

MOHOKARE LOCAL MUNICIPALITY

EMPLOYEE  
ASSISTANCE POLICY

2017/2018

## INTERNAL POLICY

<b>MOHOKARE LOCAL MUNICIPALITY</b>	
<b>SUBJECT:</b>  EMPLOYEE ASSISTANCE POLICY	<b>POLICY NO:</b>  HRM 110
<b>LAST REVIEW DATE:</b>	
<b>CURRENT REVIEW DATE:</b>	<b>COUNCIL ITEM:</b>
<b>EFFECTIVE DATE:</b>	
<b>MUNICIPAL MANAGER:</b>	
<b>MAYOR:</b>	

## Table of Contents

1. Definitions.....	4
2. Purpose of this policy .....	5
3. Interpretation of this policy .....	6
4. Legal framework.....	6
5. Scope of application .....	6
6. Service provider for counselling services.....	6
7. Various conditions that may qualify for invoking the EAP .....	7
8. Utilisation of EAP.....	7
9. Costs management.....	8
10. Employee’s liability for costs of treatment.....	8-9
11. Injury on duty .....	9
12. Treatment for substance abuse .....	10-11
13. Employer’s contribution to promotion of employee wellness .....	11
14. Allocation of leave or sick leave.....	11
15. Hiv/aids testing.....	12
16. Prescribed procedure for invoking the EAP .....	12-14
17. EAP Management .....	14
18. Confidentiality .....	14-15
19. Misuse/abuse of this policy.....	15
20. Financial implications.....	15
21. Breach of this policy.....	15
22. Authority.....	15

## 1. DEFINITIONS

In this policy, unless otherwise indicated, these words or phrases shall have the following meaning –

<i>“Counsellor”</i>	refers to a professional person who provides counselling services to an employee
<i>“EAP”</i>	refers to the Employee Assistance Programme;
<i>“Employer or Employers”</i>	refers to employers/municipalities within the registered scope of the SALGBC (South African Local Government Bargaining Council); furthermore shall the employer have the meaning assigned to it in the MSA, No. 32 of 2000,
<i>“Day”</i>	means working days, i.e. Mondays to Fridays excluding public holidays unless indicated otherwise by the context;
<i>“Month”</i>	means one calendar month;
<i>“Municipality”</i>	Means the Mohokare Local Municipality, a municipality established in terms of section 12 of the Municipal Structures Act, 1998 (Act 117 of 1998), as amended;

## 2. **PURPOSE OF THIS POLICY**

- 2.1 This Employer acknowledges the value of its employees and admits that their well-being is to the benefit of Employees and the Employer.
- 2.2 It is the intention of the Employer to provide reasonable assistance to those employees who may be in need of professional guidance, coaching, treatment and the like in order to promote their personal well-being and to ensure that employees are able to continue delivering a quality service to the Employer.
- 2.3 This Policy deals with the resolution of personal problems as well as work-related problems of Employees, both of which may have a negative effect on service delivery by the Employer.
- 2.4 The Employer shall seek the services of a professional service provider to perform a counselling service and to address and resolve matters where the Employees' conduct justifies or necessitates professional interference *where possible*.
- 2.5 This Policy provides a framework and guidelines to the Employer to deal with the Employees' behaviour and incapacity in order to create an environment that promotes the wellness of its Employees.
- 2.6 The Policy also serves as assistance to supervisors to identify and deal appropriately and in a confidential manner with the Employees' behaviour and incapacity in the workplace.
- 2.7 Employees who experience problems relating to behaviour at home or work, of whatever nature it may be, and which may have a negative impact on their ability to perform the required standard of work, are encouraged to seek assistance to deal with those issues.
- 2.8 This Policy set out the procedures that Employees and supervisors must follow to invoke the provisions of the EAP.
- 2.9 Any participation by an Employee in the programme shall be voluntary.

### **3. INTERPRETATION OF THIS POLICY**

- 3.1 In the interpretation of this internal policy: the preamble as well as the various headings and sub-headings shall be taken into account in order to determine the intention of the Municipality; and
- 3.2 The male shall include the female and the singular shall include the plural and vice versa, unless the context indicates otherwise.

