



ELIAS MOTSOALEDI LOCAL MUNICIPALITY

**POLICY / RESOLUTION NO: C15/16-58
30 JUNE 2016**

HUMAN RESOURCES POLICY MANUAL

DOCUMENT APPROVAL BY COUNCIL

SPEAKER'S SURNAME	INITIALS AND	SIGNATURE	DATE

PREAMBLE

IMPORTANCE OF POLICIES

Human Resource Policies serve a very critical role in the Elias Motsoaledi Local Municipality. Relevant and updated policies are important for the following reasons:

- To ensure compliance with legislation
- To ensure compliance with Bargaining Council Agreements
- To align with strategic organisational objectives
- To ensure equitable, fair and standard practices
- To achieve optimisation
- To drive corporate governance
- To adapt to market trends and best practice
- To achieve overall service delivery excellence

STATUS OF THE HUMAN RESOURCE POLICY MANUAL

The policies in this Manual, once recommended by the Local Labour Forum and approved by the Municipal Council, shall supersede all previous policies from the date of Council approval.

HOW THE POLICIES WERE DEVELOPED

Human Resource Policies in this Manual were developed with the following guiding principles:

- Alignment with organisational objectives, strategy and values
- The policy or procedure will contribute to the attainment of the Municipality's objectives
- The policy will contribute to efficiency and effectiveness in the Municipality
- The policy addresses the following:
 - ✓ The needs of the Municipality
 - ✓ Adaptation to environmental circumstances influencing the Municipality

- ✓ Enhancement of the Municipality's organisational environment
- ✓ Consolidation of what the Municipality already has
- ✓ Acknowledgement of current practises and processes
- ✓ Views of the employees, their support of the policy, and communication thereof
- ✓ Alignment with applicable legislation
- ✓ Roles of Local Labour Forum and Municipal Council, among other roles

NECESSITY FOR POLICY UPDATES

There are various occurrences that necessitate the review, update or development of policies. The Municipality shall review, update or develop policies as per events in the table below:

OCCURRENCE	DESCRIPTION
New / updated legislation	New legislation may impact conditions of service, which require updates to policies and procedures. As legislation is passed, the impact on policies should immediately be assessed.
Bargaining Council resolutions	Bargaining Council resolutions impact internal conditions of service, which require updates to policies and procedures. Impact on policies should be assessed once an agreement is signed.
Organisational objectives / strategy	A change in organisational strategy and objectives can also influence HR policies. Example: organisational transformation or restructuring.
Periodic review	Regular scheduled review of policies should take place to ensure alignment and compliance. This should happen annually, at the start of the new financial year.
Operational issues	Operational process issues can highlight inadequacies in existing policies. This can happen on an <i>ad hoc</i> basis.
Risk assessment / audit	Risk assessments or policy implementation audits can identify policy issues.

POLICY PRE-IMPLEMENTATION CHECKLIST

Prior to implementation, the following checklist should be completed to ensure all relevant guidelines have been followed:

CHECKLIST ITEM	Y / N
Does the policy comply with all relevant legislation?	
Does the policy comply with Collective Agreements?	
Is the policy in line with organisational strategy and objectives?	

Has the scope of the policy been clearly defined?	
Have the roles related to the policy been clearly defined?	
Has the communication plan and media been defined?	
Have all relevant parties been informed of / trained on the application of the new policy?	
Has the impact on other related policies been defined?	

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HUMAN RESOURCE PLANNING

PART A:

HUMAN RESOURCE PLANNING POLICY

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HUMAN RESOURCE PLANNING POLICY

1. PREAMBLE

The Municipality intends to manage human resources through an Human Resource (HR) Plan that is built upon the understanding of the vision, mission, values, and strategic priorities and challenges of the Municipality. Developing the HR Plan this way links the Human Resource Management (HRM) programmes to business plans and helps prioritise HRM programmes according to business priorities.

2. DEFINITIONS

All terminology used in this policy shall bear the same meaning as in the applicable legislation.

3. LEGAL FRAMEWORK

- Municipal Systems Act 32 of 2000
- Municipal Structures Act 117 of 1998
- Municipal Finance Management Act 56 of 2003
- Labour Relations Act 66 of 1995
- Skills Development Act 97 of 1998
- Employment Equity Act 55 of 1998
- Elias Motsoaledi Local Municipality - Delegations of Authority
- South African Local Government Bargaining Council (SALGBC) Collective Agreements
- Local Government: Regulations on appointment and conditions of employment of senior managers, dated 17 January 2014

4. SCOPE AND APPLICATION

This policy applies to all employees and Council members of the Municipality.

5. OBJECTIVES OF POLICY

The policy objective is to provide a standard framework for overall human resource planning, and development of annual HR Plan in line with the Municipality's Integrated Development Plan (IDP) and Service Delivery and Budget Implementation Plan (SDBIP).

6. POLICY CONTENT

6.1. HR planning principles

- Participation by top management and employee representatives is required to ensure that the HR Plan meets the needs, and that it is supported by both management and

employees, and could be implemented within the resource constraints of the Municipality.

- HR planning must be tied to the strategic planning process of the Municipality
- Long term planning for the Municipality supported by cost estimates for each financial year shall be applied to HR planning

6.2. Organisational Structure and filling of posts

The Municipality shall put the IDP and SDBIP in operation and in so doing shall:

- determine the organisational structure needed by the Municipality to achieve the key deliverables
- grade jobs in the organisational structure using adopted job evaluation system
- define posts necessary to achieve key deliverables, while remaining within the budget limits contained in the IDP and SDBIP
- approve the posts defined as constituting the approved establishment of the Municipality
- review the organisational structure and human resource requirements annually
- establish, for each post, a job description, a job title, a job profile indicating the key performance areas of the post/s, key competencies required, and requirements for promotion in accordance with a relevant career path
- review, at least once a year, the job descriptions and job titles and where necessary redefine them to ensure that they remain appropriate and accurate
- authorise the application of specific salary scales and a remuneration package to the posts in the approved establishment of the Municipality

6.3. Developing an annual HR plan

6.3.1. Conduct an HR Strategic analysis

HRM shall obtain a clear understanding of the strategic objectives, programmes and key challenges as outlined in the IDP and SDBIP, and conduct a strategic analysis as follows:

- ✓ Strategic review of objectives, direction and critical success factors
- ✓ Identify strategic challenges such as internal organisational issues and external issues such as responding to customer expectations

6.3.2. Identify strategic HR issues

Proceed to identify strategic HR issues that would affect the Municipality's ability to achieve its strategic objectives. In so doing, HRM shall:

- ✓ Review findings of strategic analysis and list potential HR implications
- ✓ Review, for example, the following list to determine if there are any additional HR issues tied to the Municipality's strategic objectives, direction and challenges:
 - *Do people have competencies to meet the strategic objectives? What new competencies are required?*
 - *What systems are in place to track performance in order to differentiate between high and poor performers? How can under-performers be guided / developed to upgrade their performance?*
 - *Are skills of people being developed to meet challenges of the future?*
 - *Are the right people being attracted and retained to meet the future challenges, and if not what can be done to attract people of the right calibre?*
 - *Is the current work culture aligned with the vision, mission, and values of the business? Where is the misalignment?*
 - *Are the staffing levels sufficient to meet the future operating requirements?*
 - *Is the total HRM programme in compliance with the employment equity legislation? Has the Municipality established its business case for affirmative action?*
 - *Are the people motivated to meet the current and future challenges? What, e.g. ergonomic factors, is impacting on motivation?*

6.3.3. Address ongoing HR issues

The HR Plan development process must also address ongoing HR issues that could eventually escalate and impact on the morale and effectiveness of the Municipality. These ongoing HR issues could relate to any human resource area such as planning, recruitment and selection, performance management, skills development, employment equity, employee relations, etc. In this regard HRM shall

- ✓ Conduct interviews on all human resource topics with key personnel at operational levels, and representative employee unions.
- ✓ Conduct well-planned employee focus groups through experienced facilitators to identify, probe, and prioritise HR issues

- ✓ Conduct, with consideration of the Municipality's resource capabilities, staff opinion surveys to solicit input from all people for the HR Plan, and to provide objective way of evaluating staff attitude towards the Municipality, and thereby use the results as a measurable benchmark for improvement

6.3.4. Confirm and Prioritise Strategic and Ongoing HR issues

HR issues vary in importance and urgency at varying times. Once the strategic and ongoing HR issues facing the Municipality are compiled, HRM shall confirm and prioritise them with the input of senior management to ensure that the HR Plan focuses on the Municipality's most critical issues. The input by senior management would go to the level of actions that should be taken, so as to –

- ✓ Reinforce line management's role in HRM
- ✓ Ensure that HRM recommendations are doable within budgetary and other constraints
- ✓ Develop top management's commitment to and ownership for the HR Plan implementation

The prioritising shall be carried out through a top management strategic HRM workshop, whose objectives, key activities, and standard agenda are:

(1) *Objectives:*

- a. Present findings on the strategic and ongoing HR issues
- b. Prioritise all HR issues
- c. Develop action plan to address the current and future HR issues
- d. Prepare the ground work for structuring the HR Plan

(2) *Key activities:*

- a. Discuss, confirm and prioritise the HR issues according to their relative importance to the effectiveness of the Municipality, urgency and resources required
- b. Brainstorm recommended actions to address the priority issues

(3) *Standard workshop agenda:*

- 1) **Introduction** Workshop objectives
Confirmation of the Agenda
- 2) **Overview of strategic direction and challenges**
- 3) **Presentation of strategic and ongoing HR issues**
- 4) **Group discussion**
Prioritisation of HR issues
Develop strategic responses to address HR issues
- 5) **Develop action plans**

6.3.5. Draw up the HR Plan

At this stage HRM shall have completed laying the ground work for drawing up the HR Plan. HRM shall then proceed to complete this task as follows:

- ✓ Make additional recommendations, if any, to address the identified and prioritised HR issues
- ✓ Group the recommendations into approximately five (5) to ten (10) programme headings as per HR areas prioritised
- ✓ Draw up various HRM programmes which together would form the HR Plan. Each programme would be approximately three (3) to five (5) pages, and

would also contain an explanation of its strategic importance, objectives, and recommendations

- ✓ Prepare a summary list of HRM programmes covering the programme headings and their key objectives for easy reference
- ✓ Circulate HR Plan to top management and relevant stakeholders for comments
- ✓ Incorporate comments and finalise the HR Plan
- ✓ Advise the Municipality, if top management so chooses, to pick a driver programme that if implemented would have a major impact on helping the Municipality to achieve its strategic objectives. That particular programme should more or less serve as the platform for implementing and reinforcing the other HRM programmes. For instance, performance management can drive the development of competencies, identification of skill gaps, career development and succession planning.

7. IMPLEMENTATION AND MONITORING

This policy will be implemented and effective once recommended by the Local Labour Forum and approved by Council.

8. COMMUNICATION

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

9. POLICY REVIEW

This policy will be reviewed annually and revised as necessary.

10. BUDGET AND RESOURCES

The financial and resource implications related to the implementation of this policy should be qualified and quantified by Human Resource Management.

11. ROLES AND RESPONSIBILITIES

The Municipal Manager or his / her delegated assignee(s) accept 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 shall be incorporated into the policy.

14. AUTHORITY

Formulated by HR Management: Signature: _____ Date: _____

Consulted with Local Labour Forum:
Management Representative: Signature: _____ Date: _____

Union Representative: Signature: _____ Date: _____

Union Representative: Signature: _____ Date: _____

Recommended by Portfolio Committee
on Corporate Support Services: Signature: _____ Date: _____

Approved by Municipal Council: Signature: _____ Date: _____

EMPLOYMENT EQUITY POLICY

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EMPLOYMENT EQUITY POLICY

1. PREAMBLE

The Municipality has embarked on a process to implement the provisions of the Employment Equity Act. A consultation process to ensure that the process is fully inclusive and transparent would be followed with all interest groups, namely:

- designated and non-designated employees
- employees in all the job categories and occupational levels
- representative Unions
- senior managers responsible for the implementation of the process

2. DEFINITIONS

“candidate” means an applicant for a post

“designated group” means Black people, women and people with disabilities;

“black people” is a generic term meaning African, Coloured and Indian persons in South Africa;

“people with disabilities” means people who have a long term or recurring physical or mental impairment which substantially limits their prospects of entry into, or advancement in, employment;

“disadvantaged persons” means persons or categories of persons disadvantaged by past or present unfair discrimination; and

“suitably qualified person” means a person who has the abilities, formal qualifications, relevant experience or potential to acquire, within a reasonable time, the skills and competencies necessary to perform a particular job.

All terminology not defined under clause 2 of this policy shall bear the same meaning as in the applicable legislation.

3. LEGAL FRAMEWORK

- Municipal Systems Act 32 of 2000
- Municipal Structures Act 117 of 1998
- Municipal Finance Management Act 56 of 2003
- Employment Equity Act 55 of 1998

- Skills Development Act 97 of 1998
- Labour Relations Act 66 of 1995
- Occupational; Health and Safety Act
- National Skills Development Strategy
- National Qualifications Framework
- South African Qualifications Authority Act 58 of 1995
- Elias Motsoaledi Local Municipality - Delegations of Authority
- South African Local Government Bargaining Council (SALGBC) Collective Agreements
- Local Government: Regulations on appointment and conditions of employment of senior managers, dated 17 January 2014

4. SCOPE AND APPLICATION

The policy shall apply to all candidates who apply to the Municipality for employment and all employees of the employer, including designated groups as well as non-designated groups.

5. OBJECTIVES OF POLICY

The Employment Equity Act requires that the Employment Equity Plan state the broad objectives of the plan and provide for a timetable for the fulfilment of these specific objectives. These objectives should:

- Take into account the output of the planning phase;
- The particular circumstances of the employer; and
- The alignment and inclusion of the plan in the broad business strategy of the Municipality.

The broad objectives of Employment Equity are the following:

- Addressing under-representation of designated groups in all occupational categories and levels in the workforce. Specifically, under-representation of black people, as defined in the Act and people with disabilities would be identified during the numerical analysis as presenting special challenges which the Municipality has to address.
- Identifying and developing strategies for the elimination of employment barriers in the employment policies and practices of the Municipality. All barriers identified by the Municipality would be addressed in this policy.
- Developing operations-oriented strategies for the achievement of numerical goals and timetables for the implementation of affirmative action measures, taking into account the mission of the Municipality.
- Establishing procedures for monitoring and enforcing the implementation process.
- Establishing procedures to address and resolve disputes regarding the implementation and enforcement of Employment Equity.

6. POLICY CONTENT

The responsibility for implementing affirmative action measures and ensuring compliance with the provisions of the Employment Equity Act of 1998 rests with the Municipal Manager or his / her delegated assignee(s). The following affirmative action measures have been identified and developed to address the employment barriers and under-representation identified during the numerical analysis and review of employment policies and practices of the Municipality:

6.1 Affirmative Action Measures

6.1.1 *Increasing the pool of available candidates*

A policy on recruitment has been adopted which provides for the internal and external recruitment of suitable candidates from designated groups. A concerted effort will further be made to increase the level of interest of potential candidates from designated groups in applying for vacancies.

6.1.2 *Appointment of employees from designated groups*

Existing policies have been scrutinised to identify employment barriers to members of designated groups, and appointment and selection policies should increase the possibility of appointing candidates from the designated groups in employment categories and levels where they are under-represented. Policies regarding selection criteria and selection panels will ensure that fair and non-discriminatory selection procedures are implemented. Such procedures will help contribute to the appointment of suitable candidates from designated groups. Further efforts will include:

- The review of employment application forms and contracts so that all discriminatory or prejudicial provisions and clauses are removed.
- Increased awareness that psychometric tests and evaluation methods tend to be culturally biased and discriminatory and have low predictive validity of true ability of candidates to perform in a work environment.
- The increased use of competency-based recruitment and selection methods, whereby the potential of the candidate and the ability to perform the job plays an increasingly prominent role.
- Compliance with numerical targets and annual benchmarks.
- The advancement of designated groups, but bearing in mind that the Municipality will not resort to window-dressing, tokenism and favouritism, but will advance designated groups by providing the necessary guidance, training and development, and support.
- Recognising that the appointment of members of designated groups will help create a more diverse workforce, which holds social and economic benefits for the Municipality.

6.1.3 *Training and development of people from designated groups*

The Municipality recognises the obligations placed on it by the Skills Development Act of 1998 to train and develop employees, and has adopted structured training programmes for employees. These programmes include:

- Bursaries for secondary and tertiary education
- Job-related training
- Training in line functioning, management, and supervisory skills
- Learnerships
- Skills programmes

Strong emphasis is also placed on mentorship and coaching of new employees, since the development of employees is seen as long-term upliftment measure as against a temporary corrective measure. Career planning and development shall therefore become integral part of the development of the human resources as training is only the first step in the process whereby attained abilities are eventually put into practice. The eventual goal is the outcome-based nature of the training provided and the purpose of the training to accelerate the advancement of designated groups within the Municipality.

6.1.4 *Retention of people from designated groups*

The Municipality is committed to lowering the turnover rates and increasing the retention rates of designated groups. Accordingly, the Municipality has adopted a new policy regarding exit interviews in order to enable the Municipality to develop further strategies regarding the retention of people from designated groups by determining the reasons why people from designated groups terminate their services with the Municipality. This will also enable the Municipality to compete successfully with other employers in an effort to obtain and retain the services of people from designated groups.

6.1.5 *Reasonable accommodation of people with disabilities*

The Municipality has adopted a policy regarding the accommodation of the disabled, with specific reference to adapt physical facilities that will be implemented gradually with a view to making the grounds and buildings accessible to people with disabilities. Special attention will be given to the employment and career development of disabled people.

6.1.6 *Meaningfully participation in strategic decision-making processes*

The Municipality adopted policies with regard to appointment and promotion that should ensure that candidates from the designated groups have the opportunity to be appointed in positions where they will be able to participate meaningfully in the

decision-making of the Municipality. The appointment policy reflects the selection criteria in the Employment Equity Act by requiring candidates to be suitably qualified for positions they will be appointed in.

6.1.7 Affirming diversity and harnessing potential of all employees

The consultation forum at the Municipality includes employees from different levels and seniority and is representative of all designated and non-designated groups. The Municipality also recognises the importance of adopting an overall strategy which highlights the importance of managing a diverse, multiracial and multicultural workforce, for the purposes of ensuring the maximum utilisation of all employees. This includes reducing negative stereotyping and discrimination, creating an acceptable and welcome environment, and the integration of affirmative action programmes with general management practices and strategies.

6.2 Corrective Measures to Eliminate Barriers Identified During the Analysis

Employment policies and practices are continuously reviewed by the Municipality in order to remove any possible discriminatory content and to eliminate employment barriers from the policies and practices. The selection criteria at the Municipality are continuously revised in order to allow for the definition of suitably qualified candidates as contained in the Employment Equity Act to serve as standard for selection. The affirmative action measures implemented at the Municipality are designed to prevent the creation of absolute barriers for the appointment or promotion of persons from non-designated groups, and care is taken to ensure that the measures adopted does not discriminate in any way against persons from the non-designated groups.

6.3 Numerical Goals

A numerical analysis shall be carried out to determine the representation of employees internally in every employment level and job category as well as externally to determine the external representation of the various groups on a national level. This analysis enables the Municipality to set quantitative targets which are realistic and attainable given the particular circumstances of the Municipality as an employer. Numerical goals shall be developed for the appointment and promotion of people from designated groups in order to address under-representation of the designated groups. The following factors shall be taken into consideration in developing the numerical goals:

- The degree of under-representation of designated employees in the various employment categories at the Municipality as determined by the numerical analysis.
- The labour turnover rate at the Municipality must be determined to guide implementation rate of affirmative action measures and the setting of numerical goals. If the rate is low, for instance, possible measures that could be considered in order to address this challenge include offering voluntary severance packages to some employees by mutual consent.

6.4 Consensus

The representative unions and the management structures of the Municipality must be involved in the consultation process surrounding the numerical analysis, the review of employment systems and policies and the drafting of the Employment Equity Plan. The parties must strive to reach a high degree of consensus in the consultation process. Workshops, attended by representative trade unions and management, must be held which will be utilised as opportunities to consult, inform and educate all parties as to the process to be followed and the roles to be played by parties.

6.5 Composition of the consultation forum

The formulation and implementation of the employment equity plan of the Municipality shall be driven and monitored by the Local Labour Forum that is constituted on the basis of the prevailing Recognition Agreement. Notwithstanding the foregoing, the forum shall be constituted as follows:

- One (1) Councillor to act as Chairperson
- Municipal Manager
- Manager Human Resources
- Two (2) additional Human Resource Management members
- One (1) Representative for each union
- Municipal Legal Officer
- Manager in the Office of the Mayor
- Any two (2) persons co-opted by the Municipal Manager

7. IMPLEMENTATION AND MONITORING

A report detailing the progress with the implementation of Employment Equity, with specific reference to achievement of numerical goals, has to be compiled every six (6) months by Human Resource Management. The report must be made available to all consulting parties for perusal and comment, and a summary thereof must be circulated to all staff members by means of circulars, and notices on notice boards. The summary must contain an invitation to all employees to submit comments or questions on the progress with the implementation of the plan to responsible person or persons specified in the plan.

8. COMMUNICATION

Circulars, messages and notices on notice boards will be utilised in order to inform all employees of the availability of the Employment Equity documentation. Copies of Employment Equity documentation will also be distributed to the parties that took part in the consultation process.

9. POLICY REVIEW

This policy shall be reviewed along the review periods of the Employment Equity Plan in terms of section 20(1) of the Employment Equity Act. The duration of the plan is based on the HR strategy and planning needs of the Municipality with specific reference to the need to set attainable numerical goals over a reasonable period of time.

10. BUDGET AND RESOURCES

The financial and resource implication/s related to the implementation of this policy shall be qualified and quantified by Human Resource Management.

11. ROLES AND RESPONSIBILITIES

The Municipal Manager accepts overall responsibility for the implementation and monitoring of the employment equity process.

12. RECORD KEEPING

A copy of all relevant employment equity documents must be kept at Human Resource Management for perusal by employees of the Municipality.

13. 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.

14. DISPUTE RESOLUTION

An employee or union that is dissatisfied with any aspect of the implementation of the employment equity process may refer a grievance in this regard to Human Resource Management at the Municipality, to employ due process outlined in the Grievance Procedure.

15. AUTHORITY

Formulated by HR Management: Signature: _____ Date: _____

Consulted with Local Labour Forum:

Management Representative: Signature: _____ Date: _____

Union Representative: Signature: _____ Date: _____

Union Representative: Signature: _____ Date: _____

Recommended by Portfolio Committee on Corporate Support Services: Signature: _____

_____ Date: _____

Approved by Municipal Council: Signature: _____ Date: _____

PART B: EMPLOYMENT PRACTICES

EMPLOYMENT PRACTICE POLICY

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EMPLOYMENT PRACTICE POLICY

1. PREAMBLE

The employment policy and its implementation will be fundamentally aimed at matching the human resources to the strategic and operational needs of the Municipality and ensuring the full utilisation and continued development of these employees. All aspects of the employment, structuring, recruitment, selection, interviewing and appointment of employees will be nondiscriminatory and will afford applicants equal opportunity to compete for vacant positions, except as provided in this policy with reference to affirmative action and employment equity.

2. DEFINITIONS

“induction” initiation, or a formal introduction into the Municipality or position

“nepotism” means favouritism on the basis of family relationship or friendship

“candidate” means an applicant for a post

“recruitment” means the activities undertaken through human resource management to attract job candidates who have the necessary potential, compliances and traits to fill jobs and thus assist the Municipality in achieving its objectives

“reference check” means the gathering of information about candidate’s past history from people with whom such candidate has been associated

“selection” means the process of making decisions of matching of candidates taking into account individual differences and requirements of the job

All terminology not defined under clause 2 of this policy shall bear the same meaning as in the applicable legislation.

3. LEGAL FRAMEWORK

- Municipal Systems Act 32 of 2000
- Municipal Structures Act 117 of 1998
- Municipal Finance Management Act 56 of 2003
- Employment Equity Act 55 of 1998
- Skills Development Act 97 of 1998
- Labour Relations Act 66 of 1995
- Occupational; Health and Safety Act
- National Skills Development Strategy

- National Qualifications Framework
- South African Qualifications Authority Act 58 of 1995
- Elias Motsoaledi Local Municipality - Delegations of Authority
- South African Local Government Bargaining Council (SALGBC) Collective Agreements
- Local Government: Regulations on appointment and conditions of employment of senior managers, dated 17 January 2014

4. SCOPE AND APPLICATION

To ensure a fair and equitable employment process, this policy shall apply to all appointments made within the Municipality. This policy will not apply to appointments arising out of a procurement process, acting appointments or rotation of portfolios.

5. OBJECTIVES OF POLICY

The Municipality recognises that its employment policies, practices and procedures must comply with the principle of the rule of law. The principle of the rule of law includes the principle of legality, which requires the Municipality and its employees to comply at all times and without exception with the relevant legal prescripts governing the situation concerned. This policy is further based on the principles of best practice, and Human Resources Management in the Municipality must –

- (a) be characterised by a high standard of professional ethics;
- (b) promote the efficient, economic and effective utilisation of employees;
- (c) be conducted in an accountable manner;
- (d) be transparent;
- (e) promote good human resource management and career development practices, to maximise human potential; and
- (f) ensure that the Municipality's administration is broadly representative of the people of South Africa, with human resources management practices based on ability, objectivity, fairness and the need to redress the imbalances of the past to achieve broad representation.

6. POLICY CONTENT

6.1 Post Establishment

The Municipality will maintain a record of all approved posts and shall monitor all appointments against posts according to the approved staff establishment. The post structure is aligned with the Integrated Development Plan and the adopted system of job evaluation in the municipal sector. All requests for new positions and / or unfreezing of the posts must be approved by the Council and / or Municipal Manager, as per the Delegation of Authority. The Council, notwithstanding the issued delegations of authority to any committee, the Municipal Manager, or any other employee, shall have an oversight role on the staff establishment.

6.2 Recruitment – Refer to Annexure A

6.2.1 Determining recruitment needs

Prior to filling a post, the timing to fill it shall be confirmed in writing by the Head of the relevant department to Human Resource Manager, copying the Municipal Manager or his / her delegate, and on the basis of the need created under the objectives of that department in the Integrated Development Plan and the Service Delivery and Budget Implementation Plan.

6.2.2 Validation of inherent requirements

The inherent requirements of a job must reflect the needs of the Municipality and must be appropriate to achieve its service delivery interests. Prior to the recruitment process commencing, the outputs, skills, knowledge, competencies and educational requirements as contained in the competency / job profile or job description are scrutinised for relevance and applicability.

6.2.3 Recruitment Advertisement

The inherent job requirements and key performance areas shall form the basis for the advertisement / brief and all advertisements shall clearly state:

- The name and location of the Municipality
- A statement that the Municipality subscribes to the principles of employment equity
- The designation of the position that is advertised
- The minimum requirements in terms of qualification, skills, expertise and other requirements for appointment
- A summary of key performance areas / primary duties of the position.
- A statement that the appointment will be permanent or for a fixed term, and the term (if applicable)
- In case of the Municipal Manager and managers accountable to the Municipal Manager directly, a statement that the continued employment of the successful candidate will be subject to the annual conclusion of a performance agreement with the Municipality
- Name and contact details of person to whom enquiries may be directed
- A statement that canvassing will disqualify any candidate from being considered for appointment
- An indication of the remuneration package offered

- The format and content of applications
- Person and delivery address for applications
- The closing date for the submission of applications
- A statement that applications received after the closing date will not be accepted or considered
- A statement that if an applicant does not hear from the Municipality within thirty (30) days his / her application was unsuccessful

□

A statement that email and faxed applications will not be considered

Vacancies must be advertised internally and may at the same time be advertised externally, provided that external advertisements may only be published in newspaper/s of record agreed to in the Local Labour Forum, and endorsed or approved by the Council as follows:

Nature of Post	Advertising Medium
Temporary elementary positions	Local newspapers and internally
Permanent elementary occupations	Internally
Entry and middle level occupations	Internally and national newspapers
Senior management and professional occupations	Internally and national newspapers

6.2.4 Unsolicited applications

Unsolicited applications received during the course of the Municipality's operations must be returned forthwith to the applicant stating that the Municipality did not have any vacancies at the time when the application was submitted and that should any vacancy arise, the Municipality would advertise such vacancy. Nobody may promise or undertake to accept an unsolicited application for appointment and to submit it when a vacancy is advertised.

6.2.5 Head hunting

Head hunting through recruitment agencies will be applied with caution at all times, and it may be employed at any stage of the selection process, when the selection panel is of the opinion that the assessed candidates are not suitable and / or do not meet the requirements of the employment equity plan. **Normally the recruitment agencies will be provided with the copy of the recruitment advertisement for use in hunting suitable candidates.**

6.2.6 Application forms

The Human Resource Manager must design and ensure that a sufficient supply of official application forms is available and accessible at all times. Unless specifically allowed in a particular case, all applications must be submitted on an official application form. Any applicant or category of applicants, who has not been exempted from this requirement and did not complete the official application form, must do so before an interview.

6.2.7 Utilisation of recruitment agencies

The Municipality may use the services of duly registered recruitment agencies for specific posts, and especially for head hunting. Furthermore, and in terms of applicable laws, the Council may decide to use or not to use the services of recruitment agencies for all or some categories of posts.

6.3 Selection – Refer to Annexure B

6.3.1 General Principles Governing Selection

Selection criteria shall be objective and related to the inherent requirements of the job and realistic future needs of the Municipality. The main guiding principle for selection shall be competence related to inherent requirements of the job provided that selection shall favour, as determined by the targets, suitably qualified applicants from designated groups. Relevant experience and training as reflected and measured through competencies and potential for prospective vacancies shall be important criteria, plus formal or statutory qualifications when clearly justified as essential for the job. Canvassing, i.e. attempting to solicit the influence of any person who could substantially influence the selection process by job applicants, or any other person on behalf of job applicants, for posts within the Municipality's service is prohibited and evidence thereof will disqualify the applicant's application for consideration for appointment.

6.3.1.1 Nepotism

The basic criteria for appointment and / or promotion of employees in the Municipality shall be appropriate qualifications and appropriate performance as set forth in the policies. Relationship by a family or marriage shall constitute neither an advantage nor a disadvantage. Any poor performance or loss of productivity which is a direct result of conflict between family members employed in the Municipality can result in the institution of disciplinary action against the employees. For the purpose of this policy, relatives are defined as husband, wife, parent, child, brother, sister, and any in-laws of any of the foregoing.

6.3.2 Selection Process

The purpose of selection is to identify the most suitable candidates from all the persons who applied and to eliminate unsuitable candidates in the fairest way possible. The selection process will be conducted by a Selection Panel consisting of (depending and with due cognisance of the post):

- The Municipal Manager or his / her delegated assignee(s)
- Departmental Head filling the vacancy
- Human Resource Management representative
- Employment Equity Officer, or employee assigned that responsibility

□

Employee Unions may attend the proceedings as observers only.

6.3.3 Compiling of master lists

After the closing date of an advertisement all the applications received for every specific position are captured on the master list compiled by the Manager Human Resources. The master list must contain, in table form, the following particulars in respect of each candidate:

the applicant's surname followed by her/his initials

- the applicant's gender;
- the applicant's race;
- the applicant's qualifications and experience relevant to the job description and job specification; and
- if applicable, the nature of the applicant's disability

The Manager Human Resources must submit the master list, together with the applications to the relevant departmental head, or in the case of the appointment of a Municipal Manager or a manager directly accountable to the Municipal Manager, to the Executive Committee (EXCO) of Council. The Manager Human Resources must, during the compilation of the master list, take all reasonable steps and actions to establish the validity and accuracy of any certificates, diplomas and other information supplied by an applicant. If any candidate submitted or claimed that she/he had some or other certificate or diploma, qualification or experience that is disproved, such information must be noted next to the name of the candidate in the master list.

