

**MSUKALIGWA LOCAL MUNICIPALITY EMPLOYEES'
ASSISTANCE PROGRAMME POLICY
2022-2023**



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EMPLOYEE ASSISTANCE PROGRAMME POLICY

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1. Policy Purpose

This Employer acknowledges the value of its employees and admits that their well-being is to the benefit of Employees and the Employer.

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.

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.

The Employer shall procure the service of a professional service provider to perform a counselling service and to address and resolve matters where the Employees' conduct justify or necessitate professional interference where possible.

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.

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.

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.

This Policy set out the procedures that Employees and supervisors must follow to invoke the provisions of the EAP.

Any participation by an Employee in the programme shall be voluntary.

2. Policy Objective and Scope

This Policy applies to all Employees permanently appointed by this Employer and who has been in service for more than four months.

Employees appointed on fixed-term contracts and interns are also included in this Policy.

3. Policy Definition

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

“Counsellor” refers to a professional person who provides counselling services to an employee.

“EAP” refers to the Employee Assistance Program.

“Employer” refers to the Municipality.

“Days” refers to any day of the week.

“Month” means one calendar month.

“Municipality” refers to the Municipality.

4. Legislative framework

The following list provides the legislative framework for this policy:

- Constitution of the Republic of South Africa, 1996.
- Labour Relations Act, 1995 [Schedule 8]
- Basic Conditions of Employment Act, 1997.
- Occupational Health and Safety Act, 1993, Section 8(1)
- Occupational Injury and Diseases Act, 1993.
- Compensation for Occupational Injuries and Diseases Amendment Act [Act 130 of 1993]
- Municipal Finance Management Act [MFMA] [Act 56 van 2003]
- Workman's Compensation Act.
- Any relevant Collective Agreement.

5. Policy/Procedure Target Audience

This policy applies to all municipal employees.

6. General Policy Provisions

The following sections reflect the policy provisions

6.1 Counselling Services

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

6.2 Invoking the EAP

There are various conditions or circumstances that can trigger the start of the EAP process. The following list reflects some of these:

- Alcohol problems.
- Smoking.
- Drug dependency.
- HIV/Aids.
- Occupational injuries and illnesses.
- Victim of serious incident (accident or crime)

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Any other appropriate incident as may be approved by the Head of Human Resources.

6.3 Utilisation of EAP

The EAP can impact the operations of the municipality in a negative manner. The following step should be applied to limit any negative impact that the EAP can have on operations:

- In order to minimise the negative impact on operational requirements, the utilisation of the EAP shall as far as possible be limited to lunch time and after work.
- Under special circumstances, the Director for a specific Department may approve the utilisation of such a service during normal working hours.
- Should, however, not exceed two-and-a-half hour sessions a week and should be arranged as far as possible during the lunch hour breaks.
- The Employee's supervisor must be notified of any appointment that an Employee may need to attend to during official working hours and whether the Director of that Department has granted permission for such consultation to take place during official working hours.
- The EAP provides professional and confidential assistance to the Employee by means of a referral and counselling service.
- The main objective of the EAP is to provide support and assistance to Employees to deal with matters identified in Clause 6 and to endeavour to resolve those matters which can negatively affect job performance, whether from a misconduct or incapacity point of view.

6.4 Costs Management.

From a cost perspective, the EAP Policy Guidelines seek to balance the responsibilities of the Employer versus the responsibilities of the Employee for his/her own well-being:

- The Employer will budget for a fund called the EAP Vote. All expenditure relating to the EAP will be paid from this fund and will be administered by the Head of Human Resources.
- The Employer will be liable for financial support to a maximum amount of RX per Employee per incident provided that the Employee pay 50% of the cost and further provided that funds are available. This amount includes all costs, e.g. transport costs to attend a rehabilitation centre.
- If the Counsellor is of the OPINION that the Employee needs further counselling / treatment, such treatment is for the Employee's own account.
- If circumstances warrant, the Employee or Counsellor may motivate why the Employer should assist with further costs for consultation / treatment.
- The relevant Director must liaise with the Head of Human Resources and then consider the merits of such motivation.

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The financial implications and allocation for the EAP must be taken into consideration by the Municipal Manager.

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 19.4.

6.5 Employee's Liability for Costs of Treatment

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.

- If an Employee requires further assistance / treatment over and above those financed by the Employer in terms of Clauses 8.3 and 8.4, Employees are expected to claim such costs from their medical aid schemes.
- 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 8.5 and 8.6 to consider assisting the Employee in that regard. However, the Employer is under no obligation to pay any additional costs whatsoever.

6.6 Injury on Duty

Injury on duty may take many forms, such as emotional trauma following a robbery or assault, a traffic officer injured in the performance of duties, an electrician shocked by power cables, sexual harassment by a colleague, and many other incidents that may happen in the work situation and that may affect the Employee physically or emotionally:

- 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.
- 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.
- 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, restructuring or relocation], the Employer may provide reasonable financial support for counselling / treatment, provided that funds are available.

6.7 Treatment for Substance Abuse

Substance abuse has a negative impact on colleagues and themselves and put the municipality at risk. The following provisions address these matters.

Employees who report for duty whilst being under the influence of a substance [alcohol or drugs] present significant risk for the Municipality.

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Being under the influence of a substance leads to serious workplace incidents, such as accidents and excessive absenteeism.