### **4. LEGAL FRAMEWORK**

- 4.1 In the process of the development of this policy the following Acts, Collective Agreements and Government Notices, were consulted:
  - 4.1.1 Constitution of the Republic of South Africa;
  - 4.1.2 Labour Relations Act, 1995
  - 4.1.3 Basic Conditions of Employment Act, 1997;
  - 4.1.4 Municipal Finance Management Act [MFMA] [Act 56 van 2003];

### **5. SCOPE OF APPLICATION**

- 5.1 This Policy applies to all Employees permanently appointed by this Employer and who have been in service for more than four months.
- 5.2 Employees appointed on fixed-term contracts and interns are also included in this Policy.

### **6. SERVICE PROVIDER FOR COUNSELLING SERVICES**

The Employer will outsource this function to a suitable and professional service provider.

## **7. VARIOUS CONDITIONS THAT MAY QUALIFY FOR INVOKING THE EAP**

7.1 The following conditions may qualify for assistance in terms of this policy:

7.1.1 Alcohol problems;

7.1.2 Smoking;

7.1.3 Drug dependency;

7.1.4 HIV/Aids;

7.1.5 Occupational injuries and illnesses;

## **8. UTILISATION OF EAP**

8.1 The main objective of the EAP is to provide support and assistance to Employees to deal with matters identified in Clause 7 and to endeavour to resolve those matters which can negatively affect job performance, whether from a misconduct or incapacity point of view.

8.2 The EAP provides professional and confidential assistance to the Employee by means of a referral and counselling service.

8.3 The Employee's supervisor must be notified of any appointment that an Employee may need to attend during official working hours and whether the Head of Department has granted permission for such consultation to take place during official working hours.

## 9. COSTS MANAGEMENT

- 9.1 From a cost perspective, the EAP Policy seeks to balance the responsibilities of the Employer *versus* the responsibilities of the Employee for his/her own well-being.
- 9.2 The Employer will budget for a fund called the Employee Wellness Vote. All expenditure relating to the EAP will be paid from this fund and will be administered by the Manager: Human Resources.
- 9.3 The Employer will be liable for financial support to a maximum amount of five thousand rand (R5 000-00) per Employee per incident.
- 9.4 If the Counsellor is of the opinion that the Employee needs further counselling/treatment, such treatment is for the Employee's own account.
- 9.5 If circumstances warrant, the Employee or Counsellor may motivate why the Employer should be assisted with further costs for consultation/treatment. The *relevant* Head of Department must liaise with the manager of Human Resources and then consider the merits of such motivation. The financial implications and allocation for the EAP must be taken into consideration by the Municipal Manager.
- 9.6 The decision to approve further financial assistance will be influenced by each individual circumstance, the costs involved, availability of funds and the individual Employee's personal financial position. Cognisance must also be taken of the stipulation in Clause 9.4.

## 10. EMPLOYEE'S LIABILITY FOR COSTS OF TREATMENT

- 10.1 As a general rule, the Employee is personally responsible for the payment of expenditure for hospitalisation and specialised long-term treatment/assistance. Employees are therefore responsible for submitting medical claims for payment *via* their individual medical aid schemes.

- 10.2 If an Employee requires further assistance/treatment over and above those financed by the Employer in terms of Clauses 9.3, Employees are expected to claim such costs from their medical aid schemes.
- 10.3 If an Employee's medical aid scheme does not provide for the payment of such [further] treatment, or if the Employee does not belong to a medical aid scheme, or if the Employee's medical provision is exhausted, the Employee or Counsellor may motivate to the Employer in terms of Clauses 9.5 and 9.6 to consider assisting the Employee in that regard. However, the Employer is under no obligation to pay any additional costs whatsoever.