6.3.4 Compiling short lists

The departmental head concerned or the EXCO, as the case may be, must select from the master list, with due regard for the numerical goals set in the Municipality's employment equity plan **not more than 10 applicants** who in his / her / their opinion are the most suitable candidates to subject to the selection process.

Short-listing must be done in accordance with the following order of preference:

- Internal applicants
- External applicants, **irrespective of geographical area they come from**

The relevant departmental head or the EXCO, as the case may be, must submit the particulars of the short-listed candidates to the Manager Human Resources.

6.3.5 Notification of short-listed candidates of selection proceedings

The Manager Human Resources must notify every shortlisted candidate of the venue, date and time and nature of the selection proceedings he / she must attend using the most reliable communications methods available.

6.3.6 *Interviewing in respect of vacancies – Refer to Annexure C*

Except for appointments that must be made by the EXCO, the Manager Human Resources or his / her designated representative, the departmental head concerned and not more than one other senior employee from the relevant department must conduct interviews for all positions. The Municipal Manager or his / her designated representative must attend and may participate in any interview for appointing an employee-

- on the first level below the level of departmental head;
- as manager directly accountable to him / her; and
- in his / her department / office

Completed score sheets must be kept in safe storage for a period of at least six months after an appointment decision has been made.

6.3.7 Conducting proficiency tests

One or more relevant proficiency tests (e.g. computer skills tests, operating equipment, competency assessments, etc.) may be required to be conducted before or after an interview is conducted. A proficiency test may only be required if the outcome thereof is relevant to the expected job standards that would be expected of the employee and it relates to the job description.

6.3.8 Conducting criminal and security vetting of candidates

Shortlisted candidates shall, prior to the interview, go through a personnel suitability check, also called criminal record and security vetting, conducted by SAPS and State Security Agency (SSA). The Risk Management Officer shall obtain copies of ID and qualifications from the Human Resources Division, and submit to the nearest SAPS station for criminal record check. Thereafter, the Risk Management Officer shall submit copies of ID, qualifications to SSA for security vetting. Results and recommendations from both SAPS and SSA shall be given to the Risk Management Officer and Manager Human Resources, and shall subsequently be taken into account when making decisions to appoint suitable candidates.

6.4 Appointment

The appointment of an applicant may take place only in accordance with the requirements of the post concerned and the merit of the applicant.

6.4.1 Appointment for a fixed term

This category refers to a person appointed as –

- Municipal Manager,
- Manager directly accountable to the Municipal Manager.

The employment contract of a person appointed for a fixed term must include, subject to applicable labour legislation, details of

- the duties, remuneration, benefits and other terms and conditions of employment, plus code of conduct;

- the term of employment, which terms may not exceed a period ending two years after the appointment of the next / new Council of the Municipality;

include a provision for cancellation of the contract, in the case of non-compliance with the employment or performance contract;

- stipulate the terms of the renewal of the employment contract, but only by agreement between the parties; and

The annual performance agreement must be concluded within a reasonable time after a person has been appointed and, thereafter, on or before end of first month of each financial year, and must include-

- The performance objectives and targets that the incumbent must meet during the next financial year. Such performance objectives and targets must be practical, measurable and based on key performance indicators set out in the Municipality's Integrated Development Plan and Service Delivery and Budget Implementation Plan.
- The time frames within which those performance objectives and targets must be met;
- standards and procedures for evaluating performance;
- the intervals for evaluation; and
- the consequences of substandard performance
- The annual performance agreements of the Municipal Manager, departmental heads and any other categories of officials as may be determined by the Municipal Council must be made public together with the Integrated Development Plan and Service Delivery and Budget Implementation Plan.

6.4.2 Appointment of employees to posts in the temporary establishment

A person appointed to a temporary position –

- is appointed at the salary applicable to a comparable position on the permanent establishment;
- may not receive any housing and travelling benefits;
- may not become a member of a retirement fund or medical aid scheme to which the Municipality must contribute;

-
- earns leave in terms of the Basic Conditions of Employment Act or the relevant collective agreement; and is subject to the attendance requirements, rules of conduct and grievance procedures in the Municipality's conditions of service;
- May not be appointed for a period exceeding six (6) months, and may not be appointed for a consecutive period of six (6) months.

6.4.3 Appointment of replacement labour in the event of a strike

The Municipal Manager may, after consultation with relevant departmental heads and the Chief Financial Officer, employ replacement labour during a strike in terms of, and consistent with, section 76 of the Labour Relations Act.

Every person appointed as replacement labour must receive a letter of appointment that complies with section 29 of the Basic Conditions of Employment Act. The letter of appointment must clearly stipulate that:

- the appointment is only for the duration of the strike and that the services of the employee will terminate immediately when the regular employees of the Municipality return to work; and
- termination of any replacement labour employment shall not constitute a dismissal of the person concerned and that he / she shall not be entitled to any additional remuneration or compensation in respect of the completion of such period
- The person's employment with the Municipality will come to an automatic end on expiry of the term and such termination shall not be construed as a termination based on the Municipality's operational requirements, nor as an unfair dismissal.
- Accordingly, reference in this paragraph to additional remuneration or compensation to which the person shall not be entitled, includes but is not limited to, severance pay, notice pay, retirement and medical aid fund benefits to which an employee may otherwise be entitled to in the event of a termination based on employer's operational requirements.

6.4.4 Appointment to a permanent position

The Manager Human Resources must present every newly appointed employee with a letter of appointment not later than the day on which he / she starts working in terms of the Basic Conditions of Employment Act. Whenever any of the details contained in such a letter change, the Manager Human Resources must inform the employee in writing of such changes. In the event of an employee that cannot read, the relevant departmental head must explain the contents of such letter and any amendment thereof to every such employee in a language that he / she understands

6.4.4.1 Probation

Any permanent employee who is newly appointed must be appointed on probation determined by the delegated authority in relation to the inherent requirements of the position. Any appointment on probation must also comply with the relevant legislation. The departmental head concerned must evaluate the progress and performance of an employee appointed on probation on a monthly basis according to such factors, objectives and criteria as may be prescribed in terms of the Municipality's employee performance management system.

6.4.4.2 Induction and orientation

On permanent appointments, the Manager Human Resources will take full responsibility for induction:

- The new incumbent will be introduced to his / her immediate supervisor by the Manager Human Resources or his / her assignee.
- The Manager Human Resources or his / her assignee shall ensure, in conjunction with the incumbent, that all appointment documentation is completed and processed.
- The Manager Human Resources or his / her assignee will arrange a tour / explanation for the new incumbent of the range of services.
- The Manager Human Resources or his / her assignee will explain and provide a copy of the job description relating to the new employee's specific position / job function. Line management shall conduct a full job orientation on a general guideline designed and provided by Human Resource Management from time to time.
- The Manager Human Resources or his / her assignee will also explain and provide a copy of the Municipality's Human Resources Policy Manual.
- The relevant departmental head is responsible for the induction of each employee in his / her department in order to familiarise the employee with the ergonomics and technical aspects of the work in the department.

6.4.5 Appointment of non-South African citizens

Non-South African citizens may be appointed on the following conditions:

- When skilled people are not available within the country, and
- The prospective non-South African citizen with the scarce skill is in possession of a valid work permit

6.5 Relocation of Newly Appointed Employees

The Municipality shall cover an employee's cost of moving from another place to a place closer to his / her workplace on his / her appointment, including transit insurance, but excluding any packing and packaging cost, as indicated on the cheapest of the quotations, regardless of the quotation the employee accepts. Through supply chain management, the employee must obtain three written quotations for the relocation of that employee's household and appoint a removal company to relocate his / her household goods. The written quotations obtained by the employee must be attached to his / her claim for reimbursement. The employee must reimburse the full amount of the subsidy to the

Municipality if his / her employment with the Municipality is terminated for whatever reason within one year after the subsidy had been paid.

6.6 **Confidentiality**

By signing the contract of employment all employees bind themselves to an undertaking of confidentiality, non-disclosure of any information pertaining to the operations of the Municipality without the permission of the Council and Municipal Manager, unless required within the scope of their duties, whether this be during or after termination of employment.

7. **IMPLEMENTATION AND MONITORING**

This policy will be implemented and effective once recommended by the Local Labour Forum and approved by the Municipal Council.

8. **COMMUNICATION**

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

9. **POLICY REVIEW**

This policy will be reviewed annually 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 by Human Resource Management.

11. **ROLES AND RESPONSIBILITIES**

Role	Responsibility
Municipal EXCO of Council	Develops the strategy and approves recommendations of the selection panels in respect of appointments on job levels relating to the Municipal Manager and Departmental Heads
Municipal Manager <i>(subject to delegations)</i>	Approves the staff establishment and all appointments below Departmental Heads
Departmental Heads	Reviews the operational needs for advertising the positions and appoints in terms of authority and delegations by the Municipal Manager
Selection Panels	Short-lists, conducts interviews and make recommendations on suitability of candidates.
Human Resources Department	Custodian of recruitment, selection, placement and induction processes of the Municipality and quality assurance
Representative Unions	Ensure, through observer status, transparency and openness in the selection processes

12. RECORD KEEPING

Adequate records of the entire selection process must be kept and maintained as per legislation, including selection and short listing criteria, reasons for inclusion / exclusion of candidates, structured interview guide, copies of all other assessments utilised, comprehensive notes on assessment of each candidate, assessment ratings, and reference checks.

13. 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.

14. DISPUTE RESOLUTION

Internal dispute resolution processes shall be followed in the event of any grievances and disputes arising out of the implementation of this policy. For all external candidates, the recognised labour relations mechanisms shall be applied.

15. AUTHORITY

Formulated by HR Management: Signature: _____ Date: _____

Consulted with Local Labour Forum:

Management Representative: Signature: _____ Date: _____

Union Representative: Signature: _____ Date: _____

Union Representative: Signature: _____ Date: _____

Recommended by Portfolio Committee on Corporate Support Services: Signature: _____
_____ Date: _____

Approved by Municipal Council: Signature: _____ Date: _____

ANNEXURE A RECRUITMENT TIME FRAMES

The following times frames should serve as a guideline for turnaround on recruitments:

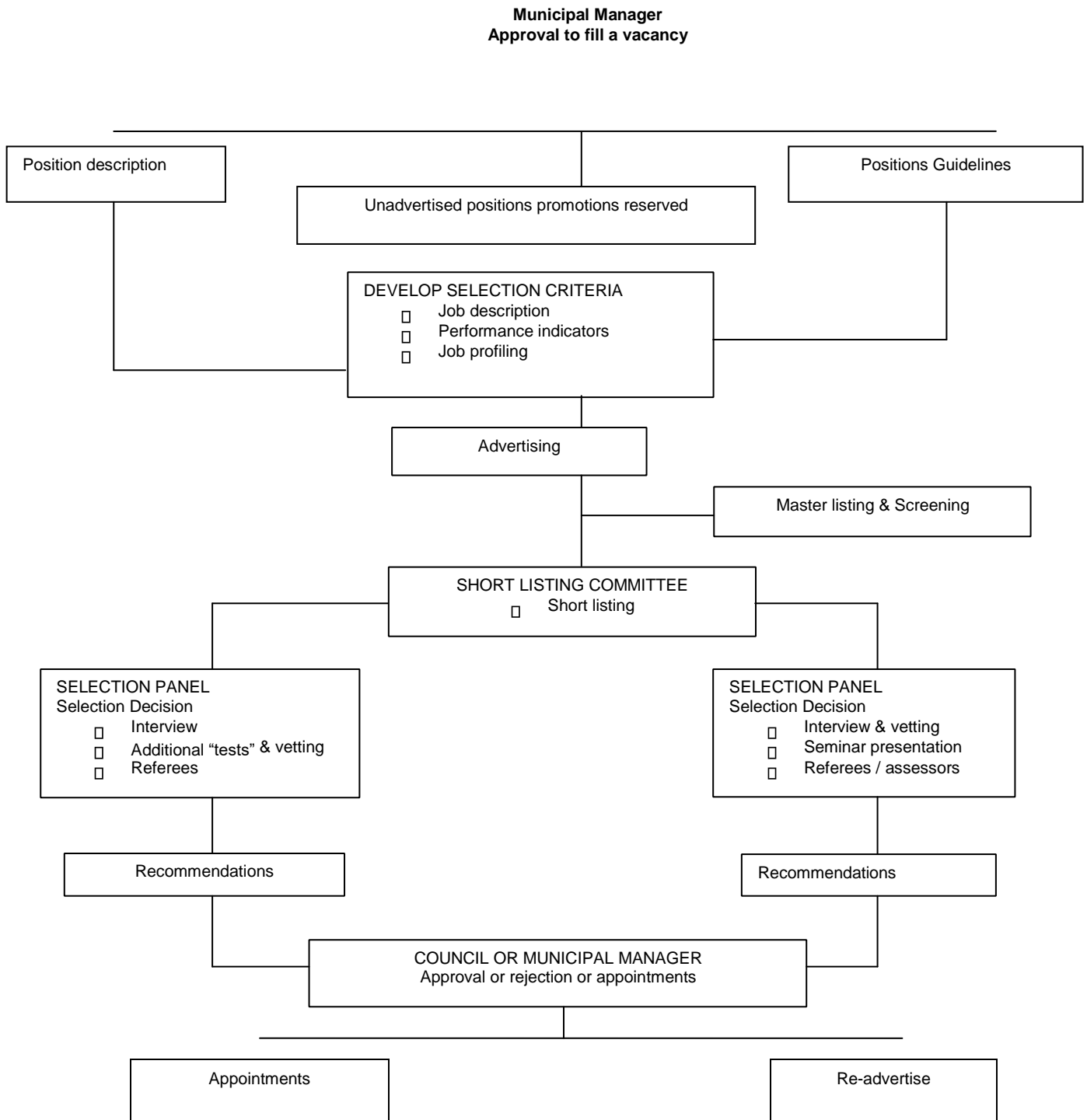
ACTIVITY	RESPONSIBILITY	TIME
VACANCY <ul style="list-style-type: none"> • through resignation • dismissal • retirement • incapacity • new function, or other 	Departmental Head to motivate filling of post to Municipal Manager, through its inclusion in the IDP	During adoption of IDP, or within 2 (two) weeks of occurrence of vacancy or as soon as reasonably possible
ADVERTISEMENT <ul style="list-style-type: none"> • internal • external 	Manager Human Resources to use existing / updated job descriptions / competency profiles and place advertisements	Advertisements are for 2 (two) weeks period with a grace of an additional 3 (three) days for posted applications
MASTER LISTING	Manager Human Resources	Within two (2) days after closing date
SCREENING <ul style="list-style-type: none"> • rejecting non complying applications • filing complying application 	Manager Human Resources	Within 3 (three) days from the closing date of applications in terms of the advertisement
SHORT-LISTING	Selection Panel	Within a week from the closing date of applications in terms of the advertisement (<i>concurrent / same week with screening</i>)
INTERVIEWING & VETTING	Selection Panel & Security Services Officer	Within a week from the final short listing
APPROVAL	Municipal Manager or EXCO of Council	Within a week after recommendations by the Selection Panel, pending outcome of SAPS and SSA vetting results and recommendations
CONSIDERATION OF VETTING RESULTS & RECOMMENDATIONS, AND APPOINTMENT	Manager Human Resources, in cooperation with relevant Departmental Head	Within two (2) days after Municipal Manager or EXCO of Council endorsed approval after considering SAPS and SSA report and recommendations

		Average time frame from the date of advertisement to appointment (excluding SAPS & SSA time) is 7 (seven) weeks
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FLOW CHART: EMPLOYEE SELECTION PROCESS

Employees Below Departmental Heads

Municipal Manager & Departmental Heads



GUIDELINES ABOUT CONDUCTING INTERVIEWS

1. The Chairperson will welcome the candidate, thank the candidate for attending and introduce the candidate to the members of the panel.
 2. The Chairperson will inform the candidate regarding the interview format, and mention the opportunity for questions at the conclusion of the interview. In addition, the Chairperson shall confirm whether the candidate has no objection to criminal record and security vetting after the interview, as part of selection process.
 3. The Chairperson will confirm that the candidate has read the position description.
 4. The Chairperson will provide some brief scene setting about the organisational structure and where the position fits.
 5. The Departmental Head will outline the duties of the post concerned and will invite the candidate to ask questions. The panel will give as much information as possible.
 6. The Chairperson and the Panel members will ask the candidate questions in order to gain as much information about the candidate as possible. The topics which must be covered in questioning will include but not limited to personal qualifications, experience, work history, personal achievements, social activities, and special circumstances applicable to the candidate.
 7. Panel members will ask interview questions as pre-determined. Where a presentation on research or seminar is made by the candidates, questions relating to the presentation of the research or seminar should be asked to determine suitability of candidates to the job.
 8. All the responses by the candidate should be recorded.
 9. Each member of the panel must make individual assessments prior to discussion with panel members.
 10. Candidates must be advised about any special conditions (leave period, overtime, transfers, and locations) that are applicable to the post. Candidates must be asked if they are comfortable with and can meet special conditions presented to them regarding the post.
 11. The Manager Human Resources or his / her assignee must give a brief outline of the conditions of service. The candidate will be invited to see the Manager Human Resources or his / her assignee afterwards for a fuller explanation of the conditions, if the candidate so wishes.
 12. After the candidate has asked questions regarding the post and the work environment and answers provided by the panel, the Chairperson should advise the candidate on the next step in the selection process and timing for decision making.
 13. After the interview is completed strictly within the timeframe provided the Chairperson will thank the candidate and request one of the panel members to kindly escort him / her out to the Security Services Officer, who shall proceed with the process of criminal and security vetting.
-

PROMOTION, TRANSFER, SECONDMENT AND ACTING IN HIGHER POSITIONS POLICY

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PROMOTION, TRANSFER, SECONDMENT AND ACTING IN HIGHER POSITIONS POLICY

1. PREAMBLE

The Municipality views the promotion, transfer, and secondment of employees as an important human resource tool to improve performance and to attain employee satisfaction. In addition, allowing employees to act in higher position also maintains service delivery while exposing employees to skill enhancement.

2. DEFINITIONS

All terminology used in this policy shall bear the same meaning as in the applicable legislation.

3. LEGAL FRAMEWORK

- Municipal Systems Act 32 of 2000
- Municipal Structures Act 117 of 1998
- Municipal Finance Management Act 56 of 2003
- Employment Equity Act 55 of 1998
- Skills Development Act 97 of 1998
- Labour Relations Act 66 of 1995
- Elias Motsoaledi Local Municipality - Delegations of Authority
- South African Local Government Bargaining Council (SALGBC) Collective Agreements
- Local Government: Regulations on appointment and conditions of employment of senior managers, dated 17 January 2014

4. SCOPE AND APPLICATION

This policy applies to all employees of the Municipality.

5. OBJECTIVES OF POLICY

- To ensure that employees are promoted, seconded and transferred appropriately and in line with operational requirements of the Municipality.
- To ensure promotion of employees for higher positions and salary levels in line with the Municipality's strategies of succession planning, career management, staff retention, performance enhancement, and employment equity.
- To ensure that promotion is based on knowledge of the job, abilities, skills, aptitude, experience, performance, and the evaluation of the incumbent's post.
- To regulate secondment and transfer of employees across the Municipality's departments and workplaces in line with operational requirements, ill-health, or to fill vacancies.

- To provide management with a standard framework for allowing employees to act in higher positions
- To provide management with a standard framework for paying an acting allowance to employees acting in higher positions

6. POLICY CONTENT

6.1. Promotion

- Promotion can happen in two ways:
 - ✓ Notch progression within the same post grading on the criteria set out in the remuneration policy, or resolution of the Local Labour Forum
 - ✓ Upgrading of the post the employee occupies through job evaluation
- In job evaluation cases, the relevant departmental head makes a request for job evaluation to Manager Human Resources, after establishing that:
 - ✓ The post will come at a higher level after job evaluation
 - ✓ The employee already performs the job at that level
 - ✓ The remuneration package of that post is covered by the medium term revenue and expenditure framework (MTREF) budget estimates
 - ✓ The upgrading of the post and thereby resulting in the promotion of the incumbent employee will not create organisational challenges in terms of supervision, span of control, and work organisation
 - ✓ All other related posts to the one for which a job evaluation request is made have been considered similarly for the possibility of the upgrade
 - ✓ The detailed financial and service delivery benefit to the Municipality
- Manager Human Resources facilitates promotion by presenting results to the Municipal Manager for consideration and approval or rejection.
- If approved, Manager Human Resources informs relevant departmental head/s through a memo and by attaching a Letter of Promotion with new job description and remuneration package for the employee promoted.

6.2. Secondment

- Relevant departmental head/s make request through Manager Human Resources to Municipal Manager for seconding an employee, stating all service delivery and financial benefit reasons to the Municipality.
- If approved, Manager Human Resources informs relevant departmental head/s through memo and by attaching a Letter of Secondment for the employee seconded. The secondment letter shall state all conditions of secondment, including remuneration for the employee, if or where applicable.

6.3. Transfer

- The employee, supervisor, and departmental head to which transfer is envisaged shall consent to the transfer in writing and forward that to the Municipal Manager through Manager Human Resources.
- Relevant departmental heads and Manager Human Resources shall work out all costs of transfer for the Municipality and the employee, as part of the request forwarded to the Municipal Manager.
- Municipal Manager shall consider all expenses associated with the transfer envisaged and approve or decline the request on his / her sole discretion.
- If approved, Manager Human Resources informs relevant departmental heads through memo and by attaching a Letter of Transfer for the employee transferred. The transfer letter shall state all conditions of the transfer, including expenses that the Municipality will cover.

6.4. Acting in higher position

- The Municipal Manager or his / her delegated person will appoint employees with potential, necessary skills, knowledge and experience to act in a higher post continuously or on a rotational basis with colleagues at the same level. In essence, emphasis is placed on the fact that competent employees should be allowed to act in higher grades.
- Employees acting in higher posts should be informed formally, by issuing them with a Letter of Appointment, stating all the authority, accountability and responsibilities of the post, and the duration of the term of acting. The copy of the appointment letter, together with the recommendation, should be submitted to Manager Human Resources by the relevant departmental head.
- The appointment should not be regarded as an indication of automatic appointment in the future, and the employee should be told that there is no legitimate expectation to attach to it in terms of the Labour Relations Act. The acting employee shall however also be considered should the post be advertised for filling
- The employee concerned must acknowledge receipt of the letter and indicate his / her acceptance of the contents thereof.
- By resolution of the Council, an employee who acts in a post for a period of not less than ten (10) consecutive days will be paid an acting allowance equal to the difference with his / her salary and the minimum notch of the salary scale to the post in which he / she is acting, in addition to his / her salary for the period during his / her acting.
- The acting period should not exceed twelve (12) months, unless the permanent occupant of the post is on extended leave or long study leave. In these cases the acting employees should rotate until the holder of the post returns.

- The leave status of the acting employee will remain unchanged. The employee will however not be allowed to take leave of absence unless:
 - ✓ It is an unplanned leave (e.g. sick leave); or
 - ✓ acting in a post where the permanent incumbent is on extended leave
- The acting employee should be informed about his / her performance during the acting period in line with the Performance Management System Policy.
- For employees earmarked to act in senior manager positions including that of municipal manager, the application for concurrence with the MEC responsible for local government shall be sought before the acting takes place.
- If an employee has been appointed to act in the post of Municipal Manager, a circular in that regard must be distributed to all departmental heads to inform them of who will be acting and for how long.

7. IMPLEMENTATION AND MONITORING

This policy will be implemented and effective once recommended by the Local Labour Forum and approved by the Elias Motsoaledi Local Municipality Council.

8. COMMUNICATION

This policy will be communicated to all employees using the full range of communication methods available to the Elias Motsoaledi Local Municipality.

9. POLICY REVIEW

This policy will be reviewed annually and revised as necessary.

10. BUDGET AND RESOURCES

The financial and resource implications related to the implementation of this policy should be qualified and quantified by Human Resource Management.

11. ROLES AND RESPONSIBILITIES

The Municipal Manager or his / her delegated 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 shall be incorporated into the policy.

14. AUTHORITY

Formulated by HR Management: Signature: _____ Date: _____

Consulted with Local Labour Forum:

Management Representative: Signature: _____ Date: _____

Union Representative: Signature: _____ Date: _____

Union Representative: Signature: _____ Date: _____

Recommended by Portfolio Committee on Corporate Support Services: Signature: _____
Date: _____

Approved by Municipal Council: Signature: _____ Date: _____

PLACEMENT AND REDEPLOYMENT POLICY

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PLACEMENT AND REDEPLOYMENT POLICY

1. PREAMBLE

The Municipality acknowledges that placement of employees is highly significant in the human resources system as it improves employee morale, reduces employee turnover, reduces absenteeism, reduces work-based accident rates, and avoids a misfit between the candidates and the jobs. Furthermore, the Municipality recognises that placement of employees helps the candidates to work as per the predetermined objectives of the Municipality.

2. DEFINITIONS

“Placement” - the system of assessment and selection by which vacancies are filled by either employees already serving in the Municipality (i.e. internal filling of vacancies), or from external recruitment. Placement is a process of assigning a specific job to each of the selected candidates. It involves assigning a specific rank and responsibility to an individual. It implies matching the requirements of a job with the qualifications and experience of the candidate.

“Redeployment” - the process of moving employees to a different job, or of sending employee to work at a workplace in a different geographical area, on either a short-, medium- or long-term basis, or even on a permanent basis, as a result of organisational restructuring

All other terminology used in this policy shall bear the same meaning as in the applicable legislation.

3. LEGAL FRAMEWORK

- Municipal Systems Act 32 of 2000
- Municipal Structures Act 117 of 1998
- Municipal Finance Management Act 56 of 2003
- Labour Relations Act 66 of 1995
- Skills Development Act 97 of 1998
- Employment Equity Act 55 of 1998
- National Skills Development Strategy
- National Qualifications Framework
- South African Qualifications Authority Act 58 of 1995
- Basic Conditions of Employment Act 75 of 1997
- South African Local Government Bargaining Council (SALGBC): Collective Agreements
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Occupational Health and Safety Act 85 of 1993
- Local Government: Regulations on appointment and conditions of employment of senior managers, dated 17 January 2014

4. SCOPE AND APPLICATION

This policy applies to all employees of the Municipality, except Section 57 appointees.

5. OBJECTIVES OF POLICY

The policy objective is to provide a standard framework for placement and redeployment of employees within the Municipality, arising out of new appointments, promotion, transfers, secondments, demotion, or organisational restructuring.

6. POLICY CONTENT

6.1. Placement of a new employee

Placement of a new employee starts with the Municipality advertising an invitation of applications from candidates for a specific post. The advertisement contains job descriptions and job specifications in detail. When a candidate has been selected through the relevant employment practices policy, that candidate is appointed and duly placed in a position that was advertised earlier.

6.2. Placement of a serving employee

Placement of a serving employee is assignment, or re-assignment, or redeployment of an employee to a new or different job. Placement in this regard includes promotion, transfer,

secondment, or demotion of a serving employee. Therefore, placement is arising out of a decision or process of promotion, transfer, demotion, secondment, or restructuring.

6.3. Principles of placement

In all placement processes, the Municipality shall apply the following principles:

- Candidates shall be placed on the job according to the requirements of the job. The job shall not be adjusted according to the qualifications or requirements of the candidate. Job first, candidate next, shall be the principle of the placement.
- The job shall be offered to the candidate according to his / her qualification. This shall neither be higher nor extremely lower than the qualification. To fill the job with candidates who have at least the minimum required qualifications ensures making the best possible use of their talents, given available job constraints
- Placement slot shall be ready before the joining date of the selected candidate.
- The employee shall undergo orientation and / or induction, i.e. be made conversant with the working conditions prevailing in the Municipality and all things relating to the job. He / she shall also be made aware of the code of conduct and possible sanctions for misconduct.
- The placement in the initial period may be temporary as changes are likely after the completion of training, or probation. The employee may be later transferred to the job where he / she can do better, provided prior planning for that possibility was worked out explicitly with Human Resources Management and the affected departments when the placement process (either for serving employee or new employee) was started.
- While introducing the job to the new employees, an effort shall be made to develop a sense of loyalty and co-operation in him / her so that he / she may realise his / her responsibility better towards the job and the municipality.

6.4. Placement pitfalls to avoid

- The Municipality shall not use placement practices that look at the individual candidate but not at the job
- For *independent jobs*, i.e. where activities of one employee have little bearing on the activities of the other employees, each employee shall duly be evaluated between his / her capabilities and the interests and those required on the job
- For *sequential jobs*, i.e. where job activities of the employee are dependent on activities of fellow employees such as in the assembly line, placement shall ensure that each employee is evaluated on their capabilities and the interests and those of the related jobs in sequence
- For *pooled jobs*, i.e. where the jobs have a high degree of interdependence among activities and the final output is the result of contributions of all employees, each

employee is evaluated on their capabilities and the interests of the team required to deliver the expected outputs

6.5. Broad Assessment-Classification guideline for employee placement

- Collect details of the employee
- Construct his / her profile (qualifications and person specifications)
- Which sub-group profile to job family profile?
- Which job family profile does subgroup profile best fit?
- Assign the individual to job family
- Assign the individual to specific job after further counselling and assessment

6.6. Placement due to organisational restructuring

The Municipality shall review its organisational structure, and along it the remuneration strategy and funding of filled and vacancies envisaged to be filled, every year prior to adoption of the Integrated Development Plan. This review may have, among others, financial and geographical redeployment implications, as well as involve intra- and interdepartmental transfers, and temporary or even permanent redundancy.

The placement of employees following the review shall:

- Avoid disruption of effective and efficient delivery of services
- Not be used as a punitive measure against employees
- Not be used to promote or demote employees

6.6.1. Place existing employees first

Every attempt shall be made to place existing employees into posts created in the reviewed structure on a permanent basis. If no placement in terms of the agreed criteria can be made, the municipality shall advertise the post and fill it with the most suitable external candidate. New or posts with major changes shall be advertised and filled using the employment practices policy and this policy

6.6.2. Place employees on a close match basis

- Employees are to be placed in the reviewed structure on a close match basis. This means that an existing employee's profile (*i.e. qualifications, experience, and person specifications*) shall be matched against the *job description* of the new / reviewed post on the reviewed organisational structure, not the post designation.
- Where more existing employees are a close match to fewer posts, the Municipality's Employment Equity Policy and Plan shall be applied. If candidates remain tight at this point, and no near matches exist in other posts, employees shall be placed on the basis of additional criteria to be devised by

the Placement Committee and agreed-upon in the Local Labour Forum. Such criteria may include, but not limited to, *Last in First out (LIFO)* or *First in First out (FIFO)*.

6.6.3. Placement Committee

A Placement Committee shall be created as a sub-committee of the Local Labour Forum, consisting of equal numbers of management and representative employee unions, with a minimum of four (4) members and eight (8) members.

The Placement Committee shall be responsible for:

- Deliberating and reaching consensus on the placement of existing employees into posts in the new structures, and objections
- Determination of *additional criteria* for placement in cases where there are more candidates than funded positions

6.6.4. Classification of Posts and Placement Procedure

Classification of posts and respective placement procedure shall be as follows:

a) Unchanged Posts

These are posts with no changes in job descriptions and / or geographical location. The current incumbents in these regards get automatic placements in such posts.

b) Minor Changed Posts

These are posts involving minor changes to the job descriptions, with no material effect on the level of responsibility. It might also involve a mere change in title without a change in duties listed in the job description. The current incumbents in these regards gets placement preference first, but with a strong emphasis on the acquisition of skills within twelve (12) months if such skills are required as a consequence of the minor changes in the job descriptions.

c) Major Changed Posts

These are posts that have undergone major changes to their job descriptions and responsibilities. These posts shall be evaluated and then advertised and filled as new through the employment practices and placement policies.

d) New Posts

These are posts that carry duties and responsibilities that did not exist in any form in the Municipality. These posts and their corresponding job descriptions shall be evaluated and duly placed on the appropriate salary grading level. The posts shall then be advertised and filled through the employment practices and placement policies.

