
ELIAS MOTSOLEDI LOCAL MUNICIPALITY-MASEPALA WA SELEGAE



DANGER ALLOWANCE POLICY

MUNICIPAL COUNCIL RESOLUTION NUMBER

C21/22-91

APPROVED AT THE MUNICIPAL COUNCIL MEETING OF 30 JUNE 2022

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1. DEFINITIONS

- (a) Covid-19: means Corona Virus Infection Disease 2019 caused by the severe acute respiratory syndrome corona virus. It is a global pandemic as declared by the World Health Organisation (WHO) on 11th March 2020.
- (b) Council: means the Municipal Council of Elias Motsoaledi Local Municipality.
- (c) Danger Allowance: means compensation or amount paid to the employee in terms of this Policy.
- (d) Day: means a working day.
- (e) High Risk Designation: means a designation whose duties exposes incumbents to high level of prospects to encounter physical, environmental, or operational dangers amongst others.
- (f) High Risk Functions: means a field-based role or job that has exposure to physical, environmental and operational dangers.
- (g) Month: means a working month.
- (h) Municipality: refers to Elias Motsoaledi Local Municipality (hereinafter “the EMLM”).
- (i) SALGBC: South African Local Government Bargaining Council.
- (j) Vulnerable employees: means employees with known or disclosed health issues or comorbidities or with any condition which may place such employees at the higher risk of complications or death if they are infected with Covid-19; also employees above the age of sixty (60) who are at a higher risk of complications or death if they are infected with Covid-19.
- (k) WHO: World Health Organisation.

2. PREAMBLE

- 2.1. Whereas the SALGBC Main Collective Agreement does not cater for a danger allowance.
- 2.2. Whereas the parties to SALGBC undertook to consider Covid-19 and matters related thereto under the cover of SALGBC Circular NO.: 5/2020 entitled: *“CHALLENGES FACED BY MUNICIPAL EMPLOYEES ON THE FRONTLINE, FIGHTING THE COVID-19 DISEASE”* dated 09th April 2020 in which the parties agreed on the need for compensatory framework or to compensate employees through

the payment of a danger allowance. This Policy seeks to give effect to the afore-cited SALGBC Circular N0.: 5/2020.

- 2.3. Whilst the municipality acknowledges that each job inherently has its own dangers and risks that the incumbent may be exposed to, the municipality acknowledges its duty to at all material times provide a working environment which is safe, and take reasonable steps to mitigate risks that may give rise to an unsafe work environment.
- 2.4. Despite all measures taken to safeguard employees in general and vulnerable employees in particular at the workplace, some work functions have high level of safety risks. Taking the aforementioned into account and the varied levels of hazards and safety threats that incumbents of certain positions are exposed to, some recognition of an above average risk exposure becomes necessary.

3. SCOPE OF APPLICATION AND EXCLUSION

- 3.1. This Policy shall apply to all the employees of the Elias Motsoaledi Local Municipality who fall within the scope of the SALGBC.
- 3.2. The Municipal Manager and Managers Directly Accountable to the Municipal Manager as appointed in terms of s56 and s57 of the Local Government: Municipal Systems Act 32 of 2000 shall be excluded from this Policy.

4. PERIOD OF OPERATION

- 4.1. Notwithstanding the date of signature hereof, this Policy shall come into operation on the date approved by the Municipal Council. Thereafter, the Policy shall subsist until reviewed and/or revised by the Municipal Council.

5. LEGISLATIVE AND POLICY SCHEME

- 5.1. The Constitution of the Republic of South Africa, 1996
 - 5.1.1. Section 24(a) of the Constitution of the Republic of South Africa, 1996 provides that everyone has the right to an environment that is not harmful to their health or wellbeing. All legislation cited hereunder are derivative of constitutional democracy codified in the Constitution of the Republic of South Africa, 1996

5.2. Occupational Health and Safety Act 85 of 1993 and the Regulations promulgated thereunder

5.2.1. In terms of Section 8(1)(2) of the Occupational Health and Safety Act 85 of 1993 (hereinafter “the OHS Act”) every employer shall provide and maintain, as far as is reasonably practicable, a working environment that is safe and without risk to the health of the employees. The Regulations promulgated thereunder OHS Act effectuate the spirit, purport and object of OHS Act.

5.3. Local Government: Municipal Systems Act 32 of 2000

5.3.1. It provides for the establishment of systems and procedures essential for an efficient local government.

5.4. Local government: Municipal Finance Management Act 56 of 2003

5.4.1. It provides for establishment for establishment of controls and procedures necessary to facilitate accountability.

