

## PSA advice: Incapacity

Incapacity often places members under severe emotional and financial pressure. It is therefore essential to understand your rights and the obligations imposed on the employer. This *Informus* clarifies the provisions regulating permanent disability leave so that members are fully informed and properly protected.

### Defining permanent disability

In terms of PSCBC Resolution 7/2000 permanent disability refers to a long-term physical, mental, or psychological impairment that substantially limits an employee's ability to perform normal work duties or daily activities. The condition must be of such nature that it is not expected to improve over time. The classification of permanent disability is not automatic. It must be supported by credible medical evidence and formally certified. Once permanent disability has been medically confirmed, specific procedures apply.

### Initial leave allocation

Upon certification and subject to employer approval, the employee may be granted up to 30 working days of paid sick leave. The employer may extend this period where additional time is required to complete assessments. This period forms part of a formal mandatory process wherein specific conditions are met. It forms part of a structured evaluation process.

### Mandatory employer assessment

The employer carries a clear responsibility during this phase. The employer must properly assess whether continued employment in the public service remains possible. This includes evaluating alternative placement options and examining whether reasonable accommodation measures can enable the employee to remain productive. Alternative employment must be meaningfully considered. Workplace adaptation must be properly investigated. Failure to do so may constitute procedural unfairness.

### Transition to ill-health benefits

Where both parties conclude that the employee cannot perform duties at the current level or rank, the next step is an application for ill-health retirement application which is reviewed by the Health Risk Manager. This process requires strict compliance with documentation requirements and medical

substantiation. Members must ensure submissions are complete and timeous to prevent unpaid periods or allegations of unauthorised absence.

### **Guidance to members**

Members must obtain medical reports from registered practitioners. Reports must clearly outline diagnosis, prognosis, and functional limitations. Vague medical certificates delay the process and expose members to administrative disputes. Maintain written communication with the employer. Request confirmation of assessments in writing. Escalate unreasonable delays immediately to the PSA Provincial Office. Permanent disability leave is regulated. It is not an automatic extension of ordinary sick leave. Active engagement between the member, medical professionals, and the employer is required at every stage.

For assistance or to report delays, contact the relevant PSA Provincial Office. The PSA continues to monitor departmental compliance to ensure that no member is unfairly prejudiced during disability assessments.

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