6.6.5. Changes in salary grade and service benefits due to placement

- Employees whom the placement criteria places them higher than their current placement shall be entitled to salary and service benefits aligned to the post grading or job description of the new placement, and subject to collective agreements governing the salary and service benefits
- Employees whose service conditions / benefits they currently enjoy or use change (*i.e. reduce or they cease to qualify to enjoy or use them, e.g. travelling allowance*) due to new placement shall, from the start date of the new placement, not have an interruption in service benefits for a period of twelve (12) months, unless that service condition / benefit is materially changed by legislation and / or collective agreement

6.6.6. Geographical implications of placement

- a) Placements that result in geographical redeployment of employees shall be carried out on the basis of the following:
 - ✓ The duties attached to such post and functions are to be delivered in another geographical area
 - ✓ The duties attached to such post and functions are reduced and / or combined with another in order to rationalise resources for efficiency savings or impact
 - ✓ The duties attached to such post and functions are abolished or no more necessary in that particular geographical area
- b) Where it is necessary to geographically redeploy only part of a Department / Division, the selection of employees for redeployment in each of the affected job categories shall be carried out on following basis:
 - ✓ Call for volunteers from employees within each job category
 - ✓ If too many of the affected employees volunteer to be redeployed, the selection shall be done on the basis of *First Up First Opportunity (FUFO)*.
 - ✓ If only a few of the affected employees volunteer to be redeployed, the selection shall be done on the basis of *Last In First Up (LIFU)*, where the employees with the shortest service in the job category concerned shall be selected for redeployment
- c) In the event a similar post is advertised and earmarked for filling at the previous geographic location within a period of twelve (12) months from date of redeployment, any redeployed employee shall receive preference when they apply for transfer to the similar post.
- d) In the case of an employee accepting geographical redeployment and resettling to a place of residence closer to the new place of work, the Municipality shall cover the resettlement costs in line with the policy on resettlement / relocation.

- e) In the case of an employee who is redeployed but not move his / her place of residence, the payment of the difference in the usual commuting costs may be negotiated with the municipality, either by amendment of the travelling policy or other form of benefit in lieu of commuting costs. Such negotiated arrangement shall be incorporated in the relevant policy after consultation within the Local Labour Forum.

6.6.7. Redundancy

After all placement options have been applied, and after all deliberations and consensus or no consensus have been reached, and after all objections have been addressed, excess employees shall be declared redundant and their services terminated on the basis of legislation or policy on dismissal due to operational requirements

6.6.8. Publication of placement decisions

- All decisions whether by consensus or in the case of no consensus by Council resolution, shall be communicated to employees by means of a publication in a circular specifically issued for this purpose and shall be displayed on general notice boards located at places agreed upon within the Local Labour Forum.
- All employees shall be notified on the final outcome of the placement process by way of personalised letters, with copies to their personal files.

7. IMPLEMENTATION AND MONITORING

This policy will be implemented and effective once recommended by the Local Labour Forum and approved 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 annually and revised as necessary.

10. BUDGET AND RESOURCES

The financial and resource implications related to the implementation of this policy should be qualified and quantified by Human Resource Management.

11. ROLES AND RESPONSIBILITIES

The Municipal Manager or his / her delegated 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 shall be incorporated into the policy.

14. AUTHORITY

Formulated by HR Management: Signature: _____ Date: _____

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Management Representative: Signature: _____ Date: _____

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TERMINATION OF SERVICES

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TERMINATION OF SERVICES

1. PREAMBLE

The Municipality views the termination of service as a necessary management tool on the one hand, and as an inevitable process of employment contract on the other hand. The Municipality would strive to apply termination of services in accordance with the circumstances of the employment contract, and the applicable legislation.

2. DEFINITIONS

All terminology used in this policy shall bear the same meaning as in the applicable legislation.

3. LEGAL FRAMEWORK

- Municipal Systems Act 32 of 2000
- Municipal Structures Act 117 of 1998
- Municipal Finance Management Act 56 of 2003
- Employment Equity Act 55 of 1998
- Labour Relations Act 66 of 1995
- Elias Motsoaledi Local Municipality - Delegations of Authority
- South African Local Government Bargaining Council (SALGBC) Collective Agreements
- Local Government: Regulations on appointment and conditions of employment of senior managers, dated 17 January 2014

4. SCOPE AND APPLICATION

This policy applies to all employees of the Municipality.

5. OBJECTIVES OF POLICY

- To provide framework for all instances for termination of service within the Municipality
- To ensure that employees' services are terminated appropriately and in line with the best practices and legislation within the Municipality.
- To regulate the termination of services of employees across the Municipality's offices, sections, operating areas in line with the applicable reasons for termination of service.

6. POLICY CONTENT

6.1. Voluntary Resignation

An employee may resign from the service of the Municipality with or without stating any reason. A permanent employee must give at least thirty (30) days' written notice of resignation. The Municipal Manager may approve other periods of notice of resignation in exceptional cases.

6.2. Termination by Mutual Agreement

An employee's services may be terminated by mutual agreement between the employee and the Municipality. The employee and the Municipal Manager may agree on the period of notice

6.3. Termination on Completion of Project or Condition of Employment

An employee's services may be terminated on completion of a project where the employee was appointed as a temporary employee in terms of the limited duration of the project and / or employment agreement, or in fulfilment of a written stipulation in the conditions of employment. The notice period is not applicable in this instance.

6.4. Retirement at Normal Retirement Age

An employee shall retire on pension at the end of the month in which they reach retirement age established by the Municipality on the basis of collective agreements.

6.5. Early Retirement

An employee may retire earlier than normal retirement age in terms of the rules of the Retirement or Pension Fund. The reasons could vary from medical fitness, to exercising of choice provided in the Fund rules. Early retirement as a result of medical disability is subject to the terms and conditions of the Fund.

6.6. Incapacity due to ill-health

An employee's services may be terminated due to ill-health on their part. The process is handled through the ***Incapacity due to ill-health Policy***, under Part G: Employee Relations, of the Human Resources Policy Manual.

6.7. Termination due to operational requirements

An employee's service may be terminated as part of operational requirements of the Municipality, where such requirements could be based on the economic, technological, structural or similar needs of the Municipality. The process is handled through the ***Incapacity due to Operational Requirements Policy***, under Part G: Employee Relations, of the Human Resources Policy Manual.

6.8. Incapacity due to poor performance

An employee's services may be terminated due to the persistent poor performance on their part. The process is handled through the ***Incapacity due to poor performance Policy***, under Part G: Employee Relations, of the Human Resources Policy Manual.

6.9. Termination due to misconduct

An employee's services may be terminated as result of being found guilty of misconduct in terms of the Disciplinary Code or Code of Conduct. The process is handled through the ***Disciplinary Procedure***, under Part G: Employee Relations, of the Human Resources Policy Manual.

6.10. Actions by Municipality on Termination of Service

Upon termination of services, the Municipality, through Manager Human Resources, shall ensure the following are carried out:

6.10.1. Notice periods

Any period of notice may not run concurrently with any period of leave by the employee. No notice or payment in lieu of notice shall be required to be given / paid to an employee whose services are terminated as a result of misconduct or as a result of the termination of a temporary employment agreement by natural expiry of time.

6.10.2. Payment of leave credit

Upon termination of service for any reason all leave due to an employee will be paid out to such employee and all retirement funds due will be paid out in terms of the rules of such Retirement Fund unless the monies have been ceded to Municipality by the employee, or the employee has authorised the Municipality to make deductions from such monies.

6.10.3. Payment of all monies due to employee

All monies due to an employee after termination of service shall be paid to the employee within three (3) months or as soon as possible after termination of service.

6.10.4. Recovery of debts from employee

On termination of service any debt of an employee to the Municipality will be deducted from such employee's remuneration or any monies owed to the employee, if the employee signed an acknowledgement of debt in terms of the Basic Conditions of Employment Act, or by order of the court.

6.10.5. Issue of Certificate of Service

A Certificate of Service will be issued to employees on termination of service on the conditions determined by the Council on recommendations of the Local Labour Forum, or on the basis of a collective agreement.

7. IMPLEMENTATION AND MONITORING

This policy will be implemented and effective once recommended by the Local Labour Forum and approved by the Council.

8. COMMUNICATION

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

9. POLICY REVIEW

This policy will be reviewed annually and revised as necessary.

10. BUDGET AND RESOURCES

The financial and resource implications related to the implementation of this policy should be qualified and quantified by Human Resource Management.

11. ROLES AND RESPONSIBILITIES

The Municipal Manager or his / her delegated 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 shall be incorporated into the policy.

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Recommended by Portfolio Committee on Corporate Support Services: Signature: _____
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Approved by Municipal Council: Signature: _____ Date: _____

PART C: EMPLOYEE PERFORMANCE AND OPTIMISATION

ATTENDANCE AND PUNCTUALITY POLICY

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ATTENDANCE AND PUNCTUALITY POLICY

1. PREAMBLE

All employees will work such hours and days in accordance with the operational needs and requirements of the Municipality, which will not be less than forty (40) hours per week, Monday to Friday.

2. DEFINITIONS

All terminology of this policy shall bear the same meaning as in the applicable legislation.

3. LEGAL FRAMEWORK

- Municipal Systems Act 32 of 2000
- Municipal Structures Act 117 of 1998

- Municipal Finance Management Act 56 of 2003
- Basic Conditions of Employment Act 75 of 1997
- Labour Relations Act 66 of 1995
- Elias Motsoaledi Local Municipality - Delegations of Authority
- South African Local Government Bargaining Council (SALGBC) Collective Agreements
- Local Government: Regulations on appointment and conditions of employment of senior managers, dated 17 January 2014

4. SCOPE AND APPLICATION

This policy applies to all employees of the Municipality. Employees are expected to be at their work area at their scheduled start time. Each department determines the work schedule and hours for employees as necessary for its operations. However, work schedules may vary among departments, including hours and days of work.

5. OBJECTIVES OF POLICY

The policy objective is to provide a standard attendance and punctuality framework for all employees. Because employees are vital to the work of the Municipality, reliable and consistent attendance is a condition of employment.

6. POLICY CONTENT

6.1 Absence

Employees are considered absent from work when not available for the assigned work schedule, regardless of the reason.

6.1.1 Scheduled Absences

Employees are to notify their supervisors as early as possible about scheduling time off from work (e.g. doctor's appointment, personal days, etc), whether paid or unpaid. Scheduled absences are arranged at the mutual convenience of the department and employee, based on the operational needs of the department. Absence can be considered scheduled if a twenty-four (24) hour notice is given in advance, and the absence is approved by the supervisor.

6.1.2 Unscheduled Absences

If an employee misses work due to an unscheduled absence (e.g. calling-in due to sickness), he/she must follow prescribed departmental procedures for calling in. Failure to follow the prescribed procedures may result into instituting disciplinary action. After ten (10) consecutive days of unscheduled absence, failure to notify and receive approval will be considered absconding and the employee's services can be terminated effective from the day following the last day of work.

6.1.3 Excessive Unscheduled Absences

Excessive unscheduled absences may result in instituting disciplinary action up to and including dismissal. Supervisors will notify an employee when patterns or concerns develop that may place them at risk of being reprimanded. The following factors should be considered in determining if unscheduled absences are excessive:

- *Patterns of absence:* A pattern of absence demonstrates a predictable routine. For example, is the employee consistently absent the day after pay day, or a particular day, e.g. Monday or Friday, or always on the day before or after a holiday, etc
- *Frequency of absence:* How often does the employee have unscheduled absence? Repeated instances of unscheduled absences, such as call-ins, early departures, not reporting etc, should be considered. Even though the absences may not constitute a pattern, is the employee often absent?

6.1.4 Tardiness

Employee is considered tardy when he/she fails to report to the assigned work area at the scheduled time. This includes returning from body breaks and lunch breaks. Departments define punctuality standards for their operations and are responsible for communicating them to employees. Employees who expect to be late are to notify the supervisor or his/her assignee according to departmentally prescribed procedures. Employees may not extend a normal workday to make up for being tardy without supervisors approval.

6.1.5 Attendance Register

Where applicable, employees must use a time reporting system or attendance register to document work time and breaks from work. Absences, late arrivals, early departures, and extended breaks in the workday are accounted for on employees' time record. Failure to adhere to time reporting procedures may be grounds for instituting disciplinary procedures up to and including dismissal.

7. IMPLEMENTATION AND MONITORING

This policy will be implemented and effective once recommended by the Local Labour Forum and approved by the Municipal Council.

8. COMMUNICATION

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

9. POLICY REVIEW

This policy will be reviewed annually 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 by Human Resource Management.

11. ROLES AND RESPONSIBILITIES

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

12. PENALTIES

Non compliance of any of the stipulations contained in the policy will be viewed as misconduct and 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 shall be incorporated into the policy.

14. AUTHORITY

Formulated by HR Management: Signature: _____ Date: _____

Consulted with Local Labour Forum:

Management Representative: Signature: _____ Date: _____

Union Representative: Signature: _____ Date: _____

Union Representative: Signature: _____ Date: _____

Recommended by Portfolio Committee on Corporate Support Services: Signature: _____
Date: _____

Approved by Municipal Council: Signature: _____ Date: _____

PERFORMANCE MANAGEMENT SYSTEM POLICY

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PERFORMANCE MANAGEMENT SYSTEM POLICY

1. PREAMBLE

The Municipality places performance by all employees at the forefront of service delivery, and has thus developed a policy to drive performance management across all levels and in synchronisation with other human resource management systems and processes such as, but not limited to, HR planning, recruitment and selection, training and development, employee relations, disciplinary and grievance procedures, remuneration and incentive schemes, and career and succession planning.

2. DEFINITIONS

All terminology used in this policy shall bear the same meaning as in the applicable legislation.

3. LEGAL FRAMEWORK

- Municipal Systems Act 32 of 2000
- Municipal Structures Act 117 of 1998
- Municipal Finance Management Act 56 of 2003
- Employment Equity Act 55 of 1998
- Skills Development Act 97 of 1998
- Labour Relations Act 66 of 1995
- Occupational; Health and Safety Act
- National Skills Development Strategy
- National Qualifications Framework
- South African Qualifications Authority Act 58 of 1995
- Elias Motsoaledi Local Municipality - Delegations of Authority
- South African Local Government Bargaining Council (SALGBC) Collective Agreements
- Local Government: Regulations on appointment and conditions of employment of senior managers, dated 17 January 2014

4. SCOPE AND APPLICATION

This policy applies to all employees of the Municipality.

5. OBJECTIVES OF POLICY

The policy objective is to provide a standard framework for planning and continuous assessment of performance by all employees in the Municipality

6. POLICY CONTENT

6.1. Reviews and appraisals, and annual rewards

- Quarterly reviews of performance and annual appraisal shall be done each year during the months decided upon by the Municipal Council on advice of Human Resource Management.
- Annual rewards, where payable, shall be awarded to exemplary performers within three (3) months after the end of the financial year

6.2. Performance management system principles

The performance management system shall be based of the following principles:

- Goal directed towards achieving the specific strategic objectives of the Municipality
- Promotion of productivity and optimisation of financial targets
- Rewarding of exemplary performance that exceed job expectations as agreed
- Training and development of employees to meet current and future productivity requirements
- Corrective action such as providing resources and tools to facilitate achievement of outputs
- Fair and objective appraisals based on especially outputs as evidence for performance
- Improvement of communication and working relationships
- Flexibility for change and improvement
- Transparent and consultative manner for enhancing productivity
- Realistic and achievable outputs set for employees

6.3. Performance management procedure

6.3.1. Strategic Planning by Senior Management

The Municipal Manager shall lead a strategic planning session at which the alignment of performance management with the Municipality's Integrated Development Plan (IDP) and Service Delivery and Budget Implementation Plan

(SDBIP) will be reviewed. The process shall be based on the concept of a Balanced Scorecard.

6.3.2. Departmental Operational plans

Each department shall then review its business or operational plan and objectives' alignment with the outputs of the strategic planning session. The performance contracts of departmental heads (senior managers) shall be developed, linking outputs to each perspective of the balanced score card, namely

- ✓ Financial perspective
- ✓ Internal processes perspective
- ✓ Customer / relationships perspective
- ✓ Human resources perspective

6.3.3. Performance Management System

Manager Human Resources shall then design or review, and seek approval or endorsement of the new or existing Performance Management System for individual employees, to achieve strategic and operational objectives of the Municipality. The system shall consist of sub-systems and their specific processes such as:

- ✓ **Performance Contract / Plan Instrument**, a template containing a mutual agreement between an employee and their direct superior to achieve outputs according to standards or measures which are aligned with the Municipality's IDP and SDBIP. A performance contract shall be used for the Municipal Manager and Departmental Heads. A performance plan shall be used for employees below the rank of Departmental Head.
- ✓ **Performance Assessment System**, a template containing rating scales, standards or measures, and weights assigned to the key performance areas and outputs according to the time spent and /or priority to deliver that specific output
- ✓ **Performance Incentives System**, a guideline containing recommended performance incentives aligned to remuneration scales. Furthermore, this guideline shall recommend a top-down approach to awarding incentives, where employees with the highest scores receive highest incentives. Cash bonus related to a percentage of the employee's total annual remuneration package, or other non-cash incentives as considered by the Municipal Council for the year under review
- ✓ **Performance Moderating and Appeals Procedure**, as a guideline for managing all disagreements on the achievement of specific outputs and on assessment / rating scores

6.3.4. Compilation of performance contracts and plans

Manager Human Resources shall then facilitate the compilation of performance contracts / plans for all employees containing the following elements:

A. Job specification:

- Position
- Name of the incumbent
- Reports to / Supervisor / Manager
- Department / business unit
- Grading
- Location
- Purpose of the job
- Job requirements
- Specific working conditions and hazards
- Career Path

B. Job description:

- Key performance areas indicating core duties and responsibilities aligned to operational plans (*for Municipal Manager and departmental heads*) and relevant performance plans (*for all other employees*)
- Outputs to be achieved within each key performance area
- Measures / standards to be used to assess the achievement
- Evidence or indicators of achievement
- Resources required to deliver outputs or achieve objectives
- Weighting of each key performance area and its outputs
- 5-point rating scale for self-assessment purposes

C. Competency profiling:

- Critical knowledge (scientific, technical, task-specific) that is necessary to achieve outputs
- Critical skills to achieve outputs
- Required attributes to achieve outputs

D. Individual skills development plan:

- Specific training and development interventions to ensure competency of the incumbent to achieve all outputs, such as
 - ⇒ Formal training through in-house / external courses
 - ⇒ On-the-job training like mentorship & coaching, etc

6.3.5. Discussion and signing of performance contracts and plans

Manager Human Resources shall provide guidelines and oversee that the parties to the performance contract or plan – *being the incumbent of the position and the person they report to* –

- ✓ discuss and agree on issues within the performance contract or plan
- ✓ sign the performance contract or plan
- ✓ provide Human Resource Management with a signed copy

6.3.6. Continuous management of performance

Manager Human Resources shall oversee that performance is managed continuously after signing of contracts and plans, utilising

- ✓ Appropriate leadership styles
- ✓ Progress review meetings
- ✓ Analysis of performance gaps
- ✓ Giving continuous feedback
- ✓ Taking remedial actions
- ✓ Providing training and development support

6.3.7. Reviews and assessment of performance

Manager Human Resources shall facilitate and oversee performance assessments and the payment of incentives by ensuring that:

- ✓ Quarterly reviews carried out by immediate supervisors then submitted to Human Resource Management for recording
- ✓ Annual performance appraisal carried out in the same manner as quarterly reviews, and with mutual agreement on ratings as much as possible
- ✓ Departmental heads submit recommendations for incentives after annual appraisal as prescribed, to Human Resource Management
- ✓ It deals with disagreements as per appeals procedure
- ✓ There is revision of performance contracts and plans for next cycle

6.3.8. Skills development to support performance

Human Resource Management shall facilitate skills development of employees as per the following:

- ✓ Provide training and development in terms of Individual Development Plans, and as represented in the Workplace Skills Plan submitted to Local Government Sector Education and Training Authority (LGSETA)
- ✓ Assess and / or test workplace competence after attendance of training

6.3.9. Performance Review Committee

A Performance Review Committee would be constituted to consider annual performance evaluation review report for the Municipality. The Committee would be comprised of the Municipal Manager (Chairperson), CFO, Director Corporate

Support Services, Manager Human Resources, and one (1) representative from each employee union. The Committee shall act to ensure that:

- ✓ performance objectives and indicators are strictly *SMART (Specific, Measurable, Attainable, Realistic, Time-framed)*
- ✓ quarterly reviews and annual appraisals are carried out as prescribed, and justify performance scores
- ✓ appropriate rewards and incentives are recommended and applied (e.g. salary notch progressions, performance bonus, etc)
- ✓ corrective measures were recommended and / or applied to manage under- and poor performance
- ✓ arbitration is provided on disputes arising out of setting performance objectives and indicators, quarterly reviews, and annual appraisals

7. IMPLEMENTATION AND MONITORING

This policy will be implemented and effective once recommended by the Local Labour Forum and approved by the Municipality Council.

8. COMMUNICATION

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

9. POLICY REVIEW

This policy will be reviewed annually 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 by Human Resource Management.

11. ROLES AND RESPONSIBILITIES

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

Manager Human Resources shall determine and detail respective roles of all employees and management in the performance management system, as well as act as convener of the Performance Review Committee during, and at the end of each financial year.

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 shall be incorporated into the policy.

14. AUTHORITY

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EMPLOYEE RETENTION

PART D:

REMUNERATION POLICY

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REMUNERATION POLICY

1. PREAMBLE

The Municipality is committed to ensuring equitable remuneration of employees to advance the strategic objective of attracting, recruiting, motivating, and retaining the best and most suitable employees. While maintaining fiscal responsibility, the Municipality commits to remuneration that is fair, consistent with collective bargaining, reflective of the external market, and providing recognition for achieving individual goals, municipal objectives, and professional competency.

2. DEFINITIONS

All terminology used in this policy shall bear the same meaning as in the applicable legislation.

3. LEGAL FRAMEWORK

- Municipal Systems Act 32 of 2000
- Municipal Structures Act 117 of 1998
- Municipal Finance Management Act 56 of 2003
- Basic Conditions of Employment Act 75 of 1997
- Labour Relations Act 66 of 1995
- Elias Motsoaledi Local Municipality - Delegations of Authority

- South African Local Government Bargaining Council (SALGBC) Collective Agreements
- Local Government: Regulations on appointment and conditions of employment of senior managers, dated 17 January 2014

4. SCOPE AND APPLICATION

This policy applies to all senior managers, managers and employees of the Municipality

5. OBJECTIVES OF POLICY

The objectives of the policy are to set out a standard framework for determining remuneration levels, allowances and service benefits within the Municipality. The ultimate goal is to achieve internal equity, external equity, increased performance and productivity, compliance with laws and regulations, administrative efficiency, and to attract, recruit, motivate and retain employees.

6. POLICY CONTENT

6.1. Guiding principles of the Remuneration policy

- Remuneration policy shall be utilised to inform the remuneration strategy, a part of the integrated human resource management strategy
- Remuneration shall support systems and procedures that ensures fair, efficient, effective and transparent human resources management and administration
- Remuneration policy shall advance the strategic objective of attracting, recruiting, motivating, and retaining the best and most suitable employees, as well as employees in the occupational categories classified as scarce skills

6.2. Remuneration scope

The scope of remuneration in the Municipality covers all rewards earned by employees in return for their labour, personal career achievements, and work-related expenses.

6.3. Remuneration of senior managers

6.3.1. Determining remuneration of senior managers

In determining remuneration packages of senior managers, the Municipal Council shall consider the following:

- Determine performance contract in line with performance management policy
- Determine the outcome / impact of the position towards Municipal objectives
- Ensure there is external pay equity (*through salary surveys*) on remuneration paid to similar positions in private and public sectors
- Determine the minimum, median and maximum salary packages (salary notches) expressed as total cost to employer
- Identify the factors that may justify the employment of a senior manager on any of the proposed salary notches of the total salary package

- Ensure the salary packages conform to the upper limits of salaries of senior managers determined by the Minister
- Publish in the media the salary scales and benefits applicable to posts of the municipal manager and every senior manager

6.3.2. Remuneration on a Total Cost to Employer basis

Remuneration of senior managers is set out as follows:

6.3.2.1 Non-flexible portion not exceeding seventy percent (70%), being the net amount after subtracting employer's portion of pension fund and medical aid contributions.

6.3.2.2 Flexible portion of a minimum of thirty percent (30%), covering employee's portion of pension fund and medical aid contributions, and motor vehicle / travel allowance.

- a) All senior managers shall contribute to their chosen *Retirement Fund*, and are obliged to submit proof of membership annually.
- b) All senior managers shall join and become members of their chosen *Medical Aid Scheme* and be subjected to the rules of the Scheme, and are obliged to submit proof of membership annually.

6.3.2.3 Performance bonus, paid in terms of the **Performance Management System Policy**, and after an annual performance appraisal that produced the rating score that falls within the categories earmarked for rewarding through performance bonus in that financial year.

6.4. Remuneration of employees below level of senior manager

The following are remunerated items for employees below the rank of senior manager:

6.4.1. Basic pay, being the amount based on the rank and salary grading the employee is placed in, and as per the applicable negotiated salary and wage agreement entered into in the South African Local Government Bargaining Council (SALGBC).

6.4.2. Non-pensionable allowance (NPA), being a contribution equals to 2% of basic pay paid directly to the group scheme for employees. Employees contribute also 2% of their basic pay, and those who elect not to belong to the group scheme, and are duly granted permission to opt out, shall not receive this benefit.

6.4.3. Medical aid contributions

- An employee shall belong to any SALGBC's accredited medical scheme to qualify for medical subsidy. An employee who elects not to belong to an accredited medical scheme will not be entitled to medical aid subsidy.
- The Municipality shall contribute sixty per cent (60%) up to a maximum set by the SALGBC per month of the monthly membership contribution, while the employee will contribute forty per cent (40%)

6.4.4. Pension fund contributions, where the Municipality shall contribute an equivalent of eighteen percent (18%) of basic pay to the pension fund. An employee shall contribute an equivalent of seven percent (7%) of basic pay, plus an additional voluntary two percent (2%) to the pension fund

6.4.5. Thirteenth (13th) cheque, calculated as 1/12 of the annual basic pay, payable in December of each year. The amount is paid on a *pro rata* basis from date of employment or resignation, where the period under consideration is less than twelve months.

6.5. Remuneration tied to nature of work or essential tools of the trade

This covers such tools that are tied to the performance of the job in terms of the job description, the physical and psychological nature of work outlined in the job description and / or performance plan, as well as dictated upon by work processes and procedures. Accessing or receiving these forms of remuneration or tools shall not be subjected to separate or additional application or approval processes as the appointment in the respective positions entitle incumbents to the tools. These tools shall cover, but not limited to, the following:

6.5.1. Acquisition and /or maintenance of work tools such as **computers and / or computing equipment**, not limited to but including laptops / notebooks, tablets, and so on as would be determined by the Municipal Council from time to time.

6.5.2. Mobile phone, or mobile phone allowance, and data offered to senior managers and other employees. Data and mobile phone allowance shall be offered through contract packages only.

6.5.3. Car or travel allowance, at twenty-five percent (25%) of basic pay.

6.6. Remuneration classified under employee recognition and allowances

This covers the following:

6.6.1. Overtime pay, paid in terms of the **Overtime Allowance Policy**.

6.6.2. Performance bonus, paid in terms of the **Performance Management System Policy**, and after an annual performance appraisal that produced the rating score that falls within the categories earmarked for rewarding through performance bonus in that financial year.

6.6.3. Acting allowance paid in terms of the **Promotions, Transfers, Secondment and Acting in Higher Positions Policy**.

6.6.4. Housing allowance, paid in accordance with the **Housing Allowance Policy**.

6.6.5. Night work / shift allowance, being night work paid in terms of Section 17 of the Basic Conditions of Employment Act for work performed after 18h00 and before 06h00 the next day. This allowance shall be paid on the following basis:

- A night work allowance in Rand terms per hour as determined by the Municipality shall be paid to night work performed.

- This amount shall be increased annually by the amount agreed to at SALGBC national bargaining level in respect of salary / wage increases
- Night work allowance shall be paid to operational staff or on an *ad hoc* basis to other staff designated by the Municipal Manager

6.6.6. Standby duty allowance, being a compensatory allowance which is paid to an employee when he / she is instructed to keep himself / herself readily available to work after normal working hours for standby duty. This allowance shall be paid on the basis of the following formulae:

<i>Normal week day:</i>	$X = Y / 8.33$
<i>Saturday:</i>	$X = Y / 8.33 \times 1.5$
<i>Sunday and Public Holiday:</i>	$X = Y / 8.33 \times 2$

Where:

$Y = \text{Top Notch Job Level } 7 / 250$
$X = \text{Standby Allowance}$

- Standby allowances shall be increased annually by the amount agreed to at SALGBC national level in respect of salary / wage increases
- The Municipality shall provide a means of communication to the employee required to be on standby, such as a mobile phone or phone allowance
- The normal overtime allowance tariffs are paid to standby employees for service rendered outside their normal working hours
- Standby allowance shall be paid to operational staff or on an *ad hoc* basis to other staff designated by the Municipal Manager

6.7. Remuneration based on Professional Development

This shall cover reimbursement of an employee for tuition and / or registration fees paid to a recognised tertiary or professional training institution or association for successful completion, or achievement of a professional or technical qualification, and / or accreditation. Reimbursement of tuition fees applies in cases where an employee did not utilise the Municipality's bursary scheme.

6.8. Remuneration based on Advances and Reimbursable Expenses

This is paid in terms of the ***Advances and Reimbursable Expenses Policy***.

6.9. Remuneration Committee

The Municipality shall entrust upon a Remuneration Committee, or committee of Council tasked with remuneration, full responsibility for the remuneration policy. The following shall be specific functions of the Remuneration Committee in terms of this policy:

- Recommend refinements to the remuneration policy in line with all related policies.
- Monitor the implementation of the remuneration policy.
- Advise and recommend to Municipality on the remuneration policy, remuneration structure, allowances and specific packages for some managers and employees.

- Setting the mandate for collective bargaining.
- Approve senior managers' salary increases
- Approve senior managers' incentive or bonus payments
- Recommend delegation of other remuneration-related issues to Municipal Manager
- Report to the Municipality on a regular basis, covering:
 - ✓ The documented remuneration policy and its implementation success and challenges for managers and all other employees.
 - ✓ The annual decisions on the payment of performance incentives / rewards and recognition for all categories of employees, and endorsement of eligibility and qualifying criteria
 - ✓ Details of remuneration of senior managers and all categories of employees
 - ✓ Details of performance agreements / plans and rewards attached to such performance
- The Remuneration Committee shall be made up of:
 - ✓ Three (3) Councillors to fairly represent the Municipality
 - ✓ Municipal Manager
 - ✓ An independent remuneration expert
- The frequency of meetings shall be determined by the number of issues that need to be dealt with by the committee

7. IMPLEMENTATION AND MONITORING

This policy will be implemented and effective once recommended by the Local Labour Forum and approved by the Municipal Council.

8. COMMUNICATION

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

9. POLICY REVIEW

This policy will be reviewed annually and revised as necessary.

10. BUDGET AND RESOURCES

The financial and resource implications related to the implementation of this policy should be qualified and quantified by Human Resource Management.

11. ROLES AND RESPONSIBILITIES

The Municipal Manager or his / her delegated 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 shall be incorporated into the policy.

14. AUTHORITY

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TRAVEL ALLOWANCE POLICY

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TRAVEL ALLOWANCE POLICY

1. PREAMBLE

The Municipality acknowledges the fact that councillors and employees in certain occupational categories require transport to effectively carry out duties assigned to them, and thereby provide travel allowance to facilitate their work.

2. DEFINITIONS

All terminology used in this policy shall bear the same meaning as in the applicable legislation.

3. LEGAL FRAMEWORK

- Municipal Systems Act 32 of 2000
- Municipal Structures Act 117 of 1998
- Municipal Finance Management Act 56 of 2003
- Basic Conditions of Employment Act 75 of 1997
- Labour Relations Act 66 of 1995
- Elias Motsoaledi Local Municipality - Delegations of Authority
- Income Tax Act 58 of 1962
- Local Government: Regulations on appointment and conditions of employment of senior managers, dated 17 January 2014

4. SCOPE AND APPLICATION

This policy applies to all employees of the Municipality, Section 57 appointees, and councillors.