- The EAP aims to offer assistance to Employees who have problems with the use of alcohol, whilst addiction to drugs is also covered.
- When employees experience a problem with or addiction to alcohol or drugs, the Counsellor will investigate the problem and decide whether treatment in the form of rehabilitation or counselling is required.
- 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.
- The costs for specialised treatment, in-patient or long-term therapeutic services for the Employee must first be submitted to the applicable medical aid scheme for payment.
- The financial support provided by the Employer shall not exceed an amount of **RX** per Employee per annum, provided that the Employee pay 50% of the cost and further provided that funds are available. 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.
- For the purpose of treatment for alcohol or drug dependency, the provisions of the applicable Policy must also be applied jointly with this Policy, especially as far as treatment and after-care is concerned.

6.8 Employer's Contribution to the Promotion of Employee Wellness

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:

- During the month of September the Employer will arrange for free and voluntary HIV/AIDS rapid tests which Employees may utilise to check their status. These tests will be performed by an external institution and the results will be confidential and not be released to the Employer. The Employer will only be informed of the number of Employees who tested positively for statistical purposes. Professional counselling will also be available to all Employees undergoing such tests.
- Smoking is known for impacting negatively on an Employees' health and for the loss of valuable production time, either as a result of time off to smoke or illnesses resulting from the smoking habit. The Employer is willing to contribute 50% to the purchase of a quit-

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smoking package which may assist employees to quit smoking. This provision will be limited to a single incident only.

The Employer will try to assist to negotiate a discount fee with fitness institutions, such as gymnasiums, to afford employees the opportunity to join a gym at a special discount rate. The Employer wishes to promote this special offer seriously, as scientific results have shown that fit Employees have a healthier lifestyle and that healthy Employees tend to render a better service.

6.9 Allocation of Leave or Sick Leave

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:

- 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.

6.10 HIV/Aids Testing

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:

- Elimination of unfair discrimination based on an Employee's HIV status.
- Encouraging and providing voluntary counselling and testing.
- Implementing awareness programmes, education and prevention programmes on HIV/Aids.
- Provision of counselling services by a registered Counsellor contracted by the Employer for EAP purposes.
- Involvement of the Department of Health to provide information sessions on promoting health-seeking behaviour.

6.11 Prescribed Procedure for Invoking the EAP

The provisions of the EAP can be invoked by the following persons:

- By the Employee requiring assistance.
- The supervisor or Head of Division.
- The *relevant* Director.
- The Municipal Manager.
- By agreement between Employee and Employer as a consequence of remedying a misconduct or incapacity shortcoming.
- It is the duty of supervisors and Heads of Divisions to be cognizant 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 specialized interventions, the EAP should be recommended to an Employee.

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- Poor behaviour e.g. regular absenteeism or sick leave on Mondays or Fridays, also require urgent intervention by supervisors in terms of the prescribed.

6.12 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 utilize the provisions available in terms of the EAP.

- In the above regard, liaison with the EAP Coordinator [see Clause 16] 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.
- It is important that any of the above persons shall treat any communication between an Employee and themselves in absolute confidence.
- If an Employee reports the need for counselling to his/her supervisor, the supervisor should urgently liaise with the relevant Director.
- If the Director approves the use of the provisions of the EAP Policy, the matter must be referred to the EAP Coordinator without delay.
- The EAP Coordinator will facilitate the referral process with the service provider contracted for the rendering of counselling services.
- Employees may elect to contact the EAP Coordinator directly, instead of through his/her supervisor.
- The EAP Coordinator must then liaise with the Employee's Director and determine if the provisions of the EAP should be invoked.
- The provisions of the EAP may be invoked for any of the conditions listed in Clause 6.2.

6.13 EAP Coordinator

The Head of Human Resources will be responsible for the management of the EAP Policy.

- The Head may identify an Employee in the Human Resources Division to act as Coordinator between the Employer and the service provider appointed to render counselling services.
- The EAP Coordinator 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 Office on completion of the counselling session.

6.14 Confidentiality

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

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- This includes any confidential information or communication by the Employee, especially that of a personal nature. Records and documentation must also be treated confidentially.
- No information obtained as part of the EAP process may be revealed to any third party without the written consent of the Employee concerned.
- 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.
- 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.

6.15 Misuse and Abuse of this Policy

The implementation of this Policy is to enhance an Employees' wellness. The Employer provides special provision in terms of budgeting for the operation of this Policy and to monitor the sound execution and utilization of this Policy.

- 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.
- Disciplinary procedures will also be invoked if any Employee is found to have breached the confidentiality clauses contained in this Policy.
- This Policy must not be used to circumvent disciplinary action.
- 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.

6.16 Financial Implications

The Employer will budget for EAP purposes according to the financial ability of the Municipality.

- The amount for counselling services and treatment will not exceed RX per Employee per annum.
- All specialized treatments and treatments over and above RX per Employee will be for the Employee's own account, unless the Employee's medical aid scheme is responsible for the account.
- The limit of R3 000 may only be exceeded if the Municipal Manager approves such payment in excess.

6.17 Data Collection

Data relating to this policy must be collated, interpreted analyse against external benchmarks, and emerging trends in the municipality. These reports must be submitted to ensure that preventative measures can be updated to address emerging trends.

Authority



**MR M KUNENE
MUNICIPAL MANAGER**

03 July 23
DATE