

Blouberg Municipality



CHAPTER 15: INCAPACITY DUE TO ILL HEALTH / INJURY POLICY

1. PREAMBLE

The Labour Relations Act sets out certain guidelines in handling incapacity. These are the Municipality's policy provisions in dealing with incapacity due to ill health / injury.

2. PURPOSE

The purpose of this policy is to ensure the Municipality's operational efficiency while at the same time ensuring that termination of employment for reasons of incapacity due to ill-health or injury takes place substantively and procedurally fair.

3. SCOPE OF APPLICATION

The policy shall apply to all staff members of the Municipality.

4. LEGISLATIVE AND POLICY FRAMEWORK

- Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996)
- Municipal Systems Act, 2000 (Act No. 32 of 2000)
- Labour Relations Act, 1995 (Act No. 66 of 1995)
- Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997)
- Occupational Health and Safety Act, 1993 (Act No. 85 of 1993)
- Compensation for Occupational Injuries and Diseases Act, 1993 (Act No. 130 of 1993)
- South African Local Government Bargaining Council: Collective Agreements

5. DEFINITIONS

All terminology used in this policy shall bear the same meaning as in the Regulations or applicable legislation, or as defined and / or explained in the Glossary of Terminology in the Human Resources Policies Manual.

6. PROBLEM STATEMENT

The municipality has the responsibility to ensure that employees who are incapable to perform their duties due to ill health or injury are treated with dignity and in a fair manner.

POLICY PROVISIONS

6.1 General Principles

- 6.1.1** The Municipality is committed to treating any staff member incapacitated due to illness or injury in a fair and appropriate manner to their particular situations.
- 6.1.2** As such, no staff member shall be subjected to any form of victimisation or unfair discrimination as a result of their illness or injury.
- 6.1.3** The degree of incapacity, as well as the permanency of the incapacity, shall be considered when assessing the person's suitability for continuous employment.
- 6.1.4** The cause of the incapacity may also be relevant. In the case of incapacity due to substance abuse, such as alcoholism or drug abuse, counselling and rehabilitation may be appropriate steps to be considered.

6.2 Guidelines for Managing Incapacity

6.2.1 Temporary incapacity

- (a)** If a staff member is temporarily unable to work, the Municipality shall investigate the extent of the incapacity of the injury.
- (b)** Such an investigation shall include appropriate medical and occupational diagnosis or prognosis.
- (c)** If the staff member is likely to be absent for a time that is unreasonably long in the circumstances, the Municipality shall investigate all the possible alternatives short of dismissal. The staff member and his / her representative shall be given an opportunity to state reasons as to why alternatives short of dismissal should be considered.
- (d)** When alternatives are considered, relevant factors might include the nature of the job, the period of absence, the seriousness of the illness or injury and the possibility of securing a temporary replacement for the ill or injured staff member.
- (e)** If the staff member's medical report indicates that his / her condition has improved and the staff member is capable of performing his / her duties, failure to do so shall lead to disciplinary action being taken.

6.2.2 Permanent incapacity

- (a) In cases of permanent incapacity, the Municipality shall ascertain the possibility of securing alternative employment or adapting the duties or work circumstances of the staff member to accommodate the disability. This could include an alternative job of a lower rank.
- (b) In the process of the investigation, the staff member shall be allowed the opportunity to state a case in response, and to be assisted by a fellow staff member.
- (c) Particular consideration shall be given to staff members who are injured at work or who are incapacitated by work related illness. In these cases the Municipality shall, as compelled by legislation, assist staff members to claim compensation for occupational injuries and diseases.
- (d) Termination of employment shall only be considered if the staff member's disability cannot be reasonably accommodated by adapting his / her duties or work circumstances, and an alternative position is not available.
- (e) Should the staff member be unable to continue working, the Municipality shall assist the staff member, in terms of the retirement fund rules, to apply for a Permanent Health Insurance (PHI) benefit. The Municipality cannot however be held liable for compensation should the PHI claim not be approved by the insurers. Such application shall be made as soon as it becomes apparent the staff member would be unable to continue normal duties.

6.3 Roles and responsibilities

- 6.3.1** The Municipal Manager or his / her delegated assignee(s) accept overall responsibility for the implementation and monitoring of the policy.
- 6.3.2** The financial implications related to implementing this policy shall be qualified and quantified by Human Resource Management in consultation with the Chief Financial Officer.

7. POLICY MONITORING AND EVALUATION

- 7.1** This policy shall be implemented and effective once recommended by the Local Labour Forum and approved by Council.
- 7.2** Non-compliance to the stipulations contained in this policy shall be regarded as breach of Code of Conduct, which shall be dealt with in terms of the Code of Conduct.

7.3 Head of Corporate Services shall carry out the monitoring and evaluation of the policy's implementation.

8. POLICY APPROVAL

This policy was formulated by HR Management in consultation with the Local Labour Forum.

Authorised by Municipal Manager:

Signature:



Date: 30/07/2024

**Recommended by Portfolio Committee
on Corporate Services:**

Signature:



Date: 30/07/2024

Approved by Municipal Council:

Signature:



Date: 30/07/2024