5. OBJECTIVES OF POLICY

The objective of this policy is to create uniform standards across the Municipality to regulate the travel allowance for employees who qualify and utilise the benefit, and councillors.

6. POLICY CONTENT

6.1. Travel allowance for councillors, senior managers and employees

- All councillors and senior managers receive a total remuneration package from the municipality that includes a travel allowance of not more than twenty-five percent (25%) of the annual total remuneration package. A councillor or senior manager has the discretion and may include a travel allowance in the total remuneration package
- Some employees qualify to receive a travel allowance of up to twenty-five percent (25%) of their annual basic salary, for the purchase of a private vehicle to use in official duties, based on their duties as per their job descriptions
- A councillor or senior manager that elected to include a travel allowance within the total remuneration package structure, or an employee who receives a travel allowance, must meet the following requirements:
 - ✓ At all times provide motor vehicle of suitable type and condition for the proper discharge of duties
 - ✓ A logbook acceptable to the South African Revenue Service (SARS) must be kept recording the official and private kilometres travelled
 - ✓ The travel allowance shall be included in the IRP5 for purposes of accounting to SARS
 - ✓ On Income Tax Assessment, a councillor, senior manager or employee receiving travel allowance must account to SARS for the use of the travel allowance

6.2. Reimbursement allowance for travel

- In addition to the travel allowance as provided for under 6.1 above, a councillor, senior manager or employee may claim for the official distances travelled from the municipality.
- Such official distances travelled shall be reimbursed in accordance with the applicable tariffs prescribed by the Department of Transport
- The fixed allocation for this category will be paid in terms of a kilometre allocation of five hundred and fifty (550) km.
- Should there be councillors, senior managers, or employees who wish to claim distances in excess of five hundred and fifty (550) km, officially approved log sheets must be submitted monthly and distances travelled up to eight hundred and fifty (850) kilometres will be remunerated according to the applicable tariffs prescribed by the Department of Transport.
- To provide financial discipline and administrative simplicity in this regard it is proposed that kilometre allocations only be approved according to the following intervals: 150 km – increasing at intervals of 50 km to 850 km where after upon monthly submission of officially approved log sheets reimbursement allowance for travel will be paid to a maximum of 850 km.

6.3. Official business travel

- Official business related travel is travel for any purpose that directly relates to the business or job of a councillor, senior manager, or employee and excludes travelling between the place of residence and ordinary place of work or business
- Full-time councillors who are allocated offices at the municipal precinct shall have their ordinary place of business at the municipal precinct
- Part-time Proportional Representative Councillors shall similarly have ordinary place of business at the local municipal precinct, unless deployed to a specific ward
- Part-time Proportional Representative Councillors deployed to a specific ward shall have their ordinary place of business in that particular ward
- Part-time Ward Councillors shall have their ordinary place of business at their respective wards (ward office/home)

6.4. Qualification requirements to a reimbursement for travel

- A travel reimbursement may only be extended to councillors and senior managers that have included the travel allowance within their total remuneration package
- A travel reimbursement may only be extended to employees who receive a travel allowance represented by 25% of their basic salary
- All travel on business of the municipality must be approved as such before a councillor, senior manager, or employee is entitled to claim for the travel reimbursement
- A travel reimbursement claim must be supported by proof of such travel and related documents
- No travel claim shall be paid, and no councillor, senior manager or employee shall be entitled to the reimbursement, if the travel is not related to the official business of the municipality

6.5. Control measures on employees receiving travel allowance

- Employees are to provide proof of availability of suitable vehicles on the request of Human Resources Management. If not, the affected employees' travel allowance must be stopped until such vehicle is available / provided.
- Employees must inform their Departmental Head immediately if they do not have a vehicle available.
- In the event that it can be shown that the employee has received the travel allowance without having the requisite vehicle available, the overpayment of the allowance for the identified non-qualifying period must be recovered from the employee's salary.

- Furthermore, the employee may face disciplinary action and / or incapacity proceedings relating to their non-compliance with this provision and inability to perform their duties due to them not having the requisite vehicle. Where they continued to receive the allowance without complying with the above qualifying requirements they must be charged with fraud.
- Employees who are in receipt of existing travel allowances which they enjoyed from their previous post and who are appointed to promotional posts that do not have travel allowances attached to them shall have their existing travel allowance discontinued from the time that they take up the duties of the new promotional post.

6.6. Process for claiming travel reimbursement

- The duly prescribed claim form must be fully completed by a councillor, senior manager, or employee
- The prescribed form must be submitted, within predetermined dates, to the payments section of the Budget and Treasury Department, or the duly delegated official to be considered for reimbursement
- All claims shall be reimbursed or paid with the next salary of such a councillor, senior manager, or employee
- A claim for a travel reimbursement must be supported by:
 - ✓ A logbook acceptable to SARS recording the official kilometres travelled in a defined month
 - ✓ Any relevant supporting documentation

7. IMPLEMENTATION AND MONITORING

This policy will be implemented and effective once recommended by the Local Labour Forum and approved 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 annually and revised as necessary.

10. BUDGET AND RESOURCES

The financial and resource implications related to the implementation of this policy should be qualified and quantified by Human Resource Management.

11. ROLES AND RESPONSIBILITIES

The Municipal Manager or his / her delegated 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 shall be incorporated into the policy.

14. AUTHORITY

Formulated by HR Management: Signature: _____ Date: _____

Consulted with Local Labour Forum:

Management Representative: Signature: _____ Date: _____

Union Representative: Signature: _____ Date: _____

Union Representative: Signature: _____ Date: _____

Recommended by Portfolio Committee on Corporate Support Services: Signature: _____

_____ Date: _____

Approved by Municipal Council: Signature: _____ Date: _____

OVERTIME ALLOWANCE POLICY

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OVERTIME ALLOWANCE POLICY

1. PREAMBLE

The Municipality acknowledges that overtime work is a necessary element of service delivery and thereby makes necessary arrangements for employees to access the benefit. This policy does not take precedence over any collective agreement which may be in force at the time of its approval.

2. DEFINITIONS

All terminology used in this policy shall bear the same meaning as in the applicable legislation.

3. LEGAL FRAMEWORK

- Municipal Systems Act 32 of 2000
- Municipal Structures Act 117 of 1998
- Municipal Finance Management Act 56 of 2003
- Basic Conditions of Employment Act 75 of 1997
- Labour Relations Act 66 of 1995
- Elias Motsoaledi Local Municipality - Delegations of Authority
- South African Local Government Bargaining Council (SALGBC) Collective Agreements

4. SCOPE AND APPLICATION

The policy is applicable to all employees of the Municipality with the exception of senior managers, and employees who work shifts in terms of their employment contracts

5. OBJECTIVES OF POLICY

The objective of this policy is to regulate overtime work and ensure that overtime work is preauthorised, except in the case of an emergency, and is in compliance with relevant legislation.

6. POLICY CONTENT

6.1. Remunerated overtime

This is duty in excess of the prescribed hours of attendance. Remunerated overtime is therefore calculated based on hours worked in excess of prescribed hours of attendance.

Duty performed by an employee during a period of leave is not considered for purposes of the payment of remunerated overtime.

6.2. Calculation of overtime payment

The rate for the purpose of remunerated overtime has been determined as one third times his / her hourly wage. The remuneration paid on weekends to an employee for overtime work is calculated by multiplying the total number of hours the overtime work is performed by the overtime rate. The overtime rates shall be determined as follows:

Normal Time: When an employee is required to perform official duties for more hours than his / her normal working hours during any week day

Double Time: Any time worked on Sunday or Public Holiday by an employee, who does not ordinarily work on Sunday or Public Holiday, is calculated as overtime as well as overtime performed between 20h00 hours and 06h00 hours

6.3. Conditions for remunerated overtime

Overtime work may be authorised for eligible employees in the Municipality on the following conditions:

- Employees shall not be required or permitted to work overtime for period exceeding
 - ✓ Ten (10) hours in a week;
 - ✓ Three (3) hours on any working day
- No employee may perform overtime before the relevant person who has the authority in accordance with the office delegations to do so, has granted the necessary approval in writing.
- An employee's monthly compensation for overtime should not exceed thirty per cent (30%) of the employee's gross monthly salary.
- In cases where the monthly overtime compensation exceeds the above limits, the Departmental Head where overtime is performed may grant the employee time-off. The time off granted will be based on one hour for every excess hour worked. Time off can only be taken if an employee has accumulated eight hours. Time off may, however, not constitute more than five working days during a given financial year.
- An employee performing overtime duty is not compensated for travelling time. Overtime should be arranged in such a manner that the start and end times coincide with the times during which public or other alternative transport is available.
- If an employee performs authorised overtime duty at a place other than his / her normal place of work, the travelling time between the two places shall be regarded as overtime duty.
- Remunerated overtime may not be approved for a continuous period of more than four months.

- An employee cannot do overtime as per conditions below, unless in cases where circumstances prevent the employee to meet these conditions and the relevant Departmental Head has ensured that such circumstances are brought to the Manager Human Resources when a claim form for these hours is submitted. The Municipal Manager will then be approached to approve the deviation from these conditions:
 - ✓ If an employee did not book overtime duty on a Saturday, the employee will not be allowed to book overtime duty for Sunday.
 - ✓ If an employee took vacation, sick or special leave on a Friday, that employee shall not be allowed to book overtime duty for either the Saturday or Sunday.
 - ✓ If an employee did not start overtime duty immediately following normal knockoff time during the week.

6.4. Time off for emergency work

- Emergency work means the performing of work that cannot be completed during normal working hours, on instruction of a Departmental Head, provided that such work is required to be done immediately owing to unforeseen circumstances and one day or less prior notice has been given to this effect.
- In cases where employees are expected to perform overtime duty before approval is obtained due to circumstances beyond the Municipality's control; such duty shall for the purpose of this policy be viewed as emergency work.
- In such cases employees must be granted time off in respect of the first day that such overtime duty was performed prior to obtaining approval.
- The time off will be granted on the basis of one hour for every excess hour worked. Departmental Heads will be responsible for managing of these hours.

6.5. Authorisation for remunerated overtime

- Authorisation for remunerated overtime duty shall be in accordance with the office delegations.
- The following information should be provided when an application for overtime is submitted for approval:
 - ✓ Circumstances that necessitated the performance of the overtime duty.
 - ✓ Steps, taken to prevent performance of overtime duty such as redistribution of duties among employees or temporary utilisation of employees
 - ✓ Information on any voluntary unpaid overtime duty performed by employees with regard to the task in respect of which remunerated overtime duty is performed and about general work in the department.
 - ✓ Clearly defined and measurable outputs for the overtime work in respect of every individual employee for which overtime is requested.

- ✓ Names and ranks of employees who will be required to perform overtime duty.
- ✓ Duration of the overtime duty.
- ✓ Estimated expenditure and total hours on the planned overtime duty, as well as clear differentiation between normal and double-time, indicating the amount that will be needed next to each of the above-mentioned.
- ✓ If the performance of overtime is aimed at the completion of work, which has fallen in arrears, an investigation of the circumstances should be done before overtime is authorised.
- ✓ Specific indication about the responsible manager who would supervise the remunerated overtime, if authorised.

6.6. Control measures for remunerated overtime

It is the responsibility of Departmental Heads to ensure that:

- There is adequate supervision and control measures at all times during the performance of remunerated overtime duty.
- Remunerated overtime is not performed for a continuous period of more than four months.
- Overtime remuneration is efficient and cost effective.
- Record of all overtime duty is kept.
- When the overtime claim is submitted for payment, the output produced during the period covered by the claim form is clearly provided.
- All claim forms and a copy of overtime authorisation should be submitted to the Manager Human Resources instead of directly to the Chief Financial Officer.

6.7. Administrative procedures

- A request for remunerated overtime must be approved by the Departmental Head before submission to Manager Human Resources for further processing.
- All claim forms for approved remunerated overtime duty must be submitted to the Manager Human Resources to certify that all information provided, is correct as well as to place a copy of the overtime claim on the employee's personal file for record purposes

7. IMPLEMENTATION AND MONITORING

This policy will be implemented and effective once recommended by the Local Labour Forum and approved by the Council.

8. COMMUNICATION

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

9. POLICY REVIEW

This policy will be reviewed annually and revised as necessary.

10. BUDGET AND RESOURCES

The financial and resource implications related to the implementation of this policy should be qualified and quantified by Human Resource Management.

11. ROLES AND RESPONSIBILITIES

The Municipal Manager or his / her delegated 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 shall be incorporated into the policy.

14. AUTHORITY

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HOUSING ALLOWANCE POLICY

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HOUSING ALLOWANCE POLICY

1. PREAMBLE

The Municipality abides by the collective agreement to extend to all employees and subject to the requirements of the scheme a subsidy in respect of a mortgage bond.

2. DEFINITIONS

“**Immediate family**” means the employee’s spouse and / or dependent children

“**Spouse**” a person registered with the Municipality as the lawful husband or wife / wives, or life partner, by the employee at the time of the use of the benefit, provided that an employee:

- (a) may register all spouses in terms of customary or indigenous law
- (b) may register only one life partner at a time
- (c) who has a spouse/s registered with the Municipality in terms of the recognition of Customary Marriages Act, 1998 and the Marriages Act, 1961, may not register a life partner with the Municipality

All terminology used in this policy shall bear the same meaning as in the applicable legislation.

3. LEGAL FRAMEWORK

- Municipal Systems Act 32 of 2000
- Municipal Structures Act 117 of 1998
- Municipal Finance Management Act 56 of 2003
- Basic Conditions of Employment Act 75 of 1997
- Labour Relations Act 66 of 1995
- Elias Motsoaledi Local Municipality - Delegations of Authority
- South African Local Government Bargaining Council (SALGBC) Collective Agreements

4. SCOPE AND APPLICATION

The policy is applicable to all employees of the Municipality.

5. OBJECTIVES OF POLICY

The objective of this policy is to guide all Municipal employees on requirements for application for Home Owner's Allowances

6. POLICY CONTENT

6.1. Home Owner's Allowance

- The Municipality pays a home owner's allowance to employees who own houses and who qualify for such a benefit in terms of the conditions of the housing scheme determined by the Bargaining Council.
- All qualifying employees, who started working for the Municipality after January 1991, are entitled in terms of the determinations of the home owner's scheme, subject to certain conditions, to receive a home owner's allowance.
- The property on which the home owner's allowance will be payable must be registered in the employee's name and / or jointly in his / her spouse's names.
- All newly appointed employees who previously received any form of home owner's allowance at another Municipality, Government or state-owned company may receive a home owner's allowance on condition that the employee's dependants are resident in the house.
- Every employee qualifies for participation in the home owner's allowance scheme if the relevant employee's spouse does not receive any form of housing allowance from his / her own employer. Proof to this status must be submitted.

- Should an employee obtain an additional loan for improvement to the house on which he / she receives subsidy / allowance, he / she is also subsidised on the additional loan if kept within the limits for which he / she qualifies. The Municipal Manager will approve such applications.
- Home owner's allowance is payable to employees who own a house that is within the borders of the Republic of South Africa.
- The allowance will be payable towards only one loan, that is, whether it is a financial institution, pension or gratuity fund loan
- The determination of home owner's allowance is in accordance with collective agreements, and presented in circulars to municipalities by SALGA.

6.2. Home Owner

The home, in respect of which the employee applies for housing allowance, must be registered in his / her name, whether alone or with his / her spouse. For this purpose the following tenureships are recognised:

- Title Deed, where ownership could be outright or freehold ownership and title deed is obtained when the ownership of the home is transferred into the buyer's name
- Permission to occupy (PTO) State or Traditional Land

6.3. Bond / Home Loan Requirements

An employee who wishes to access the housing allowance as a new home owner must hold a bond / home loan at

- a registered bank or any financial institution approved by the SALGBC
- the bond or rental payments are to be paid via stop order on the employee's salary

6.4. Pension Fund Housing Loans

- Employees granted housing loans by their respective Pension, Gratuity or Retirement Fund are allowed to apply for home owner's allowance on condition that applications comply with all the relevant requirements to participate as stipulated in the Housing Loan Agreement of the relevant Pension Fund.
- Application forms for housing loans from the various pension funds must be verified and recorded for deduction purposes by Human Resource Management prior to submission to the relevant Pension Fund.

6.5. Collateral Security (Housing Guarantees)

The Municipality will facilitate that the Pension Fund provides collateral security / guarantee to enable an employee to obtain a loan from a financial institution, where relevant.

6.6. Documentary Proof

An employee, who wishes to access the housing allowance scheme, must submit the following documentation:

- Water and electricity accounts of the property in respect of which subsidy is applied for
- Letter from financial institution or building society or pension fund indicating the instalment and mortgage bond
- Letter from the attorney, indicating
 - ✓ Purchase price of property
 - ✓ Date on which the property was registered in the employee's name
- Affidavit from husband / wife to confirm that he / she does not receive a subsidy
- Receipts of instalment paid directly to a financial institution or building society
- Final settlement statement from financial institution or building society or pension fund in respect of previous mortgage bond for which a subsidy was received
- All statements from attorneys relating to the purchase and sale transactions

7. IMPLEMENTATION AND MONITORING

This policy will be implemented and effective once recommended by the Local Labour Forum and approved 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 annually and revised as necessary.

10. BUDGET AND RESOURCES

The financial and resource implications related to the implementation of this policy should be qualified and quantified by Human Resource Management.

11. ROLES AND RESPONSIBILITIES

The Municipal Manager or his / her delegated 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 shall be incorporated into the policy.

14. AUTHORITY

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Consulted with Local Labour Forum:

Management Representative: Signature: _____ Date: _____

Union Representative: Signature: _____ Date: _____

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Recommended by Portfolio Committee on Corporate Support Services: Signature: _____

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Approved by Municipal Council: Signature: _____ Date: _____

ADVANCES AND REIMBURSABLE EXPENSES POLICY

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ADVANCES AND REIMBURSABLE EXPENSES POLICY

1. PREAMBLE

It is essential that representatives of the Municipality from time to time travel outside the normal workplaces to establish and maintain links and relationships with other entities, government bodies, and international institutions operating in the municipal sector to broaden their knowledge and understanding of, and compare local and international experiences. In addition, the Municipality commits to reimbursing resettlement expenses of new employees joining its ranks from outside the location of Municipality.

2. DEFINITIONS

“Subsistence and travel expense (S&T)” an amount of money paid by the Municipality to a representative to cover these expenses:

- *meals* (including reasonable gratuities);
- *incidentals* such as refreshments, snacks, soft drinks and newspapers; and
- *all business-related travel*, but exclude any personal recreation, such as visits to a cinema, theatre, clubs, or sightseeing.

All terminology used in this policy shall bear the same meaning as in the applicable legislation.

3. LEGAL FRAMEWORK

- Municipal Systems Act 32 of 2000
- Municipal Structures Act 117 of 1998
- Municipal Finance Management Act 56 of 2003
- Basic Conditions of Employment Act 75 of 1997
- Labour Relations Act 66 of 1995
- Elias Motsoaledi Local Municipality - Delegations of Authority

- Local Government: Regulations on appointment and conditions of employment of senior managers, dated 17 January 2014
- South African Local Government Bargaining Council (SALGBC) Collective Agreements

4. SCOPE AND APPLICATION

The policy is applicable to all employees and Councillors of the Municipality.

5. OBJECTIVES OF POLICY

The objective of this policy is to set out the basis for the payment of subsistence and travel expenses for the purposes of business or work-related travelling, as well as to outline provisions for travelling and removal expenses for employees and prospective employees.

6. POLICY CONTENT

6.1. Subsistence and travel expenses

6.1.1. Responsibilities of representatives on business travel

- Every representative who travels on the business of the Municipality must comply with this policy in letter and in spirit.
- Representatives who travel on the business of the Municipality must appreciate, at all times, that they are ambassadors for the Municipality, that their actions, conduct and statements must be in the best interests of the Municipality, and that they must comply with any specific mandates they have been given.
- Consistent with the Municipality's performance monitoring and evaluation objectives, the Municipal Manager will ensure that a database of all representatives and their business travels is kept.

6.1.2. Entitlement to subsistence and travel benefit

- A representative may claim a daily subsistence benefit as provided in this policy with the understanding that all authorised personal expenses are covered by the subsistence benefit.
- The subsistence benefit may be claimed without the representative having to furnish proof of expenses.
- Entertainment of external business associates or contacts or clients or potential investors or potential clients falls outside the scope of the subsistence allowance and will be separately reimbursed (subject to prior approval). If a representative of the Municipality has an entertainment allowance, this entertainment of external business associates or contacts or other parties must be claimed against the entertainment allowance.

- A representative of the Municipality may claim his or her subsistence benefit, as provided in this policy, as an advance before embarking on any business trip. The subsistence benefit advance must, in order to facilitate its timely payment, be claimed at least five working days before the planned trip.
- No subsistence benefit will be paid, and no representative will be entitled to a subsistence benefit, if the trip or travel is not related to the authorised business of the Municipality. All travel on business of the Municipality must be approved as such before a representative is entitled to a subsistence benefit.
- For the purposes of a subsistence benefit, a representative shall mean:
 - ✓ Mayor
 - ✓ Speaker
 - ✓ Members of the Executive Committee
 - ✓ other councillors specifically authorised to represent the Municipality on a particular occasion
 - ✓ Municipal Manager
 - ✓ Heads of Department
 - ✓ any other official specifically authorised to represent the Municipality on a particular occasion
 - ✓ any official who is a member of a recognised professional institution and is granted permission to attend meetings / conferences of such institution

6.1.3. Accommodation costs and subsistence benefit

- Representatives who travel on the business of the Municipality, where the business unavoidably entails one or more nights to be spent away from home, may stay in a hotel, motel, guesthouse or bed and breakfast establishment.
- The actual cost of accommodation shall be borne by the Municipality, subject to a maximum set out in the tariffs published by the CFO from time to time, for domestic travel.
- If the cost of accommodation includes, as it often does, the provision of breakfast, a subsistence benefit shall be adjusted accordingly per day in respect of domestic travel. Where breakfast is excluded the subsistence benefit shall also be adjusted accordingly per day.
- If a representative stays with a relative or friend, no accommodation benefit may be claimed, but the representative may claim the applicable subsistence benefit per day.
- The recoverable cost of accommodation, and subsistence benefit, for international travel will be as set out in the CFO tariffs per day.

- Where it is not necessary for overnight stay on any travel on Municipality business, no accommodation benefit will be paid, but the applicable subsistence benefit per day may be claimed.
- In the case of both domestic and international travel, the day of departure and the day of return each qualify for a subsistence benefit.
- For purposes of this policy, domestic travel shall mean travel within South Africa, and international travel shall mean travel outside South Africa.

6.1.4. Subsistence allowance for day or part day travel with no overnight stay

If a representative travels on the business of the Municipality for a day or part of a day, a subsistence allowance per day or part of a day is payable. No more than one (1) allowance shall be payable per day, irrespective of the number of trips undertaken.

6.1.5. Car rental and other travel costs

- Only "A" or "B" category vehicles may be rented, unless it is more cost effective to hire a more expensive vehicle (*for example, when the number of representatives involved could justify the hire of a micro-bus*).
- Car rental must be approved as part of the travel package before the trip is embarked on. A representative who rents a vehicle whilst travelling on the business of the Municipality without having received prior authorisation shall only be reimbursed for the cost of the vehicle rental if proof of expenditure can be produced and the representative can demonstrate that vehicle rental was reasonably but unexpectedly necessitated by the circumstances.
- All flights by representatives of the Municipality shall be in economy class, unless another class of travel is specifically authorised by Council, EXCO, Municipal Manager or his / her duly authorised delegate as the case may be. Bookings for all (domestic and international) air travel shall be made through a travel agent duly procured by the Municipality.
- If a representative has to utilise his or her personal motor vehicle for business travel, he or she will be reimbursed at the Automobile Association (AA) rates per kilometre for a specific type of vehicle applicable at any given time. The shortest distance to the area where business is done shall be reimbursed. If the total number of kilometres for which such reimbursement is received exceeds the CFO's prescribed limit in any tax year, reimbursement for the excess kilometres must be taxed for PAYE purposes.
- All travel between the representative's place of residence and the office where the representative normally report for duty will be for the account of the representative.
- All travel within the town or area where the representative normally report for duty will be for the account of the representative
- All travelling done outside the parameters of the town where the representative normally report for duty will be claimable, provided that the travelling was approved by the Departmental Head

- Where possible representatives shall travel together, up to a maximum of four in a vehicle, to minimise travelling expenses.

6.1.6. Subsistence and travel benefits for persons invited for interviews

No subsistence expenses will be paid to any candidate invited for an interview, but travelling expenses at applicable tariffs may be paid if the candidate has to travel more than fifty (50) km to attend the interview.

6.1.7. Authorisation

For purposes of implementing this policy:

- Only the Municipal Manager may authorise any travel to be undertaken by Departmental Heads, or payments to be made for persons invited for interviews, but provided the expenses to be incurred are on the approved budget of the relevant Department.
- Only a Departmental Head or his / her duly authorised delegate may authorise any travel to be undertaken by employees in his / her department, or payments to be made to persons in his / her department invited for interviews, but provided the expenses to be incurred are on the approved budget for the relevant department.
- Only the Mayor or Council, as the case may be, may authorise any travel to be undertaken by the speaker, any councillor, or the Municipal Manager, but provided the expenses to be incurred are on the approved budget of the Municipality.
- The Mayor shall approve his or her own travel on Municipal business, provided the expenses to be incurred are on the approved budget of the Municipality, and provided further that the Mayor reports to the following Council meeting on the nature of and reasons for such travel and the expenses incurred.
- An invitation to attend a workshop, meeting or related event is not an automatic authorisation to attend such workshop or event. The required authorisation must still be obtained from the Departmental Head, or Municipal Manager, or EXCO, or Mayor, or Council.
- Municipal delegates or representatives to any conference, workshop or meeting must ensure that they arrive on time and attend until the conclusion of such event. If any representative fails to do so, the Departmental Head, or Municipal Manager, or EXCO, or Mayor, or Council, as the case may be, may recover all benefits and disbursements paid to enable such delegate or representative to attend such event, provided that such delegate or representative is afforded the opportunity to submit reasons for not being able to be present from the commencement to conclusion of such event.

6.1.8. Legal requirements

The Municipal Manager shall report to the Council, in a format and for the periods prescribed, all expenses relating to travel, subsistence and accommodation benefits paid.

6.1.9. Tariffs

The CFO, in consultation with Human Resource Management, shall determine tariffs from time to time based on consumer price index (CPIX), and inform all members of Council and employees through all means of communication available in the Municipality. The tariffs shall cover the following:

- Class of air travel ○ Air travel insurance ○ Travel visa / official passport
- Public transport fees abroad
- Other specified expenses abroad (e.g. mineral water, exchange rate losses, medication, etc.)
- Rating of accommodation establishments (local and abroad) ○ Travel agent's fees ○ Vehicles with drivers
- Insurance (vehicles, personal belongings, etc)
- Breakfast ○ Dinner
- Lunch
- Parking and toll fees
- Daily subsistence benefit rates without receipts

6.1.10. Claims procedure

The CFO shall publish and distribute all various self explanatory forms to be used in requesting subsistence benefit advances or claiming reimbursable expenses under this policy.

6.2. Relocation / Resettlement Expenses

6.2.1. Removal Expenses

The Municipality will reimburse, subject to prior approval by the Municipal Manager, new appointees for the lowest of the three quotations for removal of furniture and household items. This reimbursement is subject among others to an appointee residing at the time of appointment outside 20km radius from the Municipal jurisdiction. The removal expenses must be claimed within six (6) months after commencement of duties.

6.2.2. Internal Appointments

When an employee of Municipality voluntarily and at his / her own accord applies for a position within Municipality service, and is successful in a position warranting travelling and moving to a different location within the boundaries of the municipality, such travelling and removal costs will be at Municipality's cost.

6.2.3. Internal Transfer

Should Municipality transfer an employee for operational reasons within the boundaries of the municipality, and such post warranting travelling and moving to another area, Municipality shall bear the full costs of travelling and removal subject to submission of the lowest quotation of the three (3).

6.2.4. Voluntary Internal Transfer

When an employee voluntarily requests the Municipality to relocate to another area within the Municipality, even when no vacant position exists, such cost will be at the employee's own cost.

6.2.5. Exclusions

Municipality is not responsible for expenses associated with storage of the appointee's household items and insurance. This shall be the responsibility of the employee.

6.2.6. Employee Obligations

Should any employee who's travelling and removal expenses have been covered by the Municipality leave within a period of less than twelve (12) calendar months, the total amount of travelling and removal expenses will be recovered from that employee by the Municipality.

6.2.7. Interim Accommodation

The Municipality will provide interim accommodation and cover one (1) month's costs thereof, subject to prior approval by the Municipal Manager, for a new appointee. The employee shall cover own costs should they elect to use the interim accommodation beyond one (1) month.

7. IMPLEMENTATION AND MONITORING

This policy will be implemented and effective once recommended by the Local Labour Forum and approved by Council.

8. COMMUNICATION

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

9. POLICY REVIEW

This policy will be reviewed annually and revised as necessary.

10. BUDGET AND RESOURCES

The financial and resource implications related to the implementation of this policy should be qualified and quantified by Human Resource Management, in consultation with the CFO.

11. ROLES AND RESPONSIBILITIES

The Municipal Manager or his / her delegated 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 shall be incorporated into the policy.

14. AUTHORITY

Formulated by HR Management: Signature: _____ Date: _____

Consulted with Local Labour Forum: Signature: _____ Date: _____

Management Representative: Signature: _____ Date: _____

Union Representative: Signature: _____ Date: _____

Union Representative: Signature: _____ Date: _____

Recommended by Portfolio Committee on Corporate Support Services: Signature: _____

_____ Date: _____

Approved by Municipal Council: Signature: _____ Date: _____

LEGAL AID POLICY

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LEGAL AID POLICY

1. PREAMBLE

All Municipal employees and councillors shall be provided with legal aid in instances where their official acts or omissions become the basis for legal action against them.

2. DEFINITIONS

All terminology used in this policy shall bear the same meaning as in the applicable legislation.

3. LEGAL FRAMEWORK

- Municipal Systems Act 32 of 2000
- Municipal Structures Act 117 of 1998
- Municipal Finance Management Act 56 of 2003
- Labour Relations Act 66 of 1995
- Elias Motsoaledi Local Municipality - Delegations of Authority
- South African Local Government Bargaining Council (SALGBC) Collective Agreements
- Inquests Act 58 of 1959

4. SCOPE AND APPLICATION

This policy applies to all employees and councillors of the Municipality.

5. OBJECTIVES OF POLICY

The policy objective is to provide a standard framework for provision of legal aid to employees and councillors where they act on behalf of the Municipality to ensure protection under the law.

6. POLICY CONTENT

Municipality shall provide a councillor or employee of the Municipality with legal representation arising out of the institution of legal action against them as a result of any act or omission by them in the exercise of their powers or the performance of their duties, as follows:

- 6.1. Whenever a claim is made or legal proceedings are instituted against any councillor or employee of the council arising out of any act or thing done or omitted by them in the exercise of their powers or the performance of their duties and functions, or whenever any such councillor or employee as a consequence of their election as a councillor or employment with a council are compelled to give evidence in or to make a written statement for the purpose of an inquest, the council:

a shall, in the case of a civil claim or civil proceedings, if it is of the opinion that the councillor or employee concerned acted in good faith and without negligence, indemnify them in respect of such claim or proceedings, and –

- i shall provide for the legal representation of such councillor or employee at the cost of the council or undertake to pay their legal costs;

- ii shall pay any award by a court against them, and
 - iii may settle the claim and pay any amount due in terms of such settlement;
- b shall, in the case of criminal proceedings, if it is of opinion that the councillor or employee concerned acted in good faith and without negligence, indemnify them in respect of their legal costs therein or provide for their legal representation at the cost of the council, and
- c may, in the case of criminal proceedings or an inquest, if it is the opinion that it is in the interests of the council to do so, indemnify the councillor or employee in respect of their legal costs therein or provide for their legal representation at council's cost
- d provided that the council may refuse to act in accordance with the foregoing provisions or may terminate any steps already taken by it and recover from the councillor or employee concerned any costs incurred by it on their behalf, if such councillor or employee –
 - i has made any admission or statement which the council considers to be prejudicial to a successful defence;
 - ii has made any offer of payment or settlement;
 - iii declines to accept the services of a legal representative nominated by council;
 - iv fails or refuses to furnish such information as the council may require or furnishes false or misleading information, or
 - v fails or refuses to co-operate with the council or to render such assistance as may be required by the council.