5.5. Labour Relations Act 66 of 1995

5.6. Basic Conditions of Employment Act 75 of 1997

5.7. Elias Motsoaledi Local Municipality - Delegations of Authority

5.8. SALGBC Collective Agreements

5.9. SALGBC Circular NO.: 5/2020 entitled: “*CHALLENGES FACED BY MUNICIPAL EMPLOYEES ON THE FRONTLINE, FIGHTING THE COVID-19 DISEASE*” dated 09th April 2020.

5.10. Health and Safety Policy

5.10.1. The Health and Safety Policy adopted by the Municipal Council is intended to promote and maintain acceptable physical, mental and social wellbeing of employees and to prevent, amongst workers, ill-health caused by the working conditions.

5.11. As a general rule, the legislation or regulations or collective agreement shall take precedent over any aspect that is concurrently provided for in this policy.

5.12. Changes resulting from change in legislation or regulations or collective agreement or any mandatory order will have automatic effect.

6. ELIGIBILITY FOR DANGER ALLOWANCE

6.1. Covid 19 Danger Allowance is R1000.00 per month irrespective of the

number of hours, minutes or seconds the employee worked which may be paid to an employee on condition that:

- 6.1.1. It is within the available resources and affordability of the municipality and management has so confirmed affordability.
- 6.1.2. The employee reported for duty in office or fieldwork on the instruction of the supervisor of the employee and not on the employee's own volition or accord without the supervisor's instruction;
- 6.1.2. Exceptional circumstance(s) necessitate that a vulnerable employee report for duty in office or fieldwork on the instruction of the supervisor of the vulnerable employee and not on the vulnerable employee's own volition or accord without the supervisor's instruction, notwithstanding that the Municipality undertakes to take every care to ensure that the vulnerable employees work from in terms of the applicable Covid-19 risk mitigation measures and protocols;
- 6.1.3. The Attendance Register or Report confirming that the employee or the vulnerable employee has been so instructed (to report for duty in office or fieldwork) by the relevant supervision signed by the Head of the Department or the Senior Manager concerned is furnished for evidentiary purposes; and
- 6.1.4. The employee has not engaged in unprotected strike / industrial action.
- 6.2. As a general rule, a Covid-19 Danger Allowance may be paid in addition to any other allowance or benefit the employee is entitled to.
- 6.3. The Danger Allowance will be paid along with a normal salary unless exceptional circumstances dictate otherwise.
- 6.4. The Danger Allowance will be subject to applicable taxation and disclosures.
- 6.5. A Danger Allowance shall apply only during the State of National Disaster due to COVID-19.
- 6.6. The value of the Danger Allowance benefit may be adjusted annually at a percentage increase determined for salaries and wages as determined by parties at the South African Local Government Bargaining Council (SALGBC): provided that it is within the available resources and affordability of the municipality and management has so confirmed affordability.

7. IMPLEMENTATION AND MONITORING

- 7.1. The Municipal Manager or his / her delegated assignee accepts overall responsibility for the implementation and monitoring of the Policy.

7.2. The relevant supervisors and Heads of the Department accept the accountability of for the implementation and monitoring of this Policy.

8. BUDGET AND RESOURCES

8.1. The financial and resource implications related to the implementation of this policy should be provided for in the appropriate municipal budget vote.

9. NON-COMPLIANCE

9.1. Non-compliance of any of the stipulations contained in the Policy will be viewed as an act of misconduct and will be dealt with in terms of Elias Motsoaledi Local Municipality's Disciplinary Code.

10. DISPUTE RESOLUTION

10.1. If there is a dispute about the interpretation or application of this Policy, the disputant or aggrieved party shall refer the dispute or grievance to:

- (a) employer, in terms of the applicable Grievance Procedure;
- (b) South African Local Government Bargaining Council, if the dispute falls within its jurisdiction, CCMA, if the dispute falls within its jurisdiction, for conciliation;
- (c) arbitration, if the dispute remains unresolved with parties to the dispute consenting to arbitration; and
- (d) competent court(s) in terms of the applicable laws of the Republic of South Any dispute arising from this policy must be referred to the Dispute Resolution Committee for adjudication.

11. POLICY REVIEW

11.1. This Policy shall be reviewed as and when necessary.

12. EFFECTIVE DATE

12.1. The Policy shall come into effect on the date approved by the municipal council.

13. SHORT TITLE

13.1. This Policy shall be called Danger Allowance Policy of the Elias Motsoaledi Local Municipality.

14. SIGNATORIES

Municipal Manager

Date

Mr MM Kgwale

The Mayor

Date

Cllr. Tladi MD