment. However, this leave may be extended, subject to the recommendation of the Responsible Officer and the approval of the MPSAR in the event**

the officer on probation is still not appointed in a substantive capacity at the end of the 24-month period; and

- (ii) the private sector/state-owned companies in Mauritius for a maximum aggregate of one year over a period of 10 years. If an officer has been granted Leave Without Pay and takes up employment in a Mauritian Branch of an International Private/Multi-National Company, he may be allowed to avail of this leave or for part thereof for an overseas posting in the same company, subject to the authorisation of the parent Ministry and the approval of the MPSAR;
- B. to carry out consultancy for a period of up to two years over a period of 10 years in international and regional organisations of which Mauritius is a member; in foreign countries under a scheme approved by the Government; and in member countries of regional organisations.
 - 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 approval of the MPSAR. This leave is restricted to only one contract the spouse is required to serve.
 - 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.
 - F. for providing medical care and assistance to his elderly dependent parent/near relative having a serious/critical health condition for a period of 90 days over a period of 10 years, subject to the production of documentary medical evidence and approval of the MPSAR.
 - G. to run a business for an aggregate period of one year over a period of 10 years, subject to the approval of the MPSAR and the High Powered Committee. Leave Without Pay for this purpose is not applicable to officers performing in scarcity areas or where replacement and retention of staff is difficult or where the officer has been provided a training at Government's expense for a year or more.
 - H. to undertake pupillage whether in the private or public sector or undergo pre-registration training, for an aggregate period of two years.

Leave Without Pay for Study Purposes

- 16.4.109 Statistics from the MPSAR for the period 2021 to 2024 indicate that Leave Without Pay for study purposes remains the most frequently availed category of unpaid leave. While it is acknowledged that such leave may contribute to professional development and skill enhancement, among officers, there are also operational implications associated with this practice. In instances where officers proceed on Leave Without Pay for a long period, service delivery and productivity may be adversely impacted as the resultant workload has to be redistributed among existing staff.
- 16.4.110 Furthermore, with the recent changes in the tertiary education landscape, a wide array of academic programmes is offered on a part-time basis. This could serve as viable alternatives for officers to pursue further studies without the need to have recourse to Leave Without Pay.
- 16.4.111 Besides, the recent inauguration of the Atal Bihari Vajpayee Institute of Public Service and Innovation marks a major step in strengthening capacity building in the Public Sector. The Institute offers a wide range of high-quality training programmes designed to meet the evolving needs of public officers. In this context, it is also in the process of becoming an accredited awarding body, with the capacity to offer credit-based programmes leading to Certificates, Diplomas, Degrees and even Master's qualifications. This development further strengthens the case for minimising reliance on extended Leave Without Pay for study, as officers can now upskill without being absent for prolonged periods.
- 16.4.112 In view of the above considerations, we are maintaining the leave without pay for study leave purposes until the next overall Review of Pay and Grading Structures and Conditions of Service in the Public Sector.

Recommendation 22

- 16.4.113 We recommend that, subject to the exigencies of service and until the next Overall Review of Pay and Grading Structures and Conditions of Service in the Public Sector, officers holding a substantive appointment should be eligible for the grant of Leave Without Pay to pursue higher studies on a full time basis, of up to a maximum of four years in aggregate and contingent upon the following conditions:**
- (i) initially such leave is approved for a maximum period of one year;**
 - (ii) approval of extension of the leave is contemplated at the end of each academic year, upon production of documentary evidence of continued studies in the same field, subject to the exigencies of service; and**
 - (iii) the aggregate period of four years should include the period the officer is awaiting the examinations' results and the holding of the graduation ceremony.**

Leave Without Pay to take up employment in the Civil Service on a Contractual Basis

- 16.4.114 The last Report provided for the grant of leave without pay to a registered professional of the Civil Service, to take up employment on a contractual basis in another Ministry/Department. For this review exercise, the MPSAR has drawn the attention that such practice is not in order, as it results in the existence of two concurrent forms of employment with the same employer, *viz.*, a substantive position and a contractual engagement. In the light thereof, the advice of the State Law Office was sought on this matter.