6.2. For the purposes of this policy “councillor” or “employee” includes a former councillor or employee of the council.

6.3. Whenever any claim is or is proposed to be made or legal proceedings are or are to be instituted by any councillor or employee of a council against any person in consequence of any act or thing done or omitted by such person and the council is of the opinion that –

- a such act or thing was done or omitted in relation to or in consequence of the exercise and performance by such councillor or employee of his / her powers, duties and functions;
- b such councillor or employee exercised and performed such powers, duties and functions in good faith and without negligence, and
- c such claim or proceedings has or have a reasonable prospect of success, the council may indemnify such councillor or employee against all legal costs (including such councillor or employee's own legal costs) which may be or become payable by them in the event of such claim or proceedings not being successful; provided that the council may withdraw any such indemnity and recover all payments made in terms thereof from such councillor or employee if they –

- i took any action or did anything which in the opinion of the council is prejudicial to the success of such claim or proceeding;
- ii failed or refused to furnish such information as the council may require or furnished false information, or
- iii failed or refused to co-operate with the council or render such assistance as may be required by the council.

6.4. Notwithstanding anything to the contrary contained herein, the Council shall refuse to grant legal aid to a councillor or employee in any action resulting from an act or omission which constitutes or would constitute an infringement of the Codes of Conduct for Councillors and Municipal Staff Members contained in the Municipal Systems Act, 2000.

7. IMPLEMENTATION AND MONITORING

This policy will be implemented and effective once recommended by the Local Labour Forum and approved by the Municipal Council.

8. COMMUNICATION

This policy will be communicated to all Councillors and employees using the full range of communication methods available to the Municipality.

9. POLICY REVIEW

This policy will be reviewed annually 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 by Human Resource Management and Legal Division.

11. ROLES AND RESPONSIBILITIES

The Municipal Manager or his/her delegated 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 shall be incorporated into the policy.

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Signature: _____ Date: _____

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Signature: _____ Date: _____

Union Representative:

Signature: _____ Date: _____

Recommended by Portfolio Committee on Corporate Support Services:

Signature: _____

_____ Date: _____

Approved by Municipal Council:

Signature: _____ Date: _____

LEAVE POLICY

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LEAVE POLICY

1. PREAMBLE

The Municipality abides by legislation and collective agreements to grant leave to all employees and subject to the requirements of each type of leave.

2. DEFINITIONS

All terminology used in this policy shall bear the same meaning as in the applicable legislation.

3. LEGAL FRAMEWORK

- Municipal Systems Act 32 of 2000
- Municipal Structures Act 117 of 1998
- Municipal Finance Management Act 56 of 2003
- Basic Conditions of Employment Act 75 of 1997
- Labour Relations Act 66 of 1995
- Elias Motsoaledi Local Municipality - Delegations of Authority
- South African Local Government Bargaining Council (SALGBC) Collective Agreements
- Compensation for Occupational Injuries and Diseases Act 130 of 1993

4. SCOPE AND APPLICATION

The policy is applicable to all employees of the Municipality.

5. OBJECTIVES OF POLICY

The objective of this policy is to guide all employees on requirements for application for various types of leave available to them, and the management thereof.

6. POLICY CONTENT

6.1. Annual Leave

6.1.1. Calculation of Annual Leave

- The Municipality shall grant an employee the following annual leave in a leave cycle:
 - Twenty-four (24) days for a five (5) day worker
 - Twenty-seven (27) days for a six (6) day worker

- An employee is required to take leave within each leave cycle as follows:
 - A five (5) day worker shall take a minimum of sixteen (16) days leave
 - A six (6) day worker shall take a minimum of nineteen (19) days leave
- All leave accrued as at 31 December 2003 shall be dealt with as follows:
 - The value of such leave shall be determined at the rate of pay as at 31 December 2003
 - Employees shall either take or encash such leave within a period of two (2) years calculated from 01 January 2004
 - Notwithstanding the above period, an employee is entitled to retain a maximum of forty-eight (48) days of accrued leave
- Leave accumulated subsequent to 01 January 2004 shall only be accumulated to a maximum of forty-eight (48) days inclusive of those days from accrued leave
- Any leave in excess of forty-eight (48) days may be encashed should the employee be unable to take such leave, despite applying and because the Municipality refused to grant him / her such leave, as a result of the Municipality's operational requirements. If, despite being afforded an opportunity to take leave an employee fails, refuses or neglects to take the remaining leave due to him / her during this period, such remaining leave shall fall away
- At the end of a leave cycle, an employee may not have more than forty-eight (48) days annual leave to his / her credit
- In the event of the termination of service, an employee shall be paid his / her leave entitlement calculated in terms of the relevant provisions of the BCEA, provided that the Municipality shall not be obliged to encash more than fortyeight (48) days annual leave upon the termination of that employee's contract of employment

6.1.2. Application for leave

- Application for leave must be made on the prescribed form and approved by the Head of Department on the recommendation of the applicant's supervisor / manager, before the employee may go on leave.
- Annual leave shall be recorded in the annual leave register and may not be taken in advance.
- All leave of absence due, granted and taken shall be recorded in a leave register under the control of the Human Resources Manager and an employee's leave record shall be available for inspection by him / her at all reasonable times during office hours.

- Application must be made in advance equal to the period of Annual Leave to be taken.
- Subject to consultation with the employee, the Municipality may change or withdraw annual leave already granted.
- If an employee becomes ill during annual leave, paid sick leave shall be granted in lieu of annual leave in accordance with the normal sick leave policy on submission of satisfactory proof.
- Annual leave can be taken at any time during the year, provided approval is given by management.

6.1.3. Unpaid Leave

The Municipality shall grant an employee unpaid leave to a maximum equivalent to the annual leave allocation subject to the following conditions:

- Application must be made in advance equal to the period of leave without salary to be taken.
- Subject to consultation with the employee, the Municipality may change unpaid leave already granted.

6.2. Sick Leave

- The Municipality shall grant an employee eighty (80) days sick leave in a three (3) year leave cycle
- Sick leave shall accrue to an employee on the first day of a cycle, provided that sick leave on full pay shall not be granted to an employee in respect of absence during the first twenty (20) working days' service, unless the Municipality determines otherwise after consideration of the case
- The employee shall be required to submit a medical certificate from a registered medical practitioner if more than two (2) consecutive days are taken as sick leave
- The Municipality is not required to pay the employee if an employee is absent on more than two (2) occasions during an eight- (8) week period, and on request by the Municipality, does not produce a medical certificate stating that the employee was unable to work for the duration of the employee's absence on account of sickness or injury

6.2.1. Additional sick leave

- An employee is entitled to a further eighty (80) working days on half pay per sick leave cycle of three (3) years commencing on the date of appointment
- If during a cycle not more than twenty (20) working days' sick leave are granted to an employee, there shall be thirty-three and one-thirds per cent (33 $\frac{1}{3}$ %) added at the end of the cycle of the unused sick leave up to a maximum of thirty (30) working days on full pay and a further thirty (30) working days on half pay to the sick leave to which the employee is entitled during the ensuing

cycle, provided that in respect of any sick leave cycle no employee shall become entitled to more than one hundred and six (106) working days sick leave on full pay and a further one hundred and six (106) working days sick leave on half pay

- If the maximum period of sick leave to which an employee is entitled has been granted to him / her and, owing to reasons of health, he / she is not able to resume duty, the Municipality may
 - On submission of a satisfactory certificate from a registered medical practitioner or dentist, or a traditional healer registered with a recognised professional council in terms of legislation, and
 - If it is satisfied that the employee is at that moment not permanently incapacitated to resume his / her normal duties, and
 - If the employee has no vacation leave to his / her credit, grant to such employee further sick leave on half pay for not more than sixty-six (66) working days in any cycle. Such grant may be made in respect of separate periods of absence and in respect of indispositions of different kinds.
- On written application by an employee, who has exhausted his / her full paid sick leave, vacation leave which he / she has to his / her credit may be granted to him / her instead of sick leave on half pay or no pay.
- If vacation leave is converted to sick leave it can be utilised to supplement half paid sick leave
- If vacation leave as contemplated above has been granted to an employee and he / she has received payment in respect thereof, it may not subsequently be converted into sick leave
- If an employee to whom vacation leave has been granted is certified hospital or bed bound by a registered medical or dental practitioner or a traditional healer registered with a recognised professional council in terms of legislation due to illness after his / her vacation leave has commenced, that part of his / her vacation leave shall be converted into sick leave on submission of the prescribed certificate by such medical or dental or a traditional healer
- If due to illness, an employee is unable to take vacation leave already deducted, he / she shall be credited with an equal number of vacation leave days
- An employee may not during any period of sick leave approved in terms of these conditions resume service without the approval of a registered medical practitioner
- An employee who is absent from service because of illness must take full reasonable steps to notify the Municipality, Head of Department or supervisor as soon as possible
- An employee may not during any period of additional sick leave, leave his / her normal place of residence except for medical consultations or treatment, or

with the knowledge of the Municipal Manager or his / her nominee after consultation with the Head of Department or supervisor

6.2.2. Sick leave without pay

An employee to whom the maximum period of full and half pay sick leave has been granted, may be granted sick leave without pay for not more than two hundred and fifty (250) working days in any cycle if the Municipality is satisfied that such an employee is not permanently incapacitated to resume his / her duties, provided where sick leave without pay exceeds forty (40) consecutive days, the employee must be examined by a registered medical practitioner appointed by the Municipality. The cost of such examination shall be borne by the Municipality.

6.2.3. Granting sick leave

- Sick leave shall be granted only in connection with an employee's absence from duty owing to illness, indisposition or injury
- In the case of nervous disorders, insomnia, debility or a similar less welldefined illness or indisposition, sick leave shall be granted only if the Municipality is reasonably satisfied that the employee's state of health
 - Renders him / her unfit for work, and
 - Does not arise from his / her failure to make use of vacation leave
- The Municipality may at any time require an employee to submit himself / herself to an examination by a registered medical practitioner or dentist appointed by the Municipality and the cost of such examination shall be borne by the Municipality
- If an employee is absent from duty owing to illness for a continuous period of more than two (2) working days, sick leave may be granted to him / her only if he / she submits a certificate of indisposition issued by a registered medical practitioner or dentist or a traditional healer
- The Municipality may require a medical certificate to be submitted after any day's absence, subject to the provisions of the BCEA
- Sick leave on full pay and / or half pay in respect of which medical certificate has not been submitted, may be granted for maximum of twelve (12) working days during any calendar year of service and in respect of any further such absence, vacation leave and / or leave without pay shall be granted
- The Municipality may, on the recommendation of a registered medical practitioner or dentist or a traditional healer, compel an employee who, in the Municipality's opinion, is so indisposed that he / she cannot perform his / her duties properly, to take sick leave

6.2.4. Special sick leave for injury on duty cases and occupational diseases

- An employee who is absent from work owing to injury arising out of his / her duties and occurring in the course thereof or owing to an illness contracted in

the course of and as a result of his / her duties shall be granted special sick leave on full pay for the period during which he / she is unfit to perform his / her duties.

- If the case falls within the ambit of the Compensation for Occupational Injuries and Diseases Act (COIDA), the amount payable to him / her in terms of the Act by means of periodic payments of his / her monthly earnings, shall be paid over to the Municipality, provided that the Municipality has already advanced the amounts to the employee
- Special sick leave may only be granted if the Municipality was notified of an accident or disease as required in terms of Section 38 and 68, respectively, of COIDA and that a satisfactory medical certificate from a registered practitioner is submitted to the Municipality

6.3. Maternity Leave

- An employee, including an employee adopting a child under three (3) months, shall be entitled to receive three (3) months paid maternity leave, with no limit to the number of confinements or adoptions. This leave provision shall also apply to an employee whose child is still-born.
- To qualify for paid maternity leave, an employee must have one (1) year of service with the Municipality
- The application for maternity leave must be accompanied by a certificate from the doctor, which states the expected date of confinement or evidence of legal adoption of a child.

6.4. Family responsibility leave

- Family responsibility leave applies to an employee who has been in the employment of the Municipality for longer than four (4) months
- The Municipality shall grant an employee during each annual leave cycle at the request of an employee, a total of five (5) days paid leave, which the employee is entitled to take, either when:
 - The employee's child is born
 - The employee's child is sick
 - The employee's spouse or life partner is sick
 - In the event of death of the employee's spouse or life partner, the employee's parent, adoptive parent, grandparent, child, adopted child, grandchild or sibling

6.5. Special leave for study purposes

6.5.1. Leave for examination purposes

- Special leave may be granted to an employee for the working day on which he / she sits for an examination

- The examination should be prescribed by an educational institution in order to qualify for a formal qualification
- Special leave equal to the number of papers / examinations for which an employee sits for an examination may be granted to enable him / her to prepare for the examination.
- The examination roster must be included with the submission of the study leave application
- Results of the examination must be submitted to the Municipal Manager as soon as the results are available, but not later than 3 months after the examination was written
- In cases where the examinations were not written, the examination and study leave will revert to annual leave unless a medical certificate is provided, in which case sick leave may be granted.

6.5.2. Additional leave for Post Graduate Studies

Special Leave for a thesis will be granted with full pay to a maximum of five (5) working days leave per qualification.

6.5.3. Attending of classes during working hours

- An employee who studies part time or by means of correspondence in a field applicable to the Municipality and who, as a result of his / her studies is required to be absent from work will be granted vacation leave and special leave on a 50:50 basis for the time he / she is released from duty, subject to the requirement of the service.
- If he / she do not have leave to his / her credit, unpaid vacation leave will be granted.

6.6. Special leave for Ad Hoc instances

Special leave with full pay may be granted to an employee when the employee

- After the Municipality has given permission that the employee may become a member of the reserve police force, performs police duties in terms of the South African Police Act 68 of 1995
- Partake in a recognised sport activity at provincial and higher level, in which case the special leave with full pay will not exceed three (3) working days per event and these three (3) working days may include travelling time.
- Has been arrested or is to appear in court on a criminal charge and is later acquitted or the charge is withdrawn
- Gives evidence in a court case after a summons has been served on the employee

6.7. Adoption leave

- When a child from birth to six (6) years is adopted, adoption leave will be granted to an adopting employee. An employee is entitled to take three (3) months paid adoption leave after the legal adoption procedure
- When a child of six (6) years and older is adopted, adoption leave will be granted to an adopting employee. An employee is entitled to take three (3) months paid adoption leave after the legal adoption procedure
- In both the events above the child's birth certificate and adoption order must be submitted to the Municipality
- Where a couple is in the employment of the Municipality, only one employee will be entitled to adoption leave

6.8. Additional Leave Conditions

- No employee shall take leave whilst serving a notice period following the tendering of a resignation. Any such leave of absence shall be recovered as leave without pay from portion of pay due to the employee as a result of termination of service.
- The Municipal Manager and Departmental Heads shall use their discretion to ensure that the Municipality remains capable of functioning or operating during any mass leave periods, by ensuring an equitable granting of leave during the most-preferred periods of the year, namely around Christmas and Easter Holidays.
- In all cases, and especially in the most critical functional areas of the Municipality, application of leave by an employee and the granting of leave by any manager shall at all times be made against the necessary arrangements made to ensure continuity of the work during leave.

7. IMPLEMENTATION AND MONITORING

This policy will be implemented and effective once recommended by the Local Labour Forum and approved by Council.

8. COMMUNICATION

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

9. POLICY REVIEW

This policy will be reviewed annually and revised as necessary.

10. BUDGET AND RESOURCES

The financial and resource implications related to the implementation of this policy should be qualified and quantified by Human Resource Management.

11. ROLES AND RESPONSIBILITIES

The Municipal Manager or his / her delegated 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 shall be incorporated into the policy.

14. AUTHORITY

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Recommended by Portfolio Committee on Corporate Support Services: Signature: _____

_____ Date: _____

Approved by Municipal Council: Signature: _____ Date: _____

SKILLS DEVELOPMENT

PART E:

TRAINING AND DEVELOPMENT POLICY

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TRAINING AND DEVELOPMENT POLICY

1. PREAMBLE

A well-defined training and development policy aligned to the Municipality's goals affords opportunities for the Municipality to benefit from better co-ordination and alignment of development initiatives. The Municipality commits to provide training and development to all employees on non-discriminatory and an equal opportunity basis.

2. DEFINITIONS

All terminology used in this policy shall bear the same meaning as in the applicable legislation.

3. LEGAL FRAMEWORK

- Municipal Systems Act 32 of 2000
- Municipal Structures Act 117 of 1998
- Municipal Finance Management Act 56 of 2003
- Basic Conditions of Employment Act 75 of 1997
- Labour Relations Act 66 of 1995
- Elias Motsoaledi Local Municipality - Delegations of Authority
- South African Local Government Bargaining Council (SALGBC) Collective Agreements
- Skills Development Act, No. 97 of 1998
- Skills Development Levies Act, No. 9 of 1999
- South African Qualifications Authority Act, 1995
- Employment Equity Act, No. 55 of 1998
- National Skills Development Strategy
- National Qualifications Framework

4. SCOPE AND APPLICATION

This policy applies to:

- All employees of the Municipality
- Learners in cases of learnership programmes for students who are not employees; and
- Interns, where applicable

5. OBJECTIVES OF POLICY

The objective of this policy is to ensure that education, training and skills development occur in a coherent and structured manner. Furthermore, this policy provides clear alignment of the strategic plan, National Skills Development Strategy, and other internal Human Resource policies. The goals of the policy are to:

- Facilitate access to appropriate training;
- Support personal development plans and career development;
- Support the Municipality's succession planning;
- Accelerate the redress of past unfair discrimination in training and development opportunities;

- Contribute to the full personal development of each employee and social and economic development of the nation at large;
- Promote and facilitate participation of employees in learnership and skills programmes in order to improve their qualifications

6. POLICY CONTENT

6.1. Needs analysis

Training and development programmes shall be based on a detailed needs assessment of the Municipality and its employees. These programmes shall be designed to ensure the best fit between the needs of the Municipality and that of the employee. The purpose of the analysis is to identify and describe the skills “gap” between current and optimal individual and / or Municipality’s performance. This analysis will help to draft training or learning objectives in the design of training interventions. Assessment of individual training needs should be done on quarterly basis as part of individual performance review and gap analysis report.

6.2. Skills matrix

The Municipality shall compile and keep up to date skills matrices for its employees. A skills matrix should have the relevant job profiles matched with competencies and the Municipality’s standards / qualifications. The development of competency profiles for various jobs should be done through a consultative process between managers, supervisors, employees and Human Resource Management. Job profiles detail the necessary competencies, standards and qualifications that will enable the Municipality to meet its current and future operational requirements. The matrices shall be clearly linked to the Municipality’s Human Resources Management and Development Strategy.

6.3. Skills audit

The Municipality shall assess its current skills level and compare the available skills and competencies to what is required presently and in the future. Such skills audit will be conducted for all employees against the compiled skills matrices. This audit will determine if there are skills gaps and give direction on training needs and document levels of competencies and skills within the Departments. Skills audit results shall be recorded in a knowledge management database.

6.4. Workplace Skills Plan and Annual Training Report

The Municipality shall compile an annual Workplace Skills Plan (WSP) and an Annual Training Report (ATR), and submit them to the Local Government Sector Education and Training Authority (LGSETA). The WSP shall reflect the implementation requirements and outcomes of the skills development objectives of the Human Resources Management and Development Strategy of the Municipality.

The following shall be taken into account when compiling the annual WSP:

- Determine priorities in relation to skills development;
- Prioritise individual development plans against the WSP;

- Conform to the LGSETA content and deadline requirements;
- Incorporate targets contained in the Employment Equity Plan;
- Incorporate the development requirements of the objectives and outcomes contained in the performance agreements and plans as per the performance management system.

6.5. Training and development budget

Statutory provisions on skills development, the performance management agreements and plans, the WSP, and the Employment Equity Plan, shall be guiding documents for the determination of and allocation of the training and development budget. The Municipal Manager, in consultation with the CFO, shall ensure that there is training and development budget available for employees. Such budget shall, at a minimum, not be less than 1% of the total salary bill / cost of Municipality.

6.6. Accreditation and quality assurance

Training and development shall be geared towards the achievement of consistent and standardised quality outcomes through multiple service providers. Importance shall be placed on quality assurance and the accreditation of training providers and their products. Systems of quality assurance shall be in place to ensure:

- That all training providers, whether internal or external are assessed according to the same criteria;
- That existing providers are not granted any special privileges;
- That the mechanisms of assessment are not so cumbersome and complicated that it discourages new or small providers from serving the Municipality.

6.7. Training and development interventions

6.7.1. On the job training

The Municipality shall ensure that all managers carry the responsibility of skills transfer. On-the-Job training programmes shall be structured with the help of Human Resource Management to ensure that training is successful.

6.7.2. Job rotation

The Municipality shall make sure that employees are rotated from time to time. The rotation shall be between different jobs within an employee's Department, at a minimum, and across the Municipality.

6.7.3. Mentoring and coaching

The Municipality shall ensure that formal mentoring and coaching programmes exist for the effective transfer of knowledge. Mentors shall act as counsellors, providing advice on career paths, development opportunities, and an overview of what it takes to become high level employees in the Municipality. Mentors shall have broader

experience in the Municipality and the ability to place protégés into assignments that will help with the protégés' development.

Coaches require knowledge and understanding of process as well as variety of styles, skills and techniques that are appropriate to the context in which the coaching takes place. The coach shall be more a tutor, observing work and actions, providing comments on execution, and teaching skills which may be lacking. It is critical in the coaching relationship for the coach to have opportunities to observe the work of the coached person and for the coached person to respect the coach and be open to feedback.

6.7.4. Adult basic education and training (ABET)

The Municipality shall subscribe to, or develop, an ABET programme to built on the basic numeric, literacy and life skills of employees.

6.7.5. External / Internal structured courses

The Municipality shall encourage and ensure that employees attend job related courses that are offered both within and outside the Municipality.

6.8. Education assistance programme

The Municipality will assist employees who want to pursue their studies at tertiary institutions in order to enhance their careers. The Municipality shall assist by providing financial assistance in the form of bursaries, as regulated through the **Internal Bursary Policy**. Employees who elect to study and obtain professional qualifications at own expense and on completion claim the tuition and / or professional accreditation fees from the Municipality are also accommodated in terms of the **Remuneration Policy**.

6.8.1. Full time study

The Municipal Manager may grant any financial or other assistance for full time study at either *local or international institutions*. Such assistance shall be granted on condition that-

- ✓ There is no other economical means through which the study can be undertaken;
- ✓ The intended field of study is of strategic importance to the Municipality;
- ✓ There is a clear link between successful completion of study, improved job performance and future career mobility.

6.8.2. Part Time Study

Assistance for part time study shall only be considered for employees of the Municipality on condition that such studies falls within the scope of priorities defined by the Municipality, and where the link between successful completion of study and improved job performance and future mobility is clear.

6.9. Succession planning

The Municipality will focus on the selection, development and promotion of future managers in order to ensure the availability and continuity of competent leaders that can meet the Municipality's challenges. The pool of talent could also serve as automatic shortlist in the event the Municipality has to shortlist candidates that applied for positions. This is driven through the **Succession Planning Policy**.

6.10. Individual development plans

Individual development plans for all employees shall be drawn up to ensure a needsbased approach to training and development. These should be designed to identify the needs of staff and measures to achieve them within the context of the employee's overall career progression, as well as within the context of the organisational objectives and priorities of the Municipality. The development of individual development plans should be driven by the **Performance Management System Policy** through the process of compiling performance contracts or plans within the performance management system.

All individual development plans should add up to become the Municipality's Workplace Skills Plan for that financial year.

6.11. Career development and talent retention

The Municipality shall utilise career development plans to attract talent and retain high performing employees and to improve employees' satisfaction with opportunities for career growth. Career management is the process that integrates and support ongoing activities, thereby maximising the value of on-the-job experiences with training and development opportunities.

6.12. Equity and empowerment

Training and development shall be linked to broader plans and programmes for promoting workplace equity, and shall be targeted in particular at the empowerment of historically disadvantaged employees, as driven through the **Employment Equity Policy**.

7. IMPLEMENTATION AND MONITORING

This policy will be implemented and effective once recommended by the Local Labour Forum and approved by the Municipality Council.

8. COMMUNICATION

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

9. POLICY REVIEW

This policy will be reviewed annually and revised as necessary.

10. BUDGET AND RESOURCES

The financial and resource implications related to the implementation of this policy should be qualified and quantified by Human Resource Management.

11. ROLES AND RESPONSIBILITIES

- The **Municipal Manager** or his / her delegated assignee accepts overall responsibility for the implementation and monitoring of the policy.
- **Every employee** must take responsibility for their own career development to ensure that the resources spend on developing them are used effectively to enhance the objectives of the Municipality and improve their performance
- **Departmental Heads** are responsible for the training and development of employees by identifying development gaps and formulating appropriate strategies to close the gaps, within the overall strategic objectives of the Municipality
- **Human Resource Management** shall provide expert advice and support to ensure the successful implementation and provision of skills development programmes. HRM shall prepare a WSP that include both developmental and technical skill priorities drawn from service delivery targets. The WSP shall be implemented, monitored and evaluated. HRM shall appoint or assign one (1) or more **Skills Development Facilitators (SDFs)** for this purpose.
- A **Training and Development Committee** shall be established and constituted on the discretion of the Municipal Manager, on the recommendation of the Manager Human Resources, to:
 - Assist with the development of the WSP and ATR;
 - Communication of training and development programmes
 - Liaison with the CFO for training budget allocations
 - Report on progress regarding the implementation of the WSP;
 - Meet on regular basis to discuss and report ongoing skills planning issues;

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 shall be incorporated into the policy.

14. AUTHORITY

Formulated by HR Management:

Signature: _____ Date: _____

Consulted with Local Labour Forum:

Management Representative:

Signature: _____ Date: _____

Union Representative:

Signature: _____ Date: _____

Union Representative: _____ Signature: _____ Date: _____
 Recommended by Portfolio Committee on Corporate Support Services: _____ Signature: _____
 _____ Date: _____
 Approved by Municipal Council: _____ Signature: _____ Date: _____

SUCCESSION PLANNING POLICY

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SUCCESSION PLANNING POLICY

1. PREAMBLE

The Municipality view succession planning as a means to ensure that there are highly qualified employees to take up future key posts. Succession planning assists the Municipality in capacity planning for future human resources needs. It establishes a process that recruits high potential employees, develops their skills and abilities, and prepares them for advancement, while retaining them to ensure a return on the training investment. It makes employees ready for new leadership roles as the need arises, and when someone leaves, an existing employee is ready to step up to the challenge. It involves-

- Identifying the employee's developmental needs;
- Determining the workforce trends and predictions; and
- Understanding the Municipality's long-term goals and human resource needs to deliver

2. DEFINITIONS

All terminology used in this policy shall bear the same meaning as in the applicable legislation.

3. LEGAL FRAMEWORK

- Municipal Systems Act 32 of 2000
- Municipal Structures Act 117 of 1998
- Municipal Finance Management Act 56 of 2003
- Basic Conditions of Employment Act 75 of 1997
- Labour Relations Act 66 of 1995
- Elias Motsoaledi Local Municipality - Delegations of Authority
- South African Local Government Bargaining Council (SALGBC) Collective Agreements
- Skills Development Act, No. 97 of 1998
- Skills Development Levies Act, No. 9 of 1999
- South African Qualifications Authority Act, 1995
- Employment Equity Act, No. 55 of 1998
- National Skills Development Strategy
- National Qualifications Framework

4. SCOPE AND APPLICATION

This policy applies to all employees of the Municipality.

5. OBJECTIVES OF POLICY

To provide framework the Municipality shall use to sustain high level of operation and manage the transition effectively should a key person leave its employment. The objectives are to-

- Develop the strategic, operational and technical leadership competencies

- Identify and fill talent gaps
- Identify and develop employees of high calibre
- Provide guidance for individual career paths.

The benefits of implementing succession management and development plans leads to-

- Greater stability and a sense of security
- A focus in the development of talent, which will increase the levels of morale amongst employees of the Municipality
- A facilitation of transformation process; and
- Providing challenging, growth orientated and rewarding career opportunities.

6. POLICY CONTENT

6.1. Identification of critical posts

The Municipal Manager shall identify critical positions needed to realise and meet the strategic objectives of the Municipality's primary mandate.

6.2. Skills audit

Human Resources Management shall conduct skills audit to determine the current and future skills needed to achieve the strategic goals of the Municipality.

6.3. Job analysis

- Job analysis shall be conducted on the identified posts to determine the current competencies that are critical to perform the job. The incumbents' strengths and weaknesses shall be matched against the competencies required for the posts in order to determine the successors' developmental areas.
- Departmental Heads shall then assess the current abilities (skills, performance, and readiness) of their employees against the expected successful undertaking of their current roles.
- The assessment shall also cover the employees' potential to develop abilities into new and higher demanding roles as their confidence levels grow.

6.4. Training and Development Committee

The Training and Development Committee shall be responsible for driving succession planning programmes. The committee's responsibilities will be amongst others-

- To match employees to suitable posts according to their competencies and readiness to do the job;
- To ensure that employees are equitably placed in posts also taking into account employees from designated groups, women and the disabled;

- Monitor the developmental progress of employees;
- Review and revise employee development plans;
- Ensure that developmental needs of employees are addressed;
- Establish criteria for each key post
- Identify mentors and ensure that they have sufficient knowledge and experience to enable them to oversee the employees' development;
- Assess the competency readiness of the employees and make recommendations

6.5. Potential employee search, screening and matching

Departmental Heads shall nominate employees who are to be considered for succession planning. The nomination process shall promote a diverse group of employees including representation of qualified women, Black people, and disabled employees. Criteria for selection shall include the following behaviour in employees:

- Have to show an interest to be nominated;
- Have to be able to work without supervision;
- Must show a commitment to deliver beyond what is required;
- Must display consistent high performance in their duties;
- Demonstrate potential to operate at a high level
- Consistently meet their performance contract targets; and
- Their performance appraisal ratings must be outstanding.

Nominations shall be submitted to the Training and Development Committee for approval.

6.6. Succession pool

- The Municipality shall form a succession pool of employees who demonstrate the desirable values, behaviour and competencies to be potential successors.
- Where a number of jobs are of similar type and need similar skills, the number of potential successors to the succession pool shall be increased.
- Two (2) employees shall be nominated for possible succession per post to cater for natural turnover.

6.7. Agreements

- The Municipality shall enter into formal agreements with employees who have been earmarked for succession planning to protect the interests of both the individual and the Municipality.
- The following shall be clearly outlined in the agreement;
 - ✓ Employees shall not be guaranteed appointments in posts that they are prepared for and shall have to compete for the posts when advertised;
 - ✓ The succession period for each successor shall range from six (6) to twelve (12) months. A successor who has failed to make an impression during the interviews shall not be guaranteed a stay in the programme

6.8. Communication strategy

The intention with this programme and the selection criteria shall be communicated to all staff members to clear any misunderstanding regarding the concept.

6.9. Training and development plan

A comprehensive development plan shall be developed for all employees identified for succession planning purposes, and shall ensure that they receive as much support as possible and not set them up for failure. The programme shall be paired with proper performance appraisal to identify areas that need intervention.