## 11. INJURY ON DUTY

- 11.1 Injury on duty may take many forms, such as emotional trauma following a robbery or assault, a machine operator injured in the performance of duties, an electrician shocked by power cables, and many other incidents that may happen in the work situation and that may affect the Employee physically or emotionally.
- 11.2 Section 8(1) of the Occupational Health and Safety Act, 1993 stipulates that it is the Employer's duty to provide and maintain a working environment that is safe and without risk to the health of its Employees.
- 11.3 Any injury or diseases sustained in the execution of an Employee's daily tasks will be dealt with in terms of the Occupational Health and Safety Act and the Workman's Compensation Act.
- 11.4 If the need to invoke the EAP stems from a work-related incident/trauma such as an injury on duty, work stress, sexual harassment, operational requirement interventions [such as redundancy or restructuring], the Employer *may* provide reasonable financial support for counselling/treatment, provided that funds are available.

## **12. TREATMENT FOR SUBSTANCE ABUSE**

- 12.1 Employees who report for duty whilst being under the influence of a substance [alcohol or drugs] present significant risk for the Municipality, colleagues and themselves.
- 12.2 Being under the influence of a substance leads to serious workplace incidents, such as accidents and excessive absenteeism.
- 12.3 The EAP aims to offer assistance to Employees who have problems with the use of alcohol, whilst addiction to drugs is also covered.
- 12.4 If Employees experience a problem with or addiction to alcohol or drugs, Human Resource will source professional assistance that will investigate the problem and decide whether treatment in the form of rehabilitation or counselling is required.
- 12.5 If treatment in the form of rehabilitation is recommended, the Employee will be referred to a medical practitioner for a diagnosis with a view to consider the granting of sick leave and to invoke the medical benefits provided for by the Employee's medical aid. The medical practitioner must also provide guidance on the period that may be required for rehabilitation and the kind of rehabilitation treatment required.
- 12.6 The costs for specialized treatment, in-patient or long-term therapeutic services for the Employee must first be submitted to the applicable medical aid scheme for payment.
- 12.7 Where an employee does not belong to a medical aid the following procedure will apply:
- 12.7.1 When an employee is referred for treatment in terms of this policy a quotation for the treatment will be obtained before the employee commences with any treatment.

12.7.2 Both the employee and the Municipal Manager on behalf of the employer must accept the quote.

12.7.3 The financial support provided by the Employer shall not exceed an amount of five thousand rand (R5 000-00) per Employee per incident. Any excess will therefore be for the account of the Employee. The Employer will not pay for more than two incidents per Employee during his/her period of employment.

### **13. EMPLOYER'S CONTRIBUTION TO THE PROMOTION OF EMPLOYEE WELLNESS**

13.1 One of the Employer's primary objectives of this policy is to make a significant contribution to the enhancement of Employees' physical health and health care. The provision of a health care service will contribute to the Employee's health and simultaneously enhance regular attendance at work.

13.2 During the course of a financial year, the employer will host numerous wellness programs to offer its support to employees which will serve as educational also.

### **14. ALLOCATION OF LEAVE OR SICK LEAVE**

14.1 If a medical practitioner diagnoses an Employee as being addicted to alcohol or drugs and recommend specialised treatment in the form of rehabilitation, the Employee may apply for the allocation of sick leave for the purpose of attending a rehabilitation centre for treatment purposes.

14.2 If the medical practitioner does not diagnose an Employee as being addicted to a substance, such an Employee will need to utilise normal vacation leave if leave of absence is required for treatment.

## **15. HIV/AIDS TESTING**

15.1 It is the intention of this Employer to provide support to Employees affected by HIV and Aids and related diseases. The following serve as examples of the Employer's supportive attitude –