Recommendation 23

- 16.4.115 We recommend that an officer of the Civil Service may be granted Leave Without Pay to take up employment on a contractual basis in another Ministry/Department for an aggregate period of two years over a period of 10 years provided that he possesses a professional qualification requiring him to be registered with a professional body/council.**

Leave Without Pay to take up Employment in International/Regional Bodies

- 16.4.116 Concerns have been raised regarding potential abuse that may arise from the continued extension of Leave Without Pay for officers employed in international or regional organisations. It has been reported that such situations not only hinder the efficient delivery of services within the organisation, but also place undue strain on other officers who are burdened with increased workloads.
- 16.4.117 Over the past few years, various requests regarding leave extension were submitted to the HPC for consideration. The rationale for this provision was primarily to promote professional mobility and allow officers to have international exposure, which ultimately would benefit the Public Sector. However, it was observed that the continued extension of leave, particularly for officers nearing retirement, was impacting on the smooth running of activities in these organisations.
- 16.4.118 The Bureau has undertaken a reassessment of the current situation. While upholding the provisions of the existing recommendation, it is considered that requests for extension of Leave Without Pay to take up employment in international or regional organisation should be subject to a case-to-case assessment. In particular, cases involving officers nearing retirement age should be carefully reviewed, and where appropriate, Management may consider advising retirement from the service. Such course of action should be guided by the principles of sound workforce planning and equitable treatment while ensuring that decisions support both organisational efficiency and the professional aspirations of officers. Accordingly, we are making appropriate recommendations.

Recommendation 24

- 16.4.119** We recommend that, subject to the exigencies of service, officers holding a substantive appointment should be entitled to the grant of Leave Without Pay to take up employment in international and regional organisations of which Mauritius is a member; in foreign countries under a scheme approved by the Government; and in member countries of regional organisations, for an initial contract not surpassing three years or an aggregate of three years, over a period of 10 years. Notwithstanding the foregoing, the duration of this leave may be prolonged, subject to the approval of the HPC, for an aggregate period not exceeding five years, upon submission of documentary evidence to the effect that contributions in favour of service provided overseas have been made and a pension is payable for the continuous service.
- 16.4.120** We also recommend that Management should, in consultation with the MPSAR, assess all requests for leave without pay for this particular purpose on a case-to-case basis, and where an officer, who is allowed to retire with the approval of the relevant Service Commission, has already been granted an aggregate period of five years leave without pay to take up employment in international or regional organisations, may consider proposing to the latter the option of either to resume duty to serve in his substantive position or to retire from the Service in the event he envisages to continue to work thereat.

Leave Without Pay after Confinement

- 16.4.121** The conditions applicable to the grant of Leave Without Pay following confinement differ from those governing the other purposes for which this leave is granted, particularly as the officer concerned is not required to hold a substantive appointment. This provision has been addressed under the Maternity Leave section of this Volume.

Operational Guidelines

- 16.4.122** The authorisation of the grant of Leave Without Pay devolves upon a Responsible Officer. **Hence, to ensure that no impediment is caused in the delivery of service, a due diligence should be carried out.**
- 16.4.123** As per the established protocol, all requests for extension of leave without pay should be submitted for the concurrence of the Responsible Officer of an organisation after considering the exigencies of the service.
- 16.4.124** **We consider that the MPSAR should closely monitor the grant of leave without pay to detect cases of abuse or any departure from the Bureau's recommendations and take corrective measures as appropriate.**
- 16.4.125** To ease implementation of our recommendations, the following should be taken into consideration:

- (i) the period of 10 years as mentioned at above paragraphs is deemed to take effect as from the first day the officer proceeds on leave without pay for the first time;
- (ii) the MPSAR should consult the Ministry of Foreign Affairs, Regional Integration and International Trade regarding the official list of institutions/international/regional organisations, approved schemes and member countries;
- (iii) 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 MPSAR through their Management, at least one month before the expiry of the approved absence. Furthermore, leave without pay for a different purpose should only be considered once the officer has resumed duty; and
- (iv) much caution should be exercised in implementing our recommendations diligently as the absence of an officer from the service may adversely impact on service delivery and productivity.

Injury Leave

- 16.4.126 Injury Leave is granted to public officers irrespective of whether they are in a substantive capacity or not. The right to protection against workplace injury is enshrined in the Universal Declaration of Human Rights 1948 and the International Covenant on Economic, Social and Cultural Rights 1966. A plethora of safety measures/guidelines have, therefore, been developed by the MPSAR in compliance with the Occupational Safety and Health Act 2005 to provide a safe and healthy environment for all public officers.
- 16.4.127 An officer who suffers injury while on duty or during official travelling, is eligible for Injury Leave on full pay. The main condition attached to its grant is that the injured officer, at the time of the accident, acted in line with rules and regulations in force and the occurrence of the accident was not due to his negligence.
- 16.4.128 Requests were made to consider the grant of Injury Leave recommended by Medical Officers of approved medical institutions of Mauritius instead of Government Medical Officers, and to replace the words “injury on duty” by “injury at work”. We are addressing these issues in this Report.

