

**MSUKALIGWA LOCAL MUNICIPALITY INCAPACITY
DUE TO ILL HEALTH POLICY**

2021-2022



Approved Date: 28/05/2021
Review Date: as when necessary

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INCAPACITY DUE TO ILL HEALTH POLICY

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INCAPACITY DUE TO ILL HEALTH POLICY

1. PREAMBLE

The policy aims to provide guidelines in dealing with incapacity due to ill health or injury at the work place, and within the prescribed guidelines in terms of the Labour Relations Act.

2. DEFINITIONS

All terminology not defined in this policy shall bear the same meaning as in the applicable legislation.

For the purposes of this policy, Incapacity refers to an individual's inability to perform according to the stipulated work standards of a particular job due to ill health or injury.

3. LEGAL FRAMEWORK

- Employment Equity Act (Act 55 of 1998)
- Basic Conditions of Employment Act 1997 (Act No 75 of 1997)
- Labour Relations Act, (Act 66 of 1995)
- Occupational Health and Safety Act (Act 85 of 1993 + Regulations)
- Compensation for Occupational Injury and Diseases (Act 85 of 1993)

4. SCOPE AND APPLICATION

This policy shall apply to all employees of Msukaligwa Local Municipality.

5. OBJECTIVES OF POLICY

The purpose of this policy is to ensure minimum disruption to Msukaligwa Local Municipality because of employees' ill health or injury.

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It is intended to ensure that when a termination for reasons of incapacity due to ill-health or injury takes place it is effected for a fair reason and in accordance with fair procedure.

6. POLICY CONTENT

6.1 General Principles

- The Employer is committed to treating any employee who is incapacitated due to illness or injury in a fair and appropriate manner with regard to their particular circumstances.
- As such, no employee should be subjected to any form of victimization or unfair discrimination as a result of their disablement.
- The degree of incapacity, as well as the permanency of the incapacity, will be considered when assessing the person's suitability for ongoing employment
- 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

- If an employee is temporarily unable to work, the employer should investigate the extent of the incapacity of the injury
- Such an investigation should include appropriate medical and occupational diagnosis or prognosis
- If the employee is likely to be absent for a time that is unreasonably long in the circumstances, the employees should investigate all the possible alternatives short of dismissal. The employee and his/her representative should be given an opportunity to state reasons as to why alternatives short of dismissal should be considered.
- 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 employee.
- If the employee's medical report indicates that his/her condition has

improved and the employee is capable of performing his/her duties, failure to do so will lead to disciplinary action being taken.

6.2.1 PERMANENT INCAPACITY

- In cases of permanent incapacity, the Employer will ascertain the possibility of securing alternative employment, or adapting the duties or work circumstances of the employee to accommodate the employee's disability. This could include an alternative job of a lower rank.
- In the process of the investigation the employee will be allowed the opportunity to state a case in response and to be assisted by a fellow employee or Union representative.
- Particular consideration will be given to employees who are injured at work or who are incapacitated by work related illness. {In these cases the employer will assist the employee to claim Compensation for Occupational Injuries and Diseases (COID)}
- Termination of employment should only be considered if the employee's disability cannot be reasonably accommodated by adapting his or her duties or work circumstances, and an alternative position is not available.
- Should the employee be unable to continue working, the Employer will assist the employee to apply for a Permanent Health Insurance (PHI) benefit. Should the PHI claim not be approved by the insurers, the Employer does not hold any liability for compensation. Such application should be made as soon as it becomes apparent that the employee would be unable to continue performing his or her normal duties. The application should be made in respect of the relevant fund or scheme applicable to the employee.

7. IMPLEMENTATION AND MONITORING

This policy will be implemented and effective once by Council.

8. COMMUNICATION

This policy will be communicated to all Municipal employees using the full range of communication methods available to the municipality.

9. POLICY REVIEW

This policy will be reviewed on annual basis and revised as necessary.

10. BUDGET AND RESOURCES

The financial and resource implication/s related to the implementation of this policy should be qualified and quantified.

11. ROLES AND RESPONSIBILITIES

The Municipal Manager or his/her delegate assignee accepts overall responsibility for the implementation and monitoring of the policy.

12. PENALTIES

Non-compliance to any of the stipulations contained in this policy will be regarded as misconduct, which will be dealt with in terms of the Disciplinary Code.

13. DISPUTE RESOLUTION

Any dispute arising from this policy due to ambiguous wording or phrasing must be referred to the Local Labour Forum for adjudication. Resolutions from the Local Labour Forum must be incorporated into the policy.



SI MALAZA

ACTING MAUNICIPAL MANAGER



DATE