6.10. Developmental interventions

6.10.1. Mentoring and Coaching

- The mentor shall, as far as possible, be the incumbent of the post and if a need arises, such mentor shall be trained on mentoring and coaching.
- Consultants who are contracted to the Municipality shall also be obliged to act as mentors to nominated employees in order to transfer skills before their contract expires.
- Mentors shall work closely with potential succession employees and offer them support and guidance to enable them to acquire new knowledge, skills, and higher standards of competence.

6.10.2. Career Management

- Employees shall have properly designed career paths to ensure that they gain most appropriate experience for their future roles. Individual employees shall be primarily responsible for seeking opportunities for development and promotion in line with their career aspirations.
- Departmental Heads have a responsibility to support staff to take advantage of development opportunities.

6.10.3. Formal Accredited Training

To maintain a culture of learning and prepare employees for higher posts, the Municipality may grant bursaries to succession employees who want to pursue their studies at tertiary institutions.

7. IMPLEMENTATION AND MONITORING

This policy will be implemented and effective once recommended by the Local Labour Forum and approved by Council.

8. COMMUNICATION

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

9. POLICY REVIEW

This policy will be reviewed annually and revised as necessary.

10. BUDGET AND RESOURCES

The financial and resource implications related to the implementation of this policy should be qualified and quantified by Human Resource Management.

11. ROLES AND RESPONSIBILITIES

The Municipal Manager or his / her delegated 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 shall be incorporated into the policy.

14. AUTHORITY

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Union Representative: Signature: _____ Date: _____

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Recommended by Portfolio Committee on Corporate Support Services: Signature: _____

_____ Date: _____

Approved by Municipal Council: Signature: _____ Date: _____

INTERNSHIP POLICY

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INTERNSHIP POLICY

1. PREAMBLE

The internship is a multi-pronged programme aimed at ensuring acquisition of work experience while at the same time accelerating service delivery in the Municipality. This programme is

established within the framework of the National Human Resource Development Strategy and will compliment other initiatives like the learnerships, and volunteering.

2. DEFINITIONS

All terminology used in this policy shall bear the same meaning as in the applicable legislation.

3. LEGAL FRAMEWORK

- Municipal Systems Act 32 of 2000
- Municipal Structures Act 117 of 1998
- Municipal Finance Management Act 56 of 2003
- Labour Relations Act 66 of 1995
- Elias Motsoaledi Local Municipality - Delegations of Authority
- South African Local Government Bargaining Council (SALGBC) Collective Agreements
- Skills Development Act, No. 97 of 1998
- South African Qualifications Authority Act, 1995
- Employment Equity Act, No. 55 of 1998
- National Skills Development Strategy
- National Qualifications Framework

4. SCOPE AND APPLICATION

This policy shall apply to all interns of the Municipality

5. OBJECTIVES OF POLICY

The objectives of the policy are to set out a standard framework for:

- Providing interns or graduates with practical work experience in their relevant fields of study and understanding of the needs of the Municipality.
- Creating awareness of opportunities in the Municipality amongst unemployed youth.
- Addressing shortage of skilled and professional candidate positions in the Municipality.

6. POLICY CONTENT

6.1. Recruitment of interns

The recruitment of interns shall be linked to the annual HR Plan and the Employment Equity Plan. Graduates shall submit their application letters for acceptance to do internships in the Municipality, attaching their curriculum vitae, copies of qualifications, and copies of their identity documents

6.2. Selection process

- Selection shall be done through a committee set up by Human Resource Management, and co-opting relevant managers where interns are needed. Where appropriate, and as determined in the Local Labour Forum, representatives from the employee unions may also be co-opted into the committee
- Priority shall be given to those graduates who are from disadvantaged groups

- The number of graduates selected for internships shall be determined by the Municipal Manager on an annual basis
- Relevant study area and good study record shall be among the selection criteria

6.3. Interviews and outcome

- Structured interviews shall be used. Managers in whose departments interns would be placed shall be given more decision making powers in settling on preferred interns.
- The Municipality, through Human Resource Management, shall respond and inform graduates about the outcome of their applications within fourteen (14) working days after selection and interviews.

6.4. Placement

- Human Resource Management shall be responsible for co-ordinating the placing of interns within the different departments.
- Interns shall be placed according to the relevant qualifications or field of studies relevant to the Municipality.
- Departmental Heads shall ensure that whenever interns are placed, they are not involved in handling sensitive and / or confidential information such as handling departmental funds, investigating labour relations cases, or fraud and corruption cases.
- Emphasis shall be placed on filling gaps or scarce skills that exist in the Municipality
- Transfer of interns across different functional areas shall be avoided to ensure continuity and adherence to the internship contract. In cases where there is a critical need to do transfers, Human Resources Management shall be informed of such changes.
- The working environment shall be made conducive for learning and development, i.e. an intern shall be engaged in both simple and complex projects.

6.5. Induction of interns

Induction of interns is the responsibility of line managers and supervisors within relevant departments.

6.6. Duration / term of internship

- The duration of an internship programme shall be limited to the maximum of six (6) months.
- All interns shall be required to sign and enter into a performance contract with the respective managers, which outlines in detail functions to be performed.

6.7. Managing internship programme

Internship programme shall be shaped and managed to reflect the particular work organisation within the Municipality. The responsibility for the interns is the function of relevant managers / supervisors / mentors, and Human Resource Management.

6.7.1. Human Resource Management

- Facilitate and co-ordinate internship programmes across the Municipality
- Develop contracts between the Municipality and the interns
- Provide orientation programmes for interns
- Put in place monitoring, assessment and evaluation methods for the internship programmes
- Align internship programmes with training and development plans
- Gather data regularly on intake of interns, their needs, priorities and perceptions about internship programmes in the Municipality in order to evaluate its effectiveness and to recommend improvements
- Compile written report to the Municipal Manager on progress and challenges of the internship programmes

6.7.2. Mentors / managers / supervisors

- Enter into performance agreement with the intern.
- Oversee the training and mentoring of the intern.
- Mentor and provide a supportive environment around the intern by playing a facilitative and mediating role to ensure the intern's development.
- Conduct ongoing monitoring and assessment of the intern and submit performance reports.

6.7.3. Intern / Student

- Forge conceptual links between theoretical knowledge, acquired at the tertiary institution, and practical work.
- Give feedback between theory and practice in order to reinforce the alignment of the two.
- Supply the mentor with the feedback on the effectiveness of the internship programme and mentoring arrangements.
- Enter into performance agreement with the mentor.
- Abide by the rules, regulations and protocols of the Municipality.
- Demonstrate pro-activeness towards self-development.

- Participate in the general activities of the department within which internship activities take place.

6.8. Financing and compensation

6.8.1. Financing

Financing for internship programmes shall come from the training and development budget.

6.8.2. Remuneration / compensation

Human Resource Management shall recommend to the Municipal Manager the remuneration levels of interns, corresponding with levels and types of qualifications, and subject to the availability of funds, on an annual basis. The Municipal Manager shall seek endorsement of his / her decision from the Municipal Council. All statutory obligations that go with remuneration shall be applied to interns' remuneration.

6.9. Performance evaluation and progress monitoring

- Monthly progress reviews shall be conducted for all internship candidates by mentors and be submitted to Human Resource Management.
- Assessment and evaluation shall be based on performance in practical work assignments.
- Assignments to assess competencies shall be carefully planned and selected so that they can demonstrate the competencies learnt.
- Feedback between a mentor and intern shall be ongoing.
- Upon completion of internship, individual candidates shall be given a report outlining their performance.

7. IMPLEMENTATION AND MONITORING

This policy will be implemented and effective once recommended by the Local Labour Forum and approved by the Municipality Council.

8. COMMUNICATION

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

9. POLICY REVIEW

This policy will be reviewed annually and revised as necessary.

10. BUDGET AND RESOURCES

The financial and resource implications related to the implementation of this policy should be qualified and quantified by Human Resource Management.

11. ROLES AND RESPONSIBILITIES

The Municipal Manager or his / her delegated 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 shall be incorporated into the policy.

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INTERNAL BURSARY POLICY

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INTERNAL BURSARY POLICY

1. PREAMBLE

The Municipality strives to secure adequately qualified personnel for its services by providing financial assistance to employees to enable them to qualify themselves educationally and to enhance their levels of competence to perform the duties assigned to them.

2. DEFINITIONS

All terminology used in this policy shall bear the same meaning as in the applicable legislation.

3. LEGAL FRAMEWORK

- Municipal Systems Act 32 of 2000
- Municipal Structures Act 117 of 1998
- Municipal Finance Management Act 56 of 2003
- Labour Relations Act 66 of 1995
- Elias Motsoaledi Local Municipality - Delegations of Authority
- South African Local Government Bargaining Council (SALGBC) Collective Agreements
- Skills Development Act, No. 97 of 1998
- South African Qualifications Authority Act, 1995
- Employment Equity Act, No. 55 of 1998
- National Skills Development Strategy
- National Qualifications Framework
- Skills Development Levies Act, No. 9 of 1999

4. SCOPE AND APPLICATION

This policy applies to all employees of the Municipality. The bursary scheme does not apply to full time study or overseas study leave.

5. OBJECTIVES OF POLICY

- To encourage career development of employees through further education.
- To encourage self-development activities that also benefit the Municipality
- To provide financial assistance to employees who wish to improve their qualifications.

6. POLICY CONTENT

6.1 Administration of the Scheme

The Manager Human Resources shall be responsible for the administration and implementation of the Scheme and he / she, or his / her delegated assignee shall have the power to conclude contracts in terms of the Scheme.

6.2 Financial Assistance

Financial assistance shall be given to an employee in respect of expenses to be incurred to enable him / her to obtain qualifications approved by the Municipal Manager or his / her delegated assignee. Financial assistance, which shall include registration, tuition and examination fees, shall be paid directly to the relevant educational institution upon receipt of proof of registration for the qualification, and the relevant proforma invoices. Where a qualification is obtainable through an accredited institution the amount of financial assistance in respect of tuition fees shall be limited to the scale of fees charged by such accredited institution.

6.3 Contractual Obligations

- Should an employee at any time suspend or abandon his / her studies for the approved qualification, be refused permission by the educational institution or examining authority to continue his / her studies, or not pass any qualifying course of study during two (2) consecutive years, he / she shall be obliged, from a date fixed by the Municipal Manager or his / her delegated assignee to repay the Municipality the full amount of the financial assistance given to him / her, inclusive of study leave, in terms of the Scheme plus interest thereon, calculated at prime interest rate plus 1%. Where an employee has been granted leave on full pay he / she may, at his / her option, be permitted to have his / her accumulated annual leave reduced by an equivalent number of days taken as study leave provided that such action is not in conflict with the Leave Policy.
- In the event of an employee retiring, resigning or being dismissed from the Municipality's service before having obtained the qualification in respect of which he / she was granted financial assistance in terms of the Scheme, he / she shall repay to the Municipality the total financial assistance paid by the Municipality plus interest thereon, calculated at prime interest rate plus 1%.
- The time frame within which an employee can complete a qualification ranges from three to more years. The employee shall be under an obligation to pay back all financial assistance over the period that he / she studied if the employee wants to resign, etc. An employee has to remain in the service of the Municipality for an equivalent of time proportional to the subjects done or year of study completed.
- For block release courses, an employee shall, whether or not he/she obtains the qualification concerned, serve the Municipality for two years in respect of each year in which study leave was given.
- Service obligation shall not be condoned on a pro rata basis. Therefore, unless the employee remains in the service of the Municipality until the expiry date of his / her

service obligation he / she shall remain liable for the full settlement of the financial assistance received in terms of the Scheme.

- The employee shall cede to the Municipality his / her rights, title and interest in and to all amounts due to the employee by the Municipality & the Pension Fund to which the employee contributed during his / her employment with the Municipality, both future and present, as security for the indebtedness of the employee to the Municipality arising out of the obligation created by this agreement.
- The cession referred to in the policy shall endure and be of force and effect until the liability of the employee to the Municipality has been paid by the employee to the Municipality or otherwise discharged.
- The certificate under hand of the Chief Financial Officer (CFO) certifying the amount due by the employee to the Municipality shall be prima facie proof of the amount due and payable by the employee to the Municipality.
- If an employee is unable to pay the Municipality the full amount owing to the Municipality in terms of the Scheme, the CFO shall, in consultation with the employee, make suitable alternative arrangements to facilitate full settlement of the amount owing to the Municipality, provided that such arrangement shall not extend beyond one year from the date on which the employee originally became liable for the full settlement of his / her debt in terms of the Scheme.

6.4 Study Leave

An employee who is a part-time or distance learning student and who is studying for an approved qualification, shall be granted examination and study leave in terms of the Leave Policy.

7. IMPLEMENTATION AND MONITORING

This policy will be implemented and effective once recommended by the Local Labour Forum and approved by the Municipal Council.

8. COMMUNICATION

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

9. POLICY REVIEW

This policy will be reviewed annually and revised as necessary.

10. BUDGET AND RESOURCES

The financial and resource implications related to the implementation of this policy should be qualified and quantified by Human Resource Management.

11. ROLES AND RESPONSIBILITIES

The Municipal Manager or his / her delegated assignee shall have the authority to:

- Approve a qualification and its priority for inclusion in the Scheme, or delete those which are no longer appropriate.
- Determine, with help of the CFO, the amount of and conditions governing financial assistance in connection with approved qualifications as deemed necessary to give effect to the principles of the scheme and to safeguard the interests of the Municipality
- Approve the continuation, extension, variation or termination of facilities to individual students on conditions laid down in the Scheme.
- Determine institutions at which students may pursue approved qualification.
- In conjunction with the CFO determine method and terms under which money owing to the Municipality for financial assistance in terms of the scheme shall be repaid.
- Adopt whatever actions are deemed necessary to address any anomalous situation which is not specifically addressed by the Scheme.
- Continuously monitor the effectiveness of the Scheme and submit recommendations to the Municipal Council for any required amendments to the Scheme to match changing or anomalous circumstances.

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.

14. AUTHORITY

Formulated by HR Management: Signature: _____ Date: _____

Consulted with Local Labour Forum:

Management Representative: Signature: _____ Date: _____

Union Representative: Signature: _____ Date: _____

Union Representative: Signature: _____ Date: _____

Recommended by Portfolio Committee on Corporate Support Services: Signature: _____

_____ Date: _____

Approved by Municipal Council: Signature: _____ Date: _____

HUMAN RESOURCE MAINTENANCE

PART F:

PRIVATE WORK AND DECLARATION OF INTERESTS POLICY

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PRIVATE WORK AND DECLARATION OF INTERESTS POLICY

1. PREAMBLE

The Municipality is committed to managing the declaration of interest and applications for private work of Council members and employees to avoid and prevent conflicts of interests.

2. DEFINITIONS

“Private Work” For purposes of this policy framework, an employee performs private work when he / she, apart from his / her duties at the Municipality, works for remuneration at another place

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

3. LEGAL FRAMEWORK

- Municipal Systems Act 32 of 2000
- Municipal Structures Act 117 of 1998
- Municipal Finance Management Act 56 of 2003
- Labour Relations Act 66 of 1995
- Elias Motsoaledi Local Municipality - Delegations of Authority
- South African Local Government Bargaining Council (SALGBC) Collective Agreements

4. SCOPE AND APPLICATION

The policy shall apply to Council members and all employees of the Municipality.

5. OBJECTIVES OF POLICY

The objectives of this policy are to manage declaration of interests and applications for private work outside the Municipality on a continuous basis.

6. POLICY CONTENT

6.1 Private Work

No employee shall be granted permission to perform private work after hours that is in direct conflict with his / her profession and / or authority. For example:

- Electrician performing electrical work in his / her private capacity, and issuing a certificate of competence in his / her official capacity
- Building Control Officer drawing building plans after hours, and approving the same building plans in his / her official capacity, etc.

Any request to perform private work shall be stated in writing and accompanied by sound motivations, according to the following criteria:

- capacity of the employee;
- nature of the duties of the employee at the Municipality;
- nature and extent of the proposed remunerated work outside the Municipality, as well as the time (hours) estimated to be spent on it and the possible conflict thereof with normal duties within the employment contract.

The following conditions (where applicable) shall be taken into account when an application is considered and shall, if such application is approved, apply as conditions for approval:

- The proposed remunerated work may not interfere with the employee's normal duties and/or cause a conflict of interests of whatever nature to arise.
- The proposed remunerated work shall take place entirely outside the employee's prescribed hours of work.
- The proposed remunerated work may not be of such a nature that it is detrimental to the relationship between the Municipality and employee or causes the employee to violate the Code of Conduct.
- Municipal resources may under no circumstances be used in the performance of the envisaged remunerated work.
- Permission to perform the envisaged remunerated work is valid for a period of one (1) year only, provided that if the employee wishes to continue performing the outside work after the said one (1) year has passed, he / she shall renew the application to do so for the following one (1) year at least thirty (30) days prior to the expiry of the first year. The abovementioned procedure is repeated each and every following year for as long as the employee concerned wishes to continue with his / her outside work.

Disciplinary action will be taken against an employee:

- who performs remunerated work outside his / her duties at the Municipality without written permission; or
- who, after permission has been given to perform private work, in the opinion of the Municipality breaks or does not comply with any stipulation or condition as stated in this policy.

The Municipality retains the right at any time to withdraw permission given in terms of the stipulations of this policy to an employee, on condition that the reasons given are justified and reasonable. Permission may not be granted to an employee to perform remunerated work outside his / her duties at the Municipality after they have already started with the private work. Human Resource Management shall keep a register of employees who perform remunerated work outside their duty at the Municipality. The register shall contain the following information:

- name;
- employee number;

- rank;
- department;
- division / section;
- application for remunerated work approved / denied;
- period and hours for which permission was granted;
- name of the (outside) employer, type of work, nature of work and contact details; and
- starting date

6.2 Declaration of Interest/s

Should an employee have a business interest in any number of any form of business entity he / she shall declare such business interests as required by legislation. In addition, where a staff member who or whose spouse, partner or business associate or close family member acquired or stands to acquire any direct benefit from a contract concluded with the Municipality, he / she shall disclose in writing, full particulars of the benefit to the Municipality. Interests to be declared, which may give rise to a conflict of interest with the employee's relationship with the Municipality, include:

- shares and securities in any company;
- membership of any close corporation;
- interest in any trust;
- directorships;
- partnerships;
- consultancies and retainerships
- other financial interests in any business undertaking;
- other employment and remuneration;
- interest in property;
- pension; and
- subsidies, grants and sponsorships by any organisation

6.3 Application for and approval of private work or declaring a business interest

An application to do private work or have a business interest by the Municipal Manager shall be approved or refused by the Executive Committee of the Municipal Council. Applications to do private work or have a business interest by any other member of staff shall be approved by the Municipal Manager. Applications for private work and / or declaring a

business interest shall be submitted in writing on the prescribed forms (see *Annexures to this policy*) for consideration. A copy of the application with the decision of the competent authority shall be filed on the employee's personal record. Human Resource Management shall be the custodian of the administrative infrastructure and processes to safeguard the relevant documentation and files.

7. IMPLEMENTATION AND MONITORING

This policy will be implemented and effective once recommended by the Local Labour Forum and approved by Council.

8. COMMUNICATION

This policy will be communicated to all Council members and employees using the full range of communication methods available to the Municipality.

9. POLICY REVIEW

This policy will be reviewed annually and revised as necessary.

10. BUDGET AND RESOURCES

The financial and resource implications related to the implementation of this policy should be qualified and quantified by Human Resource Management.

11. ROLES AND RESPONSIBILITIES

The Municipal Manager or his/her delegated 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 shall be incorporated into the policy.

14. AUTHORITY

Formulated by HR Management: Signature: _____ Date: _____

Consulted with Local Labour Forum: Signature: _____ Date: _____

Management Representative: Signature: _____ Date: _____

Union Representative: Signature: _____ Date: _____

Union Representative: Signature: _____ Date: _____

Recommended by Portfolio Committee on Corporate Support Services: Signature: _____
_____ Date: _____

Approved by Municipal Council: Signature: _____ Date: _____

FORM FOR APPLICATION TO UNDERTAKE PRIVATE WORK

TO: Municipal Manager / EXCO

Full Name		Employee number	
Position		Contact number	
Division		Department	

1. I hereby wish to apply for permission to do private work, as set out below.

Nature and extent of work / activity:

2. I declare that I am acquainted with the provisions of the Municipal Systems Act 32 of 2000, as well as the Private Work and Declaration of Interests Policy and undertake to comply with requirements as set out in the said Act and Policy.
3. I indemnify the Council against any claim of whatever nature that may arise from doing private work or having other business interests.

Your favourable consideration of my application will be appreciated.

Signature of Applicant / Employee			Date		
RECOMMENDATION BY DEPARTMENTAL HEAD <i>(Mark appropriate box with an X)</i>					
Recommended		Not Recommended		Recommended with amendments	
Remarks <i>(state reason if Not Recommended, OR amendments if any)</i>					

Departmental Head's Signature:				Date:	
APPROVAL BY MUNICIPAL MANAGER / EXCO <i>(Mark appropriate box with an X)</i>					
Approved		Not Approved		Approved with amendments	

Remarks (provide motivation if not approved, or approved with amendments)	
<hr/> <hr/>	
Municipal Manager / Mayor's Signature:	Date:

DECLARATION OF INTEREST FORM

TO: Municipal Manager / EXCO

EMPLOYEE DETAILS		
Name		Employee number
Position		Contact number
Division		Department
SPOUSE'S / PARTNER'S DETAILS		
Surname		
Names		
Identity Number		
DECLARATION		
<i>(Please ensure that every question is answered by placing a tick on the "yes" or "no" box, even if the details have remained unchanged from previous financial interest form submissions. Attach also additional details if there is insufficient space to fill in an answer, with the appropriate referencing.)</i>		
1. FINANCIAL INTEREST		
	YES	NO
Do you or your partner own shares or securities in any company? <i>(this includes listed shares and other financial instruments on the Stock Exchange)</i> If yes, please provide details by completing "Schedule A"		
Are you a member of any close corporation? If yes, please provide details in "Schedule B"		
Do you have an interest in any trust? If yes, please provide details in "Schedule C"		
Are you a director/ member of any company or its Committee? <i>(This includes executive and non-executive directorship of companies, SOCs, NGOs, Section 21 companies, etc.)</i> If yes, please provide details in "Schedule D"		
Do you have financial interest in any partnerships? If yes, please provide details in "Schedule E"		
Do you have financial interest in any business undertaking? (e.g. trader, consultancy) If yes, please provide name in "Schedule F"		

Are you currently in paid employment over and above that of being a municipal employee? If yes, please provide details in “Schedule G”		
Are you receiving any financial interests from businesses other than what was defined in questions above? If yes, please provide details in “Schedule H”		
Do you have financial interest in any property? If yes, please provide details in “Schedule I”		
Are you receiving a pension of any kind? If yes, please provide details in “Schedule J”		
Are you the beneficiary of any subsidies, grants or sponsorships by any organisation? If yes, please provide details in “Schedule K”		
Are you or your partner a vendor of the municipality or deliver any services, goods, etc. to the municipality? If yes, please provide details in “Schedule L”		

2. REWARDS, GIFTS & FAVOURS

	YES	NO
Did you receive any gifts / benefits exceeding R350 or hospitality as a gift for the past financial year? If yes, please provide details in “Schedule M”		
Did you declare gifts exceeding R350? If yes, was authority obtained to enjoy the gift?		
Did you or your partner receive any rewards (financial and or other) from:		
Municipality		
Vendors		
Contractors		
Fellow Staff		
Did you or your partner receive any favours (financial and other) from:		
Municipality		
Vendors		
Contractors		
Fellow Staff		
Did you travel abroad during the last financial year? (<i>Foreign travel for which the employee / Councillor / Municipality did not pay</i>) If yes, please provide details in “Schedule N”		

3. OTHER

	YES	NO
Have you or your partner made use of Municipal assets -		
<ul style="list-style-type: none"> • without authority; and/or • while not performing municipal duties? 		
Is there any member of your family or relative employed by the Municipality? If yes, please provide details in “Schedule O”		

I declare that the information furnished in this declaration is to the best of my knowledge a true and correct reflection of my compliance to the Private Work and Declaration of Interests as at the date of my signature and I indemnify the Municipality against any claim of whatever nature that may arise from my having other business interests			
Signature of Applicant / Employee			Date
NOTING BY DEPARTMENTAL HEAD <i>(Mark appropriate box with an X)</i>			
Declaration noted		Declaration noted with remarks	
Remarks _____ _____			
Departmental Head's Signature:			Date:
NOTING BY MUNICIPAL MANAGER / EXCO <i>(Mark appropriate box with an X)</i>			
Declaration noted		Declaration noted with remarks	
Remarks _____			
Municipal Manager / Mayor's Signature:			Date:

				SCHEDULE A
Company(s) where shares/securities are kept	Nature of shares (e.g. ordinary, preference, etc)	Number of shares	Nominal value of shares	Total value of shares

				SCHEDULE B	
Name of Close Corporation	Reg. number	Details of ownership (i.e. sole member of 50% share etc.)	Remuneration received from membership (per annum)	Does the CC do business with the Municipality?	
				YES	NO

SCHEDULE C

Name of Trust	Nature of Interest

SCHEDULE D

Name of company/ institution/ organisation	Type of business activity	Reg. Number (Not applicable for non owners)	Details of ownership (% of shareholding) or membership	Remuneration received from directorship/ membership (per annum)	Does the Organisation do business with the Municipality?	
					YES	NO

SCHEDULE E

Name of partnership	Reg. Number	Details of ownership (% of partnership)	Remuneration received from partnership (per annum)	Does the partnership do business with the Municipality?	
				YES	NO

SCHEDULE F

Name of business undertaking	Type of business	Remuneration received from undertaking (per annum)	Does the undertaking do business with the Municipality?		Does the undertaking do business with Municipality Vendors?		Who is primary client?
			YES	NO	YES	NO	

--	--	--	--	--	--	--	--

					SCHEDULE G	
Name of business	Type of business activity	Designation	Remuneration received for such employment	Does the organisation do business with the Municipality?		
				YES	NO	

						SCHEDULE H	
Name of organisation	Type of business	Nature of benefit	Reason for benefit	Does the organisation do business with the Municipality?		Expected life span of benefit?	
				YES	NO		

					SCHEDULE I	
Type/description of property (i.e. residential, flat, vacant land, industrial, commercial, etc.)	Area / Location	Physical address or Erf Number	Nature of interest (owner, landlord, lessor, etc.)	Is Municipality making use of property?		
				YES	NO	
Other properties outside of South Africa (description)			Where is the property situated – Country			

		SCHEDULE J

Source of the pension (Pension Fund)	Value of the pension

SCHEDULE K

Source of subsidy(s), grant(s) or sponsorship(s)	Description of subsidy(s), grant(s) or sponsorship(s)	Is assistance from a nonparty source?		Value of subsidy(s), grant(s) or sponsorship(s) (per annum)
		YES	NO	

SCHEDULE L

Service Provider (Name of Organisation)	Description of service	Value of Service	Department in which Service was rendered

SCHEDULE M

Description of gift	Source of gift	Value of gift(s) per source per annum.

SCHEDULE N

Where	Reason	Sponsor (incl. Self)	Authority obtained (if paid by another person other than self)	
			YES	NO

Name of employee	Employee number	Designation (level)	Department	Years of Service

SEXUAL HARASSMENT POLICY

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SEXUAL HARASSMENT POLICY

1. PREAMBLE

The Municipality is committed to ensuring that employees are not subjected to any form of sexual harassment. Persistent, unsolicited and unwanted sexual advances or suggestions made by one employee to another, regardless of gender and / or sexual orientation shall not be tolerated. Violations of this policy shall lead to disciplinary action, whose sanctions shall include dismissal, and / or criminal charges.

2. DEFINITIONS

Sexual harassment is defined as unwanted conduct of a sexual nature. The unwanted nature of sexual harassment distinguishes it from behaviour that is welcome and with mutual consent.

All terminology not defined under clause 2 of this policy shall bear the same meaning as in the applicable legislation.

Sexual attention becomes sexual harassment if:

- The behaviour is persistent, although a single incident of harassment can also constitute sexual harassment depending on the gravity of the incident.
- The recipient has made it clear that the behaviour is considered offensive and the perpetrator had continued with such behaviour.

The perpetrator should have known that the behaviour is unacceptable.

Sexual harassment may include:

- ✓ Unwelcome remarks, jokes, innuendoes or taunts about a person's body, clothing or sex;
- ✓ Insulting gestures and practical jokes of a sexual nature which causes awkwardness or embarrassment;
- ✓ Displaying pornographic, pin-up pictures, graffiti or other offensive material;
- ✓ Leering (suggestive staring);
- ✓ Demands for sexual favours.

Sexual harassment has nothing to do with affection, flirtation, romance or relationships, when both parties consent freely thereto. Sexual harassment is about coercion related to power. Employment threats or benefits may be expressed or implied and they are usually conditional upon the receiver of the threat or benefits submitting to the advance. The threat may relate to a loss of employment unless advances are submitted to.

The following are examples or forms of sexual harassment, but the list is not exhaustive:

- Physical conduct of a sexual nature includes all unwanted physical contact, ranging from touching to sexual assault and includes a strip search by or in the presence of another person.
- Verbal forms of sexual harassment include unwelcome innuendoes, suggestions and hints, sexual advances, comments with sexual overtures, sex-related jokes or insults or unwelcome graphic comments about a person's body made in their presence or directed toward them, unwelcome and inappropriate enquiries about a person's sex life, and unwelcome whistling directed at a person or group of persons.
- Non-verbal forms of sexual harassment include unwelcome gestures, indecent exposure, and the unwelcome display of sexually explicit pictures and objects.
- *Quid pro quo* harassment occurs where management or co-employee, undertakes or attempts to influence the process of employment, promotion, training, discipline, dismissal, salary increment or other benefits of an employee or job applicant, in exchange for sexual favours.

3. LEGAL FRAMEWORK

- Municipal Systems Act 32 of 2000
- Municipal Structures Act 117 of 1998
- Municipal Finance Management Act 56 of 2003
- Labour Relations Act 66 of 1995
- Elias Motsoaledi Local Municipality - Delegations of Authority
- South African Local Government Bargaining Council (SALGBC) Collective Agreements
- Employment Equity Act, No. 55 of 1998
- The Constitution of the Republic of South Africa Act of 1996
- NEDLAC Code of Good Practice on the Handling of Sexual Harassment Cases

4. SCOPE AND APPLICATION

All employees, job applicants and any other persons who have dealings with the Municipality have the right to be treated with respect and dignity, and this policy applies to them.

5. OBJECTIVES OF POLICY

Policy objectives are to ensure that:

- ✓ Sexual harassment shall not be permitted or condoned and shall be regarded as a form of serious misconduct. Action shall be taken in terms of the disciplinary code of the Municipality.

- ✓ Employees or any other person who have been subjected to sexual harassment have the right to lodge a grievance or lay a formal complaint with the Municipality.
- ✓ The Municipality is committed to investigate all complaints and grievances brought to its attention.
- ✓ The Municipality undertakes to inform all employees of this policy and the need to refrain from any form of sexual harassment.
- ✓ This policy shall also protect prospective employees and clients of the Municipality.
- ✓ Management shall implement this policy and take disciplinary action against employees who do not comply with this policy. Serious incidents of sexual harassment or continued harassment are dismissible offences.
- ✓ Allegations of sexual harassment shall be dealt with seriously, expeditiously, sensitively and confidentially.
- ✓ It is a disciplinary offence to victimize or retaliate against an employee who in good faith lodges a complaint of sexual harassment.
- ✓ False or vindictive accusations shall be viewed in a very serious light, and possible attract disciplinary action for the accuser.
- ✓ Anonymous complaints shall be disregarded.

6. POLICY CONTENT

The Municipality wishes to create and maintain a working environment which is free of sexual harassment, where all employees respect one another's integrity and dignity, privacy and their right to equity in the workplace. The Municipality undertakes to take strict action in sexual harassment cases but cannot be held criminally or civilly liable for the actions of its employees where the Municipality has acted appropriately. In addition, victims of sexual harassment shall not be made to feel that their grievances are ignored or trivialised, or fear reprisals. Implementation of the following guidelines shall assist in achieving the above:

- All employees shall refrain from committing acts of sexual harassment.
- All employees have a role to play in contributing towards a working environment in which sexual harassment is unacceptable. They shall therefore ensure that their standards of conduct do not cause offence and they shall discourage unacceptable behaviour on the part of others.
- Management shall ensure that persons such as the public, suppliers, job applicants and others who have dealings with the Municipality, are not subjected to sexual harassment at its workplaces.