Recommendation 25

- 16.4.129 We recommend that an officer holding a substantive appointment and who sustains injury at work, should be granted Injury Leave on full pay, on condition that he was complying with the rules and regulations in force at the time of the accident and the accident was not due to negligence on his part.

16.4.130 We also recommend that the ensuing procedures should be adhered to:

- (i) pending the findings of the Departmental Board set up at the level of each organisation, the injured officer should be granted Sick Leave upon production of Medical Certificate(s) from a Police Medical Officer or a Government Medical Officer or a Private Medical Practitioner from a registered and recognised private health institution;**
- (ii) subject to the findings of the Departmental Board, the Supervising Officer may approve Injury Leave up to a maximum of 30 days;**
- (iii) all cases requiring more than 30 days of Injury Leave should be referred to the Injuries Committee at the level of the MOHW together with the necessary documents and comments as laid down in the regulations in force; and**
- (iv) notwithstanding sub paragraph (iii) above, the Supervising Officer may refer any case of injury to the Injuries Committee which, in his opinion, necessitates further investigation.**

Injury Leave Entitlement for Employees not holding a Substantive Appointment

16.4.131 Employees not holding a substantive appointment are granted Injury Leave with pay up to a maximum of 15 days despite the fact that they have not completed one year's continuous service and subject to satisfying certain set criteria. As this category of officers is also exposed to workplace accidents, we are upholding the existing recommendation.

Recommendation 26

16.4.132 We recommend that an employee, not holding a substantive appointment should be granted injury leave with pay up to a maximum of 15 days although he has not completed one year's continuous service, provided that he was complying with the rules and regulations in force at the time of the accident; the accident was not due to negligence on his part; and the procedures as outlined at paragraph 16.4.131 above are followed.

16.4.133 We further recommend that, notwithstanding provision at paragraph 16.4.131, an employee who requires a longer period of recovery may be granted injury leave with pay up to a maximum of 180 days (inclusive of injury leave granted by virtue of provision at paragraph 16.4.131, subject to the production of a Medical Certificate duly signed by a Police Medical Officer or a Government Medical Officer or a private Medical Practitioner from a registered and recognised private health institution and upon the recommendation of the Ministry of Health and Wellness.

Departmental Board

- 16.4.134 With a view to reducing undue burden on the injured officer, the Bureau recommended that the Departmental Board set up at the level of each organisation should submit its Report within a fortnight. Given its relevance, the Bureau considers that the present provision should continue to prevail.

Recommendation 27

- 16.4.135 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

- 16.4.136 Family Responsibility Leave is a paid leave granted to public officers to allow them to attend to their family obligations. This leave, which may be taken up to three consecutive days, is granted against the Casual Leave entitlement of the officer. Upon exhaustion of all Casual Leave, it is offset against the accumulated five days' Vacation Leave which may be taken at a stretch or on and off.
- 16.4.137 Previously, the absence of an officer to attend to his/her sick child or elder parent was reckoned against his/her Sick Leave entitlement instead of Casual Leave. This practice was not considered appropriate inasmuch as the very purpose of granting Sick Leave was being defeated. In an attempt to address this issue, the Bureau introduced the Family Responsibility Leave in its 2016 PRB Report.
- 16.4.138 Following provisions made in the Workers' Rights Act 2019, the MPSAR issued a Circular Letter in 2024. With a view to providing greater flexibility to public officers in managing work and taking care of the family, we are, in this Report, enhancing the existing provision.

Recommendation 28

- 16.4.139 We recommend that an officer should be granted up to a maximum of 10 days' leave to be offset, as per his option, against any of his paid leave entitlement to take care of his child/adopted child, spouse, parent or grandparent with healthcare related issues. In case the officer requires additional leave to look after his sick child/adopted child, he may be granted same which should be reckoned against his Vacation Leave entitlement.**
- 16.4.140 We also recommend that an officer applying for the leave should be granted same provided that:**
- (a) he notifies his employer on the first day of absence;**
 - (b) he produces his birth and marriage certificate, the birth certificate of his or her spouse and the birth certificate of the child or adopted child, parent or grandparent, as the case may be;**
 - (c) in the case of an adopted child, he produces a certified copy of the relevant Court Order and the birth certificate of the child;**

- (d) he produces, where he absents himself for more than three consecutive working days, a medical certificate certifying that his child or adopted child, spouse, parent or grandparent, as the case may be, has healthcare-related issues; and
- (e) he produces such other document as may be required.