15.1.1 Elimination of unfair discrimination based on an Employee's HIV status;

15.1.2 Encouraging and providing voluntary counselling and testing;

15.1.3 Implementing awareness programmes, education and prevention programmes on HIV/Aids;

15.1.4 Seeking of counselling services by a registered Counsellor for EAP purposes;

15.1.5 Involvement of the Department of Health to provide information sessions on promoting health-seeking behaviour.

## **16. PRESCRIBED PROCEDURE FOR INVOKING THE EAP**

16.1 The provisions of the EAP can be invoked by the following persons –

16.1.1 By the Employee requiring assistance;

16.1.2 The supervisor or Head of Division;

16.1.3 The relevant Head of Department;

16.1.4 The Municipal Manager;

16.1.5 By agreement between Employee and Employer as a consequence of remedying a misconduct or incapacity shortcoming.

- 16.2 It is the duty of supervisors, Managers and Heads of Departments to be cognisant of behavioural changes, e.g. poor work performance after a period of satisfactory work performance. This problem should first be dealt with in terms of the Incapacity Procedure and if it requires specialised interventions, the EAP should be recommended to an Employee.
- 16.3 Poor behaviour, e.g. regular absenteeism or sick leave on Mondays or Fridays, also require urgent intervention by supervisors in terms of the prescribed Disciplinary Procedure. If the problem seems to be related to matters for which the EAP has been intended, supervisors should not hesitate to recommend to the Employee to utilise the provisions available in terms of the EAP.
- 16.4 In the above regard, liaison with Human Resource may assist in the timeous identification of any matter that the Employee may benefit from, if the provisions of the EAP are invoked in time.
- 16.5 It is important that any of the above persons shall treat any communication between an Employee and themselves in absolute confidence.
- 16.6 If an Employee reports the need for counselling to his/her supervisor, the supervisor should urgently liaise with the relevant Head of Department. If the Head of Department approves the use of the provisions of the EAP Policy, the matter must be referred to Human Resource without delay.
- 16.7 Human Resource will facilitate the referral process with the service provider contracted for the rendering of counselling services.
- 16.8 Employees may elect to contact Human Resource directly, instead of through his/her supervisor. The Human Resource Manager must then liaise with the Employee's Head of Department and determine if the provisions of the EAP should be invoked.

16.9 The provisions of the EAP may be invoked for any of the conditions listed in Clause 7.

## **17. EAP MANAGEMENT**

17.1 The Human Resource Manager will be responsible for the management of the EAP Policy.

17.2 The Human Resource Manager will identify an employee in the Human Resources Division to act as Coordinator between the Employer and the service provider appointed to render counselling services.

17.3 Human Resource will liaise with the service provider to arrange for consultations to take place as far as possible during lunch hour breaks. Time-off for attending such counselling sessions will be provided to enable the employee to be on time for the counselling session and for late return to the office on completion of the counselling session.

## **18. CONFIDENTIALITY**

18.1 It is of utmost importance that all role-players should respect the confidentiality of the counselling process.

18.2 This includes any confidential information or communication by the Employee, especially that of a personal nature. Records and documentation must also be treated confidentially.

18.3 No information obtained as part of the EAP process may be revealed to any third party without the written consent of the Employee concerned.

18.4 The use of this service will not jeopardize an Employee's job security, limit promotional opportunities, or relieve the Employee of his/her responsibility to meet accepted job performance and attendance standards.

18.5 The personal case records of an Employee's counselling will be held in strict confidentiality by the EAP counselling service provider and may not be placed on an Employee's personal file.

## 19. MISUSE/ABUSE OF THIS POLICY

19.1 Any misuse or abuse of this Policy will be viewed seriously and may lead to disciplinary action being taken. Employees are encouraged to utilize the positive objectives of this Policy in good faith.

19.2 Disciplinary procedures will also be invoked if any Employee is found to have breached the confidentiality clauses contained in this Policy.

19.3 This Policy must not be used to circumvent disciplinary action.

19.4 Where Employees are guilty of gross misconduct or repeatedly transgress the Code of Conduct, disciplinary action will follow and the Employer is not obliged to permit the Employee to invoke the EAP process.

## 20. FINANCIAL IMPLICATIONS

The Employer will budget for EAP purposes according to the budgetary allocations as well the financial ability of the Municipality.

## 21. BREACH OF THIS POLICY

Non-compliance with the policy stipulations will be regarded as misconduct.

## 22. AUTHORITY

**Formulation:**

Human Resources Policies

Ownership and maintenance:

Human Resources Department