- A victim of sexual assault / harassment shall have the right to institute separate criminal and / or civil proceedings against an alleged perpetrator, and the legal rights of the victim are in no way limited by this policy.

6.1 Commitment by Management

- Management undertakes to deal with any allegations of sexual harassment speedily and without fear or favour.
- Management further undertakes to deal with allegations of sexual harassment in a confidential manner.
- Any person bringing allegations of sexual harassment to the attention of management shall be protected against victimisation or retaliation.
- Management shall act against anyone who commits acts of sexual harassment, and in the same manner, shall protect employees against false accusations.
- Subject to an investigation, management may by precaution suspend an employee on full pay, until a guilty or not guilty verdict is issued through the findings and / or disciplinary hearing.
- Sexual harassment is a serious form of misconduct and if found guilty employees may be dismissed, even for a first offence.

6.2 Specific Considerations

6.2.1 Confidentiality

The Municipality shall endeavour to proceed with its investigation with caution and such protocol as to ensure that a case exists before proceeding. Because of the sensitivity and the nature of the issue employee confidentiality and protection shall be ensured.

6.2.2 Identity

The Municipality shall endeavour as far as possible to withhold the identity of the complainant until such time as the investigation has been completed and it has been decided to pursue the enquiry route.

6.2.3 Protection

The Municipality shall investigate every complaint, whether reported or not, as the Municipality could be found liable where steps have not been taken to resolve a case of sexual harassment. Sexually harassed employees shall be given adequate sick leave and / or assistance for counselling where appropriate.

6.3 Procedures

Municipality shall develop clear procedures to deal with sexual harassment. These procedures shall ensure resolution of problems in a sensitive, efficient and effective way.

6.3.1 Advice and Assistance

Sexual harassment is a sensitive issue and a victim may feel unable to approach the perpetrator, lodge a formal grievance or turn to colleagues for support. As far as is practical Municipality shall designate a person outside of line management whom victims may approach for confidential advice. Such a person:

- ✓ Could include persons employed by the Municipality to perform, among others such a function, a trade union representative or co-employee, or outside professionals.
- ✓ Should have the appropriate skills and experience or be properly trained and given adequate resources.
- ✓ Could be required to have counselling and relevant labour relations skills and be able to provide and advise on a confidential basis.

6.3.2 Options to resolve a problem

Employees shall be advised that there are, depending on the seriousness, two options to resolve a problem relating to sexual harassment. Either an attempt can be made to resolve the problem in an informal way, or a formal procedure can be embarked upon. The employee shall be under no duress to accept one or other option.

6.3.3 Informal Procedure

- ✓ It may be sufficient for the employee concerned to have an opportunity where she / he can explain to the person engaging in the unwanted conduct that the behaviour in question is not welcome, that it offends them or makes them uncomfortable, and that it interferes with their work.
- ✓ If the informal approach has not provided a satisfactory outcome, if the case is severe or if the conduct continues, it may be more appropriate to embark upon a formal procedure. Severe cases may include sexual assault, rape, a strip search, and *quid pro quo* harassment.

6.3.4 Formal Procedure

Where a formal procedure has been chosen by the aggrieved, the formal grievance procedure shall be followed. Management shall:

- ✓ Specify to whom the employee shall lodge the grievance.
- ✓ Emphasise strict adherence to timeframes.

- ✓ Ensure that the issue is dealt with in terms of the disciplinary procedures, if the case is not resolved satisfactorily through the grievance procedure.

6.3.5 Investigation and Disciplinary Action

- ✓ Care shall be taken during any investigation of a grievance of sexual harassment that the aggrieved person is not disadvantaged, and that the position of other parties is not prejudiced if the grievance is found to be unwarranted.
- ✓ Serious incidents of sexual harassment or continued harassment after warnings are dismissible offences.

6.3.6 Criminal and Civil Charges

A victim of sexual assault has the right to press separate criminal and / or civil charges against an alleged perpetrator, and the legal rights of the victim are in no way limited by this policy.

6.3.7 Confidentiality

Only appropriate members of management as well as the aggrieved person, representative, alleged perpetrator, witnesses and interpreter if required, shall be present in the disciplinary enquiry.

7. IMPLEMENTATION AND MONITORING

This policy will be implemented and effective once recommended by the Local Labour Forum and approved by the Council.

8. COMMUNICATION

This policy, and related information, will be communicated to all employees and Council members using the full range of communication methods available to the Municipality.

9. POLICY REVIEW

This policy will be reviewed annually 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 by Human Resource Management.

11. ROLES AND RESPONSIBILITIES

The Municipal Manager or his / her delegated 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 shall 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 shall be incorporated into the policy.

14. AUTHORITY

Formulated by HR Management: Signature: _____ Date: _____

Consulted with Local Labour Forum:

Management Representative: Signature: _____ Date: _____

Union Representative: Signature: _____ Date: _____

Union Representative: Signature: _____ Date: _____

Recommended by Portfolio Committee on Corporate Support Services: Signature: _____
 _____ Date: _____

Approved by Municipal Council: Signature: _____ Date: _____

INTOXICATING SUBSTANCES ABUSE POLICY

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INTOXICATING SUBSTANCES ABUSE POLICY

1. PREAMBLE

The Municipality views substance abuse and dependency as treatable health problems and accepts that employees who experience such problems should be provided with assistance, subject to certain conditions outlined in this policy.

2. DEFINITIONS

All terminology used in this policy shall bear the same meaning as in the applicable legislation.

3. LEGAL FRAMEWORK

- Municipal Systems Act 32 of 2000
- Municipal Structures Act 117 of 1998
- Labour Relations Act 66 of 1995
- Elias Motsoaledi Local Municipality - Delegations of Authority
- South African Local Government Bargaining Council (SALGBC) Collective Agreements
- Occupational Health and Safety Act 85 of 1993
- Prevention and Treatment of Drug Dependency Act 20 of 1992
- Mental Health Care Act 17 of 2002
- Hazardous Substances Act 15 of 1973
- National Road Traffic Act 93 of 1996
- Criminal Procedure Act 51 of 1977

4. SCOPE AND APPLICATION

This policy applies to all employees of the Municipality and contract workers whilst on duty or on the Municipality's premises, save that the standard mode of discipline, treatment and assistance shall not apply to subcontractors.

5. OBJECTIVES OF POLICY

The Municipality does not support the intrusion into the private lives of employees; however it does expect all employees to report to work in a condition sound enough to safely and effectively perform their duties.

6. POLICY CONTENT

6.1 Discipline

The Municipality places a high premium on its statutory and common law obligations to ensure the safety of its employees and members of the public. It therefore takes a serious view of employees using intoxicating substances or under the influence thereof on the premises or whilst on duty (*except during social functions and promotions as described later in the policy*).

In determining whether an employee may be under the influence, clinical observations and / or on-site alcohol and / or drug screening tests, at the discretion of the Municipal Manager and with consultation with the Local Labour Forum, may be considered for employees suspected to be using or under the influence of intoxicating substances.

The Municipality shall consider all relevant facts in determining an appropriate sanction, including whether the employee's conduct caused a safety risk to himself, co-workers or members of the public and / or harm to the Municipality's good name and standing. The following transgressions and sanctions will serve as guidelines:-

- Being under the influence or using intoxicating substances whilst on the premises or on duty:
 - ✓ **First offence:** Final written warning effective for six (6) months plus offer of assessment / counselling and / or, welfare support.
 - ✓ **Second offence:** If within the operative six (6) month period following a previously issued final written warning, it is Dismissal
- Being in possession of alcohol or illicit drugs (*excluding controlled medicines for which the employee has a legal prescription*) whilst on duty or on the Municipality's premises:
 - ✓ **First offence:** Written warning effective for six (6) months plus the offer of assessment / counselling and / or welfare support
 - ✓ **Second offence:** If within the operative six (6) months period following a previously issued written warning, it is a Final written warning effective for six (6) months plus the offer of assessment counselling and / or welfare support
 - ✓ **Subsequent offence:** Dismissal.

Notwithstanding these guidelines, the Municipality shall be guided by the Disciplinary Code and therefore reserves the right to vary the sanction depending on the circumstances of each case.

The following constitute particularly serious acts of misconduct which may be grounds for dismissal for a first offence, depending on the facts of each case:

- Consuming intoxicating substances whilst on duty and / or providing other employees with such substances whilst on duty.
- Driving a Municipal vehicle or operating safety sensitive equipment whilst under the influence of intoxicating substances.

An employee who is suspected of being under the influence of an intoxicating substance shall be subjected to a disciplinary enquiry to investigate the matter and to ascertain whether the employee had indeed been under the influence. In the event of employees receiving counselling for substance abuse or dependency, the Municipality also reserves the right, in the case of employees whose substance abuse may reasonably cause a safety risk to themselves, co-workers or members of the public, to:

- suspend the employee from such work or put him / her on alternative duties until such time as a counsellor's report and / or appropriate tests confirm that the employee no longer abuses intoxicating substances; and / or
- require the employee to submit to routine breath and / or blood testing before commencing his / her duties for a period which may be deemed reasonable by the chairperson of the disciplinary enquiry

6.2 Stand-by / call-out employees

Employees who have been instructed to perform stand-by duties shall be considered to be on duty and will be subject to the same provisions as those that apply to employees during normal working hours. In the event of employees called out to work outside of normal working hours where no prior arrangement has been made for the employee to report at a specified time, the employee shall inform the duty supervisor or manager whether he used any alcohol since his / her last shift. Should the employee fail the test to verify intoxication, the employee shall be sent home without any sanction. Should the employee fail to inform the duty supervisor or manager and test positive after having commenced his / her duties, normal disciplinary action shall be taken.

6.3 Management of Suspected Intoxication

- If the duty supervisor or manager is of the opinion that an employee is or appears to be under the influence, a fellow employee or shop steward shall be called to act as a witness. If the fellow employee or shop steward is not available, any other manager or fellow employee or shop steward may be called.
- The responsible supervisor or manager shall, in the presence of the witness and shop steward, test and document state of intoxication following the prescribed method.
- Should the employee refuse to submit to the prescribed test, he / she shall be informed that he / she will be giving up an opportunity to contest the allegation of being under the influence. The employee's refusal shall then be recorded as prescribed.

- Should the test result be positive, or where testing is refused and / or where clinical / behavioural signs suggest intoxication, the employee shall, in the interests of workplace safety, be deemed to be under the influence and instructed to leave the work premises.
- Regardless of any test result, should the supervisor be convinced that the employee's presence constitutes a safety risk or may tarnish the Municipality's name and standing based on clinical or behavioural signs, the supervisor shall instruct the employee to leave the workplace
- The supervisor shall take all reasonable steps to ensure that the employee has a safe means of returning home by contacting a relative or friend to accompany him / her. Whilst waiting for assistance the employee shall be accompanied to a safe area where he / she is least likely to cause harm to him / herself or others. The employee leaving the premises without accepting assistance shall do so at his / her own risk.
- Employees who are refused entry or who are required to return home as provided for above shall not be paid for that portion of the day which they had missed on condition that, should the employee be found not guilty during a subsequent enquiry the employee shall be paid for the particular portion.

6.4 Referral Modes

The Municipality wishes to encourage employees who may experience alcohol or other drug related problems, to confidentially discuss such problems with their Managers, Human Resource Management or shop steward with the view of acquiring professional assistance.

Such a request shall be treated with confidentiality, shall not be documented on the employee's personal file and shall not unreasonably affect the employee's job security, fringe benefits or career opportunities. The acceptance of the offer of assistance, whether voluntary or mandatory, does not exempt the employee from standard disciplinary measures whilst under treatment.

6.4.1 Suggested / Disciplinary Referrals

Supervisors and managers have a responsibility to identify unacceptable levels of performance, attendance or interpersonal relationships, to take timely corrective steps (or disciplinary action, if appropriate) and to encourage the employee to consult with their managers, Human Resources Management, or shop steward with the view of acquiring confidential assistance.

Employees who commit an alcohol or drug related offence and / or whose job performance, attendance or interpersonal relationships at work are detrimentally affected as a result of substance abuse, may be given the option of accepting referral for assessment, or counselling or welfare support depending on the circumstances of the case. This option may be offered in conjunction with standard sanctions in terms of the disciplinary procedure.

In the event of the employee refusing the offer of treatment / counselling following a substance abuse related offence, or absconding from the treatment centre, being

non-compliant with the treatment / counselling regime, such lack of co-operation shall be viewed as an aggravating factor in assessing an appropriate or further disciplinary sanction in the event of future transgressions of a similar or related nature.

6.5 Assessment, Counselling and Treatment

The Municipality shall utilise the policy for and methods within the Employee Assistance Programme to assist employees who request assistance relating to assessment, counselling and / or treatment of abuse related to intoxicating substances.

6.5.1 Dealing with relapses

Where an employee, having received treatment, suffers a relapse, the Municipality shall consider the case on its individual merits. Medical advice shall be sought in an attempt to ascertain how much more treatment / rehabilitation time is likely to be required for a full recovery. At the Municipality's discretion, more treatment / rehabilitation time may be given to help the employee to recover fully.

6.5.2 Recovery unlikely

If after the employee has received treatment and recovery seems unlikely, the Municipality may be unable to wait for the employee any longer. In such cases, dismissal may result but in most cases a clear warning shall be given to the employee beforehand and a full medical investigation shall have to be undertaken. If the employee declines to allow the Municipality access to their medical records a decision about future employment would be made with the information that is available to the Municipality.

6.6 Social Functions and Promotions

- In the event of Municipality functions and promotions where liquor may be served, all employees are expected to at all times behave in a becoming and respectful manner. Reasonable precautions shall be taken to prevent immoderation through measures such as a coupon system of dispensing liquor, serving food / light snacks with drinks and the provision of soft drinks or low-alcohol beverages. Employees should also be warned of rules of the road about drunken driving.
- Employees whose behaviour during such events become offensive, cause an embarrassment to the Municipality, fellow employees or guests, or whose conduct jeopardises the safety of such parties or members of the public as a result of excessive alcohol intake, shall be charged with allegedly having been under the influence of alcohol.
- No alcohol shall be served by the Municipality during training courses or seminars except during evening functions.
- No employee may consume alcohol during working hours, including lunchtime.

7. IMPLEMENTATION AND MONITORING

This policy will be implemented and effective once recommended by the Local Labour Forum and approved by the Council.

8. COMMUNICATION

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

9. POLICY REVIEW

This policy will be reviewed annually and revised as necessary.

10. BUDGET AND RESOURCES

The financial and resource implications related to the implementation of this policy should be qualified and quantified Human Resource Management.

11. ROLES AND RESPONSIBILITIES

The Municipal Manager or his / her delegated 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.

14. AUTHORITY

Formulated by HR Management: Signature: _____ Date: _____

Consulted with Local Labour Forum: Signature: _____ Date: _____

Management Representative: Signature: _____ Date: _____

Union Representative: Signature: _____ Date: _____

Union Representative: Signature: _____ Date: _____

Recommended by Portfolio Committee on Corporate Support Services: Signature: _____
_____ Date: _____

Approved by Municipal Council: Signature: _____ Date: _____

HIV/AIDS POLICY

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HIV/AIDS POLICY

1. PREAMBLE

The Municipality recognises the seriousness of the HIV/AIDS epidemic and its impact on the workplace. The Municipality supports national efforts to reduce the spread of infection and minimise the impact of the disease. The Municipality recognises the importance of its employees and its responsibility to care for their personal well being in the workplace. In doing so, it encourages optimal work attendance and job performance. The Municipality is committed to address the psycho-social issues which may disturb employees infected and affected by HIV/AIDS and assents to create a supportive and caring environment for those affected and infected by HIV/AIDS.

2. DEFINITIONS

“HIV/AIDS” Human Immunodeficiency Virus / Acquired Immune Deficiency Syndrome

All terminology not defined under clause 2 of this policy shall bear the same meaning as in the applicable legislation.

3. LEGAL FRAMEWORK

- Municipal Systems Act 32 of 2000
- Municipal Structures Act 117 of 1998
- Municipal Finance Management Act 56 of 2003
- Labour Relations Act 66 of 1995
- Elias Motsoaledi Local Municipality - Delegations of Authority
- South African Local Government Bargaining Council (SALGBC) Collective Agreements
- Employment Equity Act, No. 55 of 1998
- Occupational Health and Safety Act 85 of 1993
- Basic Conditions of Employment Act 75 of 1997
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Medical Schemes Act 131 of 1998

4. SCOPE AND APPLICATION

The policy shall apply to all candidates who apply to the Municipality for employment and all existing employees. This policy shall cover all employees, workplaces and contract employment under the jurisdiction of the Municipality.

5. OBJECTIVES OF POLICY

This policy aims to guide the Municipality's management, employees and prospective employees on how best to manage HIV/AIDS within the workplace, in order to:

- Ensure non-discrimination between individuals with HIV infection and those affected (e.g. co-workers) and between HIV/AIDS and other life threatening conditions.
- Create a safe and healthy working environment for all employees and members of the public who utilise the Municipality's facilities.
- Introduce educational awareness and prevention programmes to contain and prevent the spread of HIV.
- Manage, support and accommodate those individuals who are infected or affected by HIV/AIDS so that they may continue to work productively for as long as possible.
- Ensure that no person discriminate against an employee or prospective employee on the basis of his or her HIV status.
- Ensure that no person will be denied employment, treated unfairly within the employment relationship, or be unfairly dismissed on the basis of his/her HIV status.

6. POLICY CONTENT

The Municipality shall ensure that the following principles are adhered to:

- The principle of voluntarism, which acknowledge that the most effective form of referral is self referral.
- The principle of confidentiality, which safeguards the details that employees reveal, and includes the safeguarding of all records, the non-sharing of any information other than with the employee's consent and that interviews be conducted in a place which is considered private. This information shall not be part of the personnel file.
- The principle of neutrality, that the role and function of the HIV/AIDS Counsellor shall not be tainted by workplace issues pursued by management and the workforce and thus maintains a state of neutrality as defined by the Labour Relations Act.
- The principle of accessibility, committing management to make the service available to all employees.
- The broad brush principle, which refers to all problems which shall affect job performance.
- The principle of constructive motivation in that management should motivate and give employees the option to make use of the HIV/AIDS services.
- The principle of permanency, by means of a mutually agreed policy statement which guarantees the survival of the HIV/AIDS programme.

6.1 Awareness, Prevention and Care Programmes

The Municipality shall provide life-skills training and empowerment programmes for all its employees, and these shall focus on:

- Health promotion, prevention and care.
- Appropriate prevention and management of sexually transmitted diseases (STDs) and tuberculosis (TB), and other opportunistic infections.
- Condom promotion and distribution.
- Counselling on risk reduction.

6.1.1 Awareness Programmes

- ✓ Every Department or workplace shall participate in developing and implementing a workplace HIV/AIDS Awareness Program.
- ✓ An extensive range of awareness activities shall be embarked on. These shall include exhibitions, displays, posters, pamphlets, newsletters, etc. as may be necessary to promote awareness.
- ✓ All new employees shall attend an HIV/AIDS awareness programme as part of their induction training.

6.1.2 Prevention and Care Programmes

- ✓ Education is the most effective measure for the prevention of HIV infection, and the best way to reduce discrimination both in and out of the workplace. All employees shall, on an on-going basis, be exposed to educational programmes
- ✓ The Municipality shall develop comprehensive and effective on-going education programmes.
- ✓ Peer educators shall be identified, trained and supported to promote the programme at workplace level.
- ✓ The Municipality shall endeavour to give active support within budget limitations to Community Based Organisations (CBOs) and NonGovernmental Organisations (NGOs) involved in HIV/AIDS care and prevention services.
- ✓ Such workplace programmes shall be based on consultations between the Municipality Council, management, employee unions and, where appropriate, NGOs and CBOs with expertise in HIV/AIDS education, counselling, and care services. At a minimum, these programmes shall cover at least:
 - (a) HIV/AIDS statistics, medical facts, etc.
 - (b) Link of STDs and TB to HIV.
 - (c) Risk assessment and safer sex practices.

- (d) Sexuality, Sexual Orientation, Sexual and Reproductive Health.
- (e) Gender and Cultural issues related to HIV/AIDS.
- (f) Relationships and Communication.
- (g) Attitudes and Values, Discrimination (to decrease stigma).
- (h) Living with HIV/AIDS (management, support, care, and referral).
- (i) Universal Precautions.
- (j) Legal and Ethical issues (employment, confidentiality and disclosure).
- (k) HIV/AIDS and Pregnancy.
- (l) Pre and Post Test Counselling, HIV Testing.

6.1.3 Workplace exposure

There are numerous ways in which employees could be exposed to HIV/AIDS in the workplace, for example:

- ✓ Injuries that occur resulting in bleeding and blood staining of clothes, tools and objects.
- ✓ Health care employees exposed to body fluids or HIV-infected materials.
- ✓ Resuscitation and first aid measures.
- ✓ Rape or sexual penetration assault.
- ✓ Assault with sharp instruments or bleeding injuries.

6.1.4 Educational programmes

- ✓ The Municipality shall endeavour to, within the scope of its budget constraints, provide educational programmes regarding HIV/AIDS for all employees.
- ✓ These programmes shall provide information and teach the skills necessary for all employees to prevent themselves and others from becoming infected. The programmes shall further seek to establish and maintain a work environment free of discrimination.
- ✓ Programmes shall be regularly monitored, evaluated, reviewed and revised in accordance with any changes that may occur.
- ✓ Programmes shall be linked, where feasible, to other health promotion programmes, such as the Employee Assistance Programme.

6.1.5 Gender specific programmes

- ✓ All programmes shall be gender sensitive as well as sensitive to race and sexual orientation.
- ✓ Programmes should help women to understand their rights, both within and outside the workplace.
- ✓ Information to women needs to alert them to the fact that they are at higher risk of infection.
- ✓ Appropriately targeted prevention programmes should be developed for men and should include strategies to promote men's responsibilities regarding HIV/AIDS prevention.

6.1.6 Voluntary Counselling & Testing

- ✓ The Municipality shall encourage all employees to be tested to determine their HIV status.
- ✓ Such testing shall be voluntary and shall be accompanied by pre and post- test counselling to ensure informed consent.
- ✓ Counselling and testing records and results shall remain confidential with the testing entity or professional.
- ✓ Employees and prospective employees who voluntarily disclose their HIV status shall not be refused employment / promotion on the grounds of their HIV status.
- ✓ All employees have the legal right to confidentiality about their HIV/AIDS status, except in circumstances where the employer is legally required to disclose such information.

6.2 Confidentiality and Disclosure

- All persons with HIV/AIDS have the legal right to privacy regarding their HIV status in all aspects of employment. An employee is under no obligation to inform the Municipality of his / her HIV status.
- Where an employee chooses to disclose his / her HIV status to the employer, this information shall not be disclosed to others without the employee's express consent.

6.3 HIV/AIDS Testing

6.3.1 Conducting an HIV/AIDS Test

- ✓ HIV testing is any form of medical testing to determine the HIV status of a person. HIV testing must be carried out with informed consent which means

that the individual has been made aware of, and understands, the implications of the test.

- ✓ Pre-test counselling shall be given before an HIV test, to make sure that the person has sufficient information to make an informed decision about having a HIV test.
- ✓ Post-test counselling shall be provided when an individual receives his / her HIV test results.

6.3.2 Circumstance & Conditions Municipality may provide testing

- ✓ The Municipality may provide testing to an employee who has requested a test in the following circumstances:
 - As part of a health care service provided in the workplace.
 - In the event of an occupation accident carrying a risk of exposure to blood or other body fluids.
 - For the purposes of applying for compensation following an occupational accident involving a risk of exposure to blood or other body fluids.
- ✓ Such testing may only take place within the following defined conditions:
 - At the initiative of an employee.
 - Within a health care worker and employee-patient relationship.
 - With informed consent and pre- and post-test counselling.
 - With strict procedures relating to confidentiality of an employee's HIV status.
- ✓ The Municipality may require testing whilst adhering to legislation in, amongst others, the following circumstances:
 - During an application for employment.
 - As a condition of employment.
 - During procedures related to termination of employment.
 - As an eligibility requirement for training / development programmes
 - As an access requirement to obtain employee benefits.

6.4 Creating a Safe Working Environment

The Municipality shall strive to provide and maintain, a working environment that is safe and without risk to the health of its employees. The Municipality shall provide psychosocial support to the counsellors and affected staff wherever possible. The Municipality shall take steps to ensure the risk of HIV transmission at work is minimised. These shall include:

- Assessing the risk, if any, of the occupational transmission of HIV within the workplace.
- Providing appropriate training on how to deal with and reduce the risk of HIV transmission at work.
- Providing appropriate equipment and materials to deal with and reduce the risk of transmission at work.

Where a real possibility of HIV transmission has occurred following an occupational accident, rape or a sexual penetration assault, the Municipality shall take all reasonably necessary steps to assist the employee to:

- assess the risk of HIV transmission (counselling)
- prevent the risk of HIV transmission prior to zero-conversion (testing and treatment / prophylaxis)

The Municipality shall provide medically-advised guidelines regarding steps to be taken in the event of an occupational incident with a risk of HIV infection and to prevent cross infections. These guidelines shall include such elements as:

- Creating an awareness of the risk of HIV transmission in the event of an occupational incident involving blood or bodily fluids.
- HIV testing of the parties involved in an accident.
- Reporting procedures.

6.5 Compensation for HIV/AIDS Infection at Work

The Municipality shall take all reasonable steps in terms of the Compensation for Occupational Injuries and Diseases Act to assist employees with claims for compensation and compensate for cost of testing and prophylactic therapy before zero-conversion as performed by specified health centres. A claim to the Compensation Commissioner shall only be submitted upon confirmation of zero-conversion of the employee.

6.6 Employee Benefit Schemes

The Municipality shall endeavour to ensure that employees with HIV/AIDS are not discriminated against with the allocation of employee benefits.

6.6.1 Medical Aid Schemes

The Municipality shall prevail on these funds to maintain a non-discriminatory attitude towards patients with HIV/AIDS and to treat such patients in a similar manner to

those affected by other life-threatening diseases. The aim shall be to ensure that normal benefits remain available to all who initially qualify for admission to the funds via normal procedures.

6.6.2 Pension/Retirement Funds

The Municipality shall prevail on the funds to maintain a non-discriminatory attitude towards patients with HIV/AIDS and to treat such patients in a similar manner to those affected by any other life-threatening disease. The aim shall be to ensure that no person is denied access to the Pension or Retirement Fund provided they fulfil initial criteria for admission.

6.7 Managing HIV positive employees

- Employees living with HIV/AIDS shall continue to work under normal conditions in their current employment for as long as they are medically fit to do so. This takes into consideration not only their ability to perform their assigned duties, but also susceptibility to infection.
- The Municipality shall work towards ensuring that the performance of every staff member is maintained, where possible. This includes taking reasonable steps to accommodate employees with related HIV/AIDS impairments within the workplace, to assist them to continue in productive employment.
- Employees with HIV/AIDS shall be managed without distinction or discrimination to existing sick leave allocations.
- Employees shall be referred to appropriate health care facilities or services in the immediate community of Municipal workplaces.
- The Municipality shall endeavour to provide support or take steps to assist employees with HIV/AIDS to have access to appropriate medical treatment. These shall also include:
 - ✓ Giving the employee time off according to the sick leave policy to attend clinics or counselling.
 - ✓ Transferring the employee to lighter or less stressful duties, where it is both necessary and possible.
 - ✓ When the employee is no longer able to work, the employee shall be dealt with in terms of the Municipality's applicable policies and applicable legislation.

6.8 Grievance Procedure

The Municipality shall ensure that the rights of employees living with HIV/AIDS, and remedies available to employees in the event of a breach of such rights, including confidentiality, are accommodated grievance procedure.

6.9 Dismissal

- Employees with HIV/AIDS have the right not to be unfairly dismissed on the basis of their HIV status.
- Should the employee be deemed incapable of continuing to work due to ill-health, that shall be handled in terms of the ***Incapacity due to ill-health / injury Policy***.

6.10 HIV/AIDS Workplace Committee

The implementation of this policy shall be co-ordinated by the Health and Safety Workplace Committee. The Committee shall submit regular progress and status reports to the Portfolio Committee of Corporate Support Services of the Council.

7. IMPLEMENTATION AND MONITORING

In order to plan and evaluate its HIV/AIDS policy and programme effectively, the Municipality shall undertake a survey to establish baseline data and regular risk and impact assessment studies. The studies shall include knowledge, attitudes and behaviour / practices. Studies shall be carried out in consultation and with the consent of employees and their union representatives, and in conditions of complete confidentiality.

8. COMMUNICATION

This policy, and related information on HIV and AIDS, shall be communicated to all employees and Council members using the full range of communication methods available to the Municipality.

9. POLICY REVIEW

This policy shall be reviewed annually and revised as necessary in the light of changing conditions and the findings of surveys / studies conducted, by the Health and Safety Workplace Committee.

10. BUDGET AND RESOURCES

When it becomes necessary, the Municipality shall make every effort to establish a budget for HIV/AIDS activities but realises that many interventions can be put in place at little or no cost. Many of the required services are available in community facilities.

11. ROLES AND RESPONSIBILITIES

The policy on HIV/AIDS not only establishes certain rights but it also imposes certain responsibilities on the relevant stakeholders as follows:

- ***Municipal Manager***

The Municipal Manager takes overall responsibility for the implementation of the policy and compliance with the relevant legislation.

- ***Human Resource Management***

Human Resource Management carries the following responsibilities:

- In conjunction with line management, shall ensure that all employees are familiar with the policy.
- Monitor and advise the Municipal Manager of any irregular application of the policy.
- Arrange for counselling where requested by employees.
- Advise management on disciplinary steps to be taken in circumstances where the policy was breached.

- ***Managers & Supervisors***

All Managers and Supervisors:

- Shall ensure that all employees are aware of and familiar with the content of the policy.
- Are responsible for the implementation of this policy.
- Shall establish and maintain communication channels to raise awareness concerning HIV/AIDS in the workplace.
- Shall make appropriate arrangements to ensure that confidential information, regarding the HIV status of an employee, is protected.
- Shall ensure that immediate and appropriate corrective action is taken where the policy is breached.

- ***Employees***

- Employees shall acknowledge that a fellow employee's health condition is private and confidential and an employee living with HIV/AIDS is under no obligation to disclose his / her status to a manager or any other employee.
- Employees shall not discriminate against fellow employees who are living with HIV/AIDS and in particular an employee may not refuse to work with a colleague who is HIV positive.
- Employees who are also Health and Safety Officers shall ensure that all employees are familiar with the basic safety procedures where there is potential exposure to HIV/AIDS.
- Employees shall endeavour to play a supportive role towards fellow employees who are living with HIV/AIDS.

- Employees who are aware of their positive HIV status shall take every precaution to ensure that fellow employees are not affected.

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.

14. AUTHORITY

Formulated by HR Management: Signature: _____ Date: _____

Consulted with Local Labour Forum:

Management Representative: Signature: _____ Date: _____

Union Representative: Signature: _____ Date: _____

Union Representative: Signature: _____ Date: _____

Recommended by Portfolio Committee on Corporate Support Services: Signature: _____

_____ Date: _____

Approved by Municipal Council: Signature: _____ Date: _____

OCCUPATIONAL HEALTH AND SAFETY POLICY

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OCCUPATIONAL HEALTH AND SAFETY POLICY

1. PREAMBLE

This policy is intended to create a framework for decision making in respect of human resources management in as far as occupational health and safety is concerned in the Municipality. The policy is intended to promote and maintain acceptable physical, mental and social wellbeing of workers, and to prevent amongst workers, ill health caused by their working conditions, and to place and maintain workers in a working environment that is adapted to their individual physiological and psychological conditions.

2. DEFINITIONS

All terminology in this policy shall bear the same meaning as in the applicable legislation.

