

ISSUE

AUG 2023



# UNDERSTANDING ABSENTEEISM, ABSCONDMENT, AND DESERTION IN THE WORKPLACE

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## Differentiating Absenteeism, Abscondment, and Desertion

In the *SACCAWU obo Khakhatiba v. Country Meat Market (Pty) Ltd* case, the Commissioner emphasised the importance of distinguishing between absenteeism, abscondment, and desertion.

- Absenteeism includes unauthorized absence from the workplace, such as taking extended breaks or being absent without consent for a day or more. Any time an employee is away from their designated work area without approval, it is considered unauthorized absenteeism.
- Abscondment occurs when an employee is absent for an extended period, suggesting they do not intend to return to work.
- Desertion occurs when an employee explicitly states they will not return to work.

In each instance, it is the employee's responsibility to provide a valid explanation for their absence.

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## Legal Implications of Abscondment and Desertion

Under South African labour law, abscondment and desertion are serious breaches of the employment contract and can justify immediate dismissal if the employee is found guilty. Employers have the right to expect employees to meet their contractual obligations, including regular attendance. Abscondment disrupts operations and negatively impacts the productivity of the organization.

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## Employer Rights and Actions When Addressing Absences

Employers facing absences due to absconding or desertion have specific rights and procedures they can follow to manage the situation fairly and legally.

These steps include:

### **1. Notification Efforts**

Employers should make reasonable efforts to contact the absent employee to understand the reason for their absence. Communication may involve phone calls, emails, or written correspondence.

### **2. Issuing a Notice of Intention**

If the employee cannot be reached, the employer should issue a formal notice requiring the employee to attend a disciplinary hearing. This notice should be sent via WhatsApp, email, or registered post to the address on file. Employers should keep proof that the notice was received or read by the employee.

### **3. Conducting a Fair Disciplinary Hearing**

Employers must ensure a fair disciplinary process, allowing the employee an opportunity to present their side of the story and potentially resolve the issue. If the employee was notified of the hearing but fails to attend, the hearing may proceed in their absence.

### **4. Termination of Employment**

After a fair hearing, if warranted, the employer may terminate the employee's services, regardless of whether the employee attended the hearing.

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Understanding and adhering to these procedures helps employers uphold a fair and legally compliant approach to handling absenteeism, abscondment, and desertion.

Regards

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