3. LEGAL FRAMEWORK

- Municipal Systems Act 32 of 2000
- Municipal Structures Act 117 of 1998
- Municipal Finance Management Act 56 of 2003
- Labour Relations Act 66 of 1995
- Elias Motsoaledi Local Municipality - Delegations of Authority
- South African Local Government Bargaining Council (SALGBC) Collective Agreements
- Employment Equity Act, No. 55 of 1998
- Occupational Health and Safety Act 85 of 1993
- Basic Conditions of Employment Act 75 of 1997
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Medical Schemes Act 131 of 1998

- Medical, Dental and Supplementary Health Service Professions Act.56 of 1974
- South African Nursing Council as referred to in the Nursing Act 50 of 1978

4. SCOPE AND APPLICATION

This policy applies to all employees of the Municipality.

5. OBJECTIVES OF POLICY

- To implement an Occupational Health and Safety Programme
- To be aware of all risks and changes in risk factors in areas regarded as high risk
- To stay abreast of legislative requirements and to meet them as far as is reasonably practicable
- To train everyone in the Municipality on matters pertaining to their work and the associated risks involved
- To ensure knowledge and information available is adequate to achieve these objectives
- To continually evaluate health and safety programmes, adapting them as and when problems are identified.
- To partake actively in the accident / incident prevention programme.
- To ensure that employees exposed to occupational injuries are issued with protective clothing at all times.

6. POLICY CONTENT

6.1 Medical Surveillance Programme

The Municipality shall develop a Medical Surveillance Programme used to identify and record the presence of any occupational diseases and the degree of exposure. The information shall be used to ensure that the health of employees shall not be compromised by placement in a particular job. Employees who have health conditions that could or would be compromised shall not be placed in high risk areas. General health information, not required for the job, is used to identify health needs and the health care that the individual would require. A declaration shall be signed by the prospective employee to accept the conditions of the Medical Surveillance Programme and any results of the testing required. The following may apply:

6.1.1 Pre-employment examination (PEM)

Certain employees shall undergo a pre-employment medical examination prior to being appointed to a position. The position being filled shall determine whether or not an examination is needed. The selection criteria shall be the risks involved, determined by the job and results shall be kept confidential. The inherent medical

requirements shall be used to ensure non-discrimination. The Departmental Head shall be notified of the suitability of the prospective employee.

6.1.2 Periodic Screenings (PS)

Employees working in specific areas or shifts shall undergo screening at various intervals, depending on the health risk profile to risk, e.g. drivers may be examined annually. A certificate of fitness shall be issued.

6.1.3 Transfer Screenings (TS)

Employees are only screened for the job they are initially placed in. This means that they shall not necessarily be suitable to work in another area, except if they are required to be multi-skilled and work in all areas. Thus any employee requiring or applying for transfer would first undergo an assessment to ensure suitability.

6.2 Legislative Compliance

The Municipality shall comply with the basic legislation, including any other regulatory documents (for example, SANS / SABS codes). Where specific compliance or risk exists, internal rules and procedures shall apply. Any training done in respect of legislation and internal health and safety programme shall be noted and kept on file.

6.3 Injury Reporting

All injuries and incidents shall be reported immediately or as soon as practically possible, for assessment, recording; or possibly investigation.

6.4 Wearing of Personal Protective Clothing (PPC)

The Municipality shall identify various occupations in the job specification that require PPC to be worn by the employees. Employees shall be required to sign for the PPC, to follow the procedure and undergo training required for correct usage, and to wear the prescribed PPC or equipment issued.

6.5 Hazardous Chemical Substance in Daily Use

Material Safety Data Sheets shall be available regarding the safe use, storage etc, of all chemical substances in use on site. Each department shall have the relevant information in an accessible file and ensure the necessary training in terms of legislation.

6.6 Health and Safety Procedures

Safety of employees is the constant concern of the Municipality. Every precaution shall be taken to provide a safe workplace. Occupational Health and Safety Officer makes regular inspections and holds regular safety meetings. He / she also meet with management to plan and implement further improvements in the safety programme. Common sense and personal interest in safety are still the greatest guarantees of employee safety at work. The Municipality takes safety seriously and any wilful or habitual violation of safety rules shall be considered cause for disciplinary action.

The cooperation of every employee is necessary to make the Municipality a safe place in which to work. Employees are encouraged to report unsafe conditions or hazards immediately to supervisors or to a member of the safety committee, and to give earnest consideration to the rules of safety presented on poster signs, during discussions with supervisors, on departmental poster rules, and regulations published in the safety booklets. The following are important procedures:

Accident reporting: Any injury at work, no matter how small, shall be reported immediately to the supervisor and receive first aid attention. Serious conditions often arise from small injuries if they are not cared for at once.

Specific safety rules and guidelines: To ensure one's safety, and that of co-workers, the following rules and guidelines shall be observed:

- Observe and practice the safety procedures established for the job.
- In case of sickness or injury, no matter how slight, report at once to the supervisor. In no case shall an employee treat his / her own or someone else's injuries or attempt to remove foreign particles from the eye.
- In case of injury resulting in possible fracture to legs, back, or neck, or any accident resulting in an unconscious condition, or a severe head injury, the employee shall not be moved until medical attention has been given by authorised personnel.
- Observe smoking regulations.

- Do not wear loose clothing or jewellery around machinery. It may catch on moving equipment and cause a serious injury.
- Never distract the attention of another employee, as this might cause him / her to be injured. If necessary to get the attention of another employee, wait until it can be done safely.
- Where required, always wear protective equipment, such as goggles, safety glasses, masks, gloves, hair nets, etc.
- Safety equipment such as restraints, pull backs, and two-hand devices are designed for protection. Employee should adjust such equipment to fit them.
- Pile materials, skids, bins, boxes, or other equipment so as not to block aisles, exits, fire fighting equipment, electric lighting or power panel, valves, etc. Fire doors and aisles must be kept clear.
- Keep the work area clean.
- Use compressed air only for the job for which it is intended. Do not clean own clothes with it and do not play with it.
- Shut down the machine before cleaning, repairing, or leaving.
- Tow motors and lift trucks shall be operated only by authorised personnel. Walktype lift trucks shall not be ridden and no one but the operator is permitted to ride the tow motors. Do not exceed a speed that is safe for existing conditions.
- Running and horseplay are strictly forbidden.
- Do not block access to fire extinguishers.
- Do not tamper with electric controls or switches.
- Do not operate machines or equipment until properly instructed and authorised to do so by the supervisor.
- Do not engage in such other practices as may be inconsistent with ordinary and reasonable common sense safety rules.
- Report any unsafe condition or acts to the supervisor.
- Help to prevent accidents.
- Use designated passages when moving from one place to another; never take hazardous shortcuts.
- Lift properly, use legs, not the back. For heavier loads, ask for assistance.

-
- Do not adjust, clean, or oil moving machinery.
- Keep machine guards in their intended place.
- Do not throw objects.
- Clean up spilled liquid, oil, or grease immediately.
- Wear hard sole shoes and appropriate clothing. Shorts or mini dresses may not be permitted in most work environments.
- Place trash and paper in proper containers and not in cans provided for cigarette butts.

Safety checklist: It's every employee's responsibility to be on the lookout for possible hazards. Report the conditions on the following list, or any other possible hazardous situation, to the supervisor immediately:

- Slippery floors and walkways
- Tripping hazards, such as hose links, piping, etc.
- Missing (or inoperative) entrance and exit signs and lighting
- Poorly lighted stairs
- Loose handrails or guard rails
- Loose or broken windows
- Dangerously piled supplies or equipment
- Open or broken windows
- Unlocked doors and gates
- Electrical equipment left operating
- Open doors on electrical panels
- Leaks of steam, water, oil, etc.
- Blocked aisles
- Blocked fire extinguishers, hose sprinkler heads
- Blocked fire doors

-
- Evidence of any equipment running hot or overheating
- Oily rags
- Evidence of smoking in non-smoking areas
- Roof leaks
- Directional or warning signs not in place
Safety devices not operating properly
- Machine, power transmission, or drive guards missing, damaged, loose, or improperly placed

Safety equipment: The supervisor shall see that employees receive the protective clothing and equipment required for the job. Use them as instructed and take care of them. Employees shall be charged for loss or destruction of these articles only when it occurs through negligence.

Safety shoes: Municipality shall designate which jobs and work areas require safety shoes, where under no circumstances shall an employee be permitted to work in sandals or open-toe shoes. A reliable safety shoe vendor shall be procured and shall visit the Municipality periodically to ensure all is still in order. Notices shall be posted prior to the visits.

Safety glasses: The wearing of safety glasses where designated shall be mandatory. Strict adherence to this policy can significantly reduce the risk of eye injuries.

Seat belts: All employees shall use seat belts and shoulder restraints (if available) whenever they operate a vehicle on Municipality business. The driver is responsible for ensuring that all passengers are buckled up.

Good housekeeping. The work location shall be kept clean and orderly. Keep machines and other objects (merchandise, boxes, shopping carts, etc.) out of the centre of aisles. Clean up spills, drips, and leaks immediately to avoid slips and falls. Place trash in the proper receptacles. Stock shelves carefully so merchandise would not fall over upon customer contact.

Wear and use of issues: Employees are compelled to wear and use the relevant issues. Supervisors, Occupational Health Safety Officers and safety representatives shall continuously check on employees and report deviations to the relevant Departmental Head and the Municipal Manager. No employee may use or wear issues in his / her private time or for private use.

Cleaning: Cleaning, washing and ironing of issues are the responsibility of the employee. Abnormal circumstances can be referred to the Municipal Manager or his / her assignee for consideration.

○

Ownership: All issues issued for a specific cycle remain the property of the Municipality during that cycle. All issues of equipment remain the property of the Municipality and must be marked in such a way that the date of issue can be determined. When an item is replaced, such item, when replaced, shall be taken in and subsequently destroyed.

Undertaking in writing: All employees shall undertake in writing to wear and use all issues, before an issue can take place.

Termination of service: When an employee leaves the Municipality's service, managers shall see to the return or retaining of issues issued for a specific cycle as well as recovering of outstanding monies in collaboration with Human Resource Management, as determined in the employee's service contract.

Induction training: All new employees shall be properly informed of this policy and the contents thereof, and shall sign to acknowledge receipt of a copy. This policy is therefore a part of each employee's service contract and where necessary specific conditions in this regard shall be additionally included in the service contract.

Frequency / terms of issue: Issues of overalls shall be made annually according to schedules. Other issues are based on the principle of as and when needed and shall therefore only be replaced when worn out. This schedules serves as determination of which equipment and clothing shall be issued; the quantities that shall be issued as well as the minimum life expectancy of the items issued. Proof that the items are worn out or the returning of worn out items, is compulsory before a new issue can / may be made.

Responsibility for issues: Employees who negligently loose or damage their issues shall be held responsible.

Disregarding of policy conditions: Disregarding of the policy conditions shall be dealt with in accordance with the disciplinary procedures of the Municipality.

6.7 Working when it Rains

- Every employee who works in the open air shall wear suitable protective clothing on any working day during which it rains. Depending on the level, rate or concentration of the rainfall, the supervisor concerned may require employees who work in the open air to continue working whilst it rains, provided they wear suitable protective clothing.
- The supervisor concerned shall evaluate the rainfall level, extent, concentration and the effect it has on the safety, health and qualitative production of employees working in the rain. Should the supervisor be of the view that the level, rate or concentration of the rainfall affects the safety, health, effectiveness or qualitative production of the employees, he / she shall order work be abandoned forthwith and order such employees to move to a suitable place identified by the supervisor where there is shelter.
- Should the supervisor upon his / her assessment of the weather conditions be of the view that there is slim and / or no prospects of the stoppage of rainfall, he / she may instruct the employees to abandon work and return to the relevant depot, workshop or plant.
- Any employee removed from a worksite in the open air due to rain may be expected to perform other duties at the depot, workshop or plant, which shall not expose him / her to rain.

7. IMPLEMENTATION AND MONITORING

This policy will be implemented and effective once recommended by the Local Labour Forum and approved by the Council.

8. COMMUNICATION

This policy, and related information pertaining to occupational health and safety, shall be communicated to all employees and Council members using the full range of communication methods available to the Municipality.

9. POLICY REVIEW

This policy shall be reviewed annually and revised as necessary in the light of changing conditions and the findings of surveys / studies conducted by the Health and Safety Workplace Committee.

10. BUDGET AND RESOURCES

Purchases and issues must be controlled by each Departmental Head or his / her assignee as well as by the Storekeeper/s. Managers must budget as necessary and ensure these are incorporated into the overall budget of Municipality.

11. ROLES AND RESPONSIBILITIES

- ***Responsibilities of Municipal Manager:***
 - Identify potential hazards which may be present while work is being done, and any equipment is being used.
 - Ensure that plant, tools, equipment and machinery are safe, maintained in good working order and those materials and operational processes are without risk to health.
 - Establish the precautionary measures that are necessary to protect employees against the identified hazards and provide means to implement these precautionary measures in order to reduce or remove the risks associated with the hazards
 - Provide the necessary information, instructions, training and supervision.
 - Not permit anyone to carry on with any task unless the necessary precautionary measures have been taken.
 - Take steps to ensure every employee complies with requirements of legislation
 - Enforce the necessary control measures in the interest of health and safety.
 - See to it that work being done and equipment being used is under the general supervision of an employee who has been trained to understand the hazards associated with the work and such an employee shall ensure that the precautionary measures are implemented and maintained.
 - Delegate responsibilities to employees appointed in terms of legislation
 - Provide employees appointed in terms of legislation with appropriate information, training, facilities and time to execute
- ***Duties of the Manager Human Resources***

- Ensure full compliance with the legislation.
 - Make written appointments indicating duties, functions and responsibilities
 - Document all agreements relevant to occupational health and safety
 - Report all deviations, deficiencies and concerns to the Municipal Manager for authorisation, action and implementation within reasonable timeframes.
 - Ensuring that all aspects of the programme are identified, assessed, and that suitable risk control measures are implemented, maintained, evaluated and reviewed for efficiency and compliance.
- ***Duties of Safety, Health and Environment (SHE) Officers***
 - Incident Investigations
 - Internal Audits
 - Monitoring of legal compliance
 - Training, development and facilitation of employees, representatives, awareness, information, formal and informal training. Committee meetings, remedial actions, contractor control
 - Support structures for representatives and committees
 - Maintain occupational health and safety information, records and database
 - Supervise execution and compliance with Compensation for Occupational Injuries and Diseases legislation
 - Report on incidents, trends, risks
- ***Duties of Employees***
 - Take care of own health and safety, as well as that of other persons who may be affected by his or her actions or negligence to act.
 - Follow all the health and safety rules and procedures that are provided and communicated by the Municipality or anyone authorised or competent to do so.
 - Wear or use prescribed safety clothing or equipment where it is required
 - Cooperate with the Municipality or any person who has been authorised by the Municipality to carry out duties in terms of legislation.
 - Inform the supervisor or health and safety representative of any unhealthy circumstances or acts that they are aware of.

- Give information to an inspector from the Department of Labour if he / she should require it.
- Formally report any incident that they were involved in or aware of that could cause a health risk or that may result in an injury.
- Not to interfere with, damage or misuse anything that is provided in the interest of health or safety. This applies to intentional, negligent and irresponsible actions

12. PENALTIES

Non-compliance to any of the stipulations contained in this policy shall 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.

14. AUTHORITY

Formulated by HR Management: Signature: _____ Date: _____

Consulted with Local Labour Forum:

Management Representative: Signature: _____ Date: _____

Union Representative: Signature: _____ Date: _____

Union Representative: Signature: _____ Date: _____

Recommended by Portfolio Committee on Corporate Support Services: Signature: _____

_____ Date: _____

Approved by Municipal Council: Signature: _____ Date: _____

EMPLOYEE ASSISTANCE PROGRAMME POLICY

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EMPLOYEE ASSISTANCE PROGRAMME POLICY

1. PREAMBLE

The Municipality acknowledges the existence of employees' personal and work-related problems that may have a negative influence on work performance. As a result it recognises its responsibility through the establishment of Employee Assistance Programme (EAP). EAP is aimed at enhancing work performance and quality of life of all employees. The EAP works closely

with other wellness policies of such as HIV/AIDS, and Occupational Health and Safety, and Intoxicating Substance Abuse.

2. DEFINITIONS

“Employee Assistance Programme” a confidential and professional programme using the holistic and developmental approach to identify, treat and manage employees’ personal and work-related problems that impact on work performance and their wellness. The scope covers, but is not limited to, financial, health, family, marital, stress, interpersonal relationships, and illness.

All terminology used in this policy shall bear the same meaning as in the applicable legislation.

3. LEGAL FRAMEWORK

- Municipal Systems Act 32 of 2000
- Municipal Structures Act 117 of 1998
- Municipal Finance Management Act 56 of 2003
- Labour Relations Act 66 of 1995
- Elias Motsoaledi Local Municipality - Delegations of Authority
- South African Local Government Bargaining Council (SALGBC) Collective Agreements
- Employment Equity Act, No. 55 of 1998
- Occupational Health and Safety Act 85 of 1993
- Basic Conditions of Employment Act 75 of 1997
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Medical Schemes Act 131 of 1998
- Medical, Dental and Supplementary Health Service Professions Act.56 of 1974
- South African Nursing Council as referred to in the Nursing Act 50 of 1978
- Skills Development Act 97 of 1998
- EAPA-SA Standards of 2002
- Mental Health Care Act 17 of 2002

4. SCOPE AND APPLICATION

This policy applies to all employees of the Municipality. There shall be a balance between reactive interventions, proactive interventions and development of employees. Intervention shall be done at three levels, namely:

- **Primary intervention**, focusing on prevention, health promotion, education and risk assessment.
- **Secondary intervention**, focusing on early identification and management and / or resolution of problems or concerns.
- **Tertiary intervention**, focusing on treatment, rehabilitation, care and support of employees experiencing personal or work-related problems.

5. OBJECTIVES OF POLICY

To provide guidance and standard framework of establishing and managing an EAP

6. POLICY CONTENT

6.1. Confidentiality

Any information shared during consultation or counselling shall not be disclosed to anyone, including management, without the employee's written consent except when disclosure is required in terms of a law or court order. The information provided by the employee during consultation shall not be utilised for any purpose other than those agreed upon between the counsellor and the employee. All employee records in this regard shall be kept strictly confidential and not in the employees' personnel files or any official record of the Municipality.

6.2. Eligibility and accessibility

EAP will be accessible and available to all employees irrespective of position or level in the Municipality, and their immediate family members where appropriate in the opinion of the counsellor.

6.3. Neutrality

EAP shall not be frustrated in the traditional interface between management and employees; and shall not clash with the existing administrative procedures. For instance, EAP is not a replacement of the disciplinary procedure.

6.4. Timely intervention

Efforts shall be made to ensure early identification and treatment of problems. Leadership, such as per supervisors and union representatives, shall be involved to ensure timely problem identification, referral and assessment.

6.5. Impartiality

Participation in the programme shall not jeopardise the employee's job security or chances for promotion or other related benefits.

6.6. Equal treatment

Employees who use EAP services shall receive the same considerations as those with medical problems. No employee shall receive preferential or adverse treatment due to his / her participation in the programme.

6.7. Voluntarism

Participation in the programme shall be voluntary. However, management shall have the prerogative to recommend assistance for seemingly troubled employees. Refusal by an employee recommended for assistance due to poor performance could result in disciplinary action when poor performance persists.

6.8. Prevention of abuse

The programme shall be used solely for what its purpose is, and not as a pretext to engage in other activities that are aimed at unfairly treating the employee or abusing the generosity of the Municipality.

6.9. EAP services and method of provision

The Municipality shall, on the discretion of the Municipal Manager in consultation with the Manager Human Resources, provide all or part of the EAP services utilising internal staff of the Municipality, or opt to outsource the provision of the EAP services in part, or as a whole, covering the following:

- Full service for employees and their household (namely the spouse, children and other persons financially dependent on the employee), and focussing on child care, elder care, education and social benefits
- Training of supervisors and managers and equipping them with the skill to identify negative job performance issues related to either work or personal life, and the knowledge to refer them to relevant wellness practitioner
- A direct, multilingual, confidential, unlimited access and 24 hour, 7 days a week clinical and life management services through professional, qualified, registered clinicians and specialists through a 24 hour toll free number
- Provision of wellness clinic services on agreed-upon basis
- A 48 to 72 hours response turnaround to offer individual and group trauma debriefing for critical incidents
- A legal wellbeing service to assist employees with consumer affairs, social benefits and legal matters
- A financial wellbeing service focussing mainly on financial literacy and debt management while maintaining sound mental and social health
- Managed sessions, creating awareness and education about the EAP service, as an introduction to employees, and promotion of EAP at various work sites through employee forums
- Development and implementation of a health calendar, with wellness days and events incorporated into it
- Development of a comprehensive EAP and its successful implementation, supported by ongoing marketing and periodic reporting to management of the Municipality
- Advice on recreational and sporting activities, incorporating physical fitness, and on work gyms, if required

- Support to employees battling substance abuse through support groups
- Provision of consultancy service to manage absenteeism and incapacity, and proactive alerting of observed risks / threats following professional employee assessments
- Continuous assessment and analysis of statistical data, and ongoing feedback of themes and trends, as well as communication of all developments, issues, concerns, compliments and other information to the Municipality
- Facilitation of annual voluntary counselling and testing (VCT) campaigns for HIV/AIDS, as well as referrals, peer educator support and training
- Annual review report to provide an overall review of the service utilisation data and to discuss organisational trends

6.10. Institutional arrangements

- Municipal Manager shall ensure that EAP is a key performance area of all managers, and shall furthermore appoint Manager Human Resources as the nodal point for managing EAP across the Municipality.
- Manager Human Resources shall, from time to time and based on case by case experience, provide guidelines to both line managers and appointed EAP professionals on referral procedures for each type of case requiring assistance
- Manager Human Resources shall, in association with the CFO, ensure that there are financial resources for the implementation of EAP across the Municipality.
- Human Resource Management shall, from time to time, advise line managers and employees on the integration of the EAP with other Municipality programmes

7. IMPLEMENTATION AND MONITORING

This policy shall be implemented and effective once recommended by the Local Labour Forum and approved by Council.

8. COMMUNICATION

This policy shall be communicated to all employees using the full range of communication methods available to the Municipality.

9. POLICY REVIEW

This policy will be reviewed annually and revised as necessary.

10. BUDGET AND RESOURCES

The financial and resource implications related to the implementation of this policy shall be qualified and quantified by Manager Human Resources.

11. ROLES AND RESPONSIBILITIES

The Municipal Manager or his / her delegated 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 shall be incorporated into the policy.

14. AUTHORITY

Formulated by HR Management: Signature: _____ Date: _____

Consulted with Local Labour Forum:

Management Representative: Signature: _____ Date: _____

Union Representative: Signature: _____ Date: _____

Union Representative: Signature: _____ Date: _____

Recommended by Portfolio Committee on Corporate Support Services: Signature: _____
_____ Date: _____

Approved by Municipal Council: Signature: _____ Date: _____

SMOKING POLICY

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SMOKING POLICY

1. PREAMBLE

The Municipality is committed to providing healthy workplace environment, and to protect the health of all employees, councillors, and visiting public at its workplaces.

2. DEFINITIONS

All terminology used in this policy shall bear the same meaning as in the applicable legislation.

3. LEGAL FRAMEWORK

- Municipal Systems Act 32 of 2000
- Labour Relations Act 66 of 1995
- Elias Motsoaledi Local Municipality - Delegations of Authority
- South African Local Government Bargaining Council (SALGBC) Collective Agreements
- Occupational Health and Safety Act 85 of 1993
- Tobacco Products Control Amendment Act 12 of 1999
- Government Notice R975, relating to smoking of tobacco products in public places, dated 29 September 2000

4. SCOPE AND APPLICATION

This policy is applicable to all employees, service providers, clients and visitors to the Municipality's buildings, premises and / or using municipal vehicles.

5. OBJECTIVES OF POLICY

To regulate smoking and ensure quality indoor air and a healthy workplace environment is maintained and that the health of non-smokers is not adversely affected by exposure to tobacco smoke in all municipal workplaces.

6. POLICY CONTENT

Tobacco smoke could cause adverse effects such as allergies, irritation of the respiratory tract, some cancers, heart disease, peripheral vascular disease and respiratory diseases such as

emphysema and chronic bronchitis. Non-smokers are harmed by secondary tobacco smoke, and may develop these adverse effects. Departmental Heads are required to oversee that no working hours are lost as a result of smoking by employees. Only two smoke breaks of five (5) minutes each are allowed during the day, preferably at 10h00 and at 15h00.

6.1 Designated Smoking Areas

Smoking is prohibited within all Municipality buildings and vehicles, except in specifically designated smoking areas whose location, size and number shall be determined by the Municipal Manager as described in legislation.

6.2 Assistance for Smokers

It is recognised that some employees may have some difficulty in adjusting to these rules, particularly those who have been smoking for a long time. In an effort to assist individuals in adjusting to this change, counselling shall be made available on request.

7. IMPLEMENTATION AND MONITORING

All reasonable efforts shall be made to help individuals meet the requirements of this policy.

8. COMMUNICATION

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

9. POLICY REVIEW

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

10. BUDGET AND RESOURCES

The financial and resource implications related to the implementation of this policy shall be qualified and quantified by Human Resource Management.

11. ROLES AND RESPONSIBILITIES

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

12. PENALTIES

Non-compliance for non-employees may result in a fine, and for employees it shall be viewed as misconduct and will be dealt with in terms of the Municipality's 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.

14. AUTHORITY

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Management Representative: Signature: _____ Date: _____

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Recommended by Portfolio Committee on Corporate Support Services: Signature: _____
_____ Date: _____

Approved by Municipal Council: Signature: _____ Date: _____

EMPLOYEE RELATIONS

PART G:

GRIEVANCE PROCEDURE

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GRIEVANCE PROCEDURE

1. PREAMBLE

The Municipality believes it to be in the best interest of all employees to ensure that the highest standards of professional and ethical conduct are followed in all activities. In pursuing the procedures outlined hereunder, the Municipality shall make all efforts to resolve each grievance as quickly as possible with the utmost concern for reconciling and respecting the privacy concerns of individuals involved. Employees are thus encouraged, in appropriate situations, to address their grievances in line with this procedure.

2. DEFINITIONS

All terminology used in this policy shall bear the same meaning as in the applicable legislation.

3. LEGAL FRAMEWORK

- Municipal Systems Act 32 of 2000
- Labour Relations Act 66 of 1995
- Elias Motsoaledi Local Municipality - Delegations of Authority
- South African Local Government Bargaining Council (SALGBC) Collective Agreements

4. SCOPE AND APPLICATION

This procedure applies to all employees of the Municipality.

5. OBJECTIVES OF THE PROCEDURE

The objective of this grievance procedure is to ensure a fair procedure to resolve problems and conflict as quickly as possible. This procedure shall also ensure eventual resolution of any grievance through formal measures beyond informal and verbal interventions.

6. PROCEDURE CONTENT

6.1. Step One: Immediate Superior

- 6.1.1. The lodging of a grievance shall, except in exceptional circumstances, take place within ten (10) days from the time the employee first becomes aware of the matter that gave rise to such grievance.
- 6.1.2. An aggrieved employee or group of employees must lodge in writing with his / her immediate superior a grievance on the prescribed form setting out the complaint and the desired result. Such an employee may, if he / she so wishes be assisted by a shop steward, fellow employee or union official. Should the grievance concern the conduct of the employee's immediate supervisor, the employee may proceed directly to Step Two provided that he / she submit the grievance on the prescribed form.
- 6.1.3. The immediate supervisor shall endeavour, in consultation with the affected employee(s), resolve the grievance within three (3) days of the grievance having been referred to him / her and shall inform the employee of the outcome in writing.

6.2. Step Two: Departmental Head

- 6.2.1. If a grievance has not been resolved to the satisfaction of the aggrieved employee or group of employees, the immediate supervisor shall refer the matter in writing within three (3) days to the Departmental Head or his / her nominee.
- 6.2.2. The Departmental Head or his / her nominee shall arrange to consult and hold discussions with the affected parties in an attempt to achieve a resolution. The employee may be assisted by a fellow employee, shop steward or union official at such a meeting and the immediate supervisor may also be required to attend.
- 6.2.3. The Departmental Head or his / her nominee shall endeavour to resolve the grievance within three (3) days of the grievance being referred and shall inform the employee of the outcome in writing.

6.3. Step Three: Municipal Manager

- 6.3.1. If the grievance has not been resolved to the satisfaction of the aggrieved employee or group of employees, the Departmental Head or his / her nominee shall refer it to the Municipal Manager or his / her nominee within three (3) days in writing.
- 6.3.2. The Municipal Manager shall hold an enquiry into the grievance, attended by the employee, his / her representative, if required, and any other persons who, in the opinion of the Municipal Manager or his / her nominee should attend. The Municipal

Manager or his / her nominee shall hear details of the grievance, including proposals to resolve the it and shall endeavour to reach a decision within five (5) days.

6.3.3. The Municipal Manager or his / her nominee shall inform the employee in writing of the outcome of the hearing as envisaged in clause 6.3.2 above, and such decision shall be final for internal structures.

6.3.4. If the grievance is against the Municipal Manager, the aggrieved employee shall refer the grievance to the Office of the Speaker, which may either resolve the grievance itself or engage the services of an appropriate senior manager of another municipality to resolve the grievance.

6.3.5. If the grievance has not been resolved to the satisfaction of the aggrieved party, the party may refer the grievance to the Bargaining Council for adjudication, provided that a dispute has been declared.

7. IMPLEMENTATION AND MONITORING

This procedure will be implemented and effective once recommended by the Local Labour Forum and approved by the Council.

8. COMMUNICATION

This procedure will be communicated to all employees using the full range of communication methods available to the Municipality.

9. PROCEDURE REVIEW

This procedure will be reviewed and revised annually when there are changes in the relevant collective agreement of the Local Labour Forum.

10. BUDGET AND RESOURCES

The financial and resource implications related to the implementation of this procedure shall be qualified and quantified by Human Resource Management.

11. ROLES AND RESPONSIBILITIES

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

12. PENALTIES

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

13. DISPUTE RESOLUTION

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

14. AUTHORITY

Formulated by HR Management: Signature: _____ Date: _____

Consulted with Local Labour Forum:

Management Representative: Signature: _____ Date: _____

Union Representative: Signature: _____ Date: _____

Union Representative: Signature: _____ Date: _____

Recommended by Portfolio Committee on Corporate Support Services: Signature: _____
 _____ Date: _____

Approved by Municipal Council: Signature: _____ Date: _____

DISCIPLINARY PROCEDURE

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DISCIPLINARY PROCEDURE

1. PREAMBLE

The Municipality conforms to the law and good governance that discipline is to be applied fairly, consistently, progressively and promptly. The principles of natural justice and fair procedure shall be adhered to notwithstanding any criminal and / or civil action having been instituted. Subject to the requirements of substantive and procedural fairness, the disciplinary tribunal has the right to determine the sanction to be applied, having regard to the seriousness of the offence and provided that the sanction is consistent with the provisions set out herein.

2. DEFINITIONS

All terminology used in this procedure shall bear the same meaning as in the applicable legislation.

3. LEGAL FRAMEWORK

- Municipal Systems Act 32 of 2000
- Labour Relations Act 66 of 1995
- Elias Motsoaledi Local Municipality - Delegations of Authority
- South African Local Government Bargaining Council (SALGBC) Collective Agreements

4. SCOPE AND APPLICATION

This procedure applies to all employees of the Municipality.

5. OBJECTIVES OF THE PROCEDURE

The objective of this procedure is to establish a uniform standard for management of discipline in the Municipality. The application is therefore mandatory as a condition of service.

6. PROCEDURE CONTENT

6.1. Procedure for laying a charge

- 6.1.1. An accusation of misconduct against an employee shall be brought in writing before the Municipal Manager or his / her authorised representative for investigation. If the Municipal Manager or his / her representative is satisfied that there is prima facie case to believe an act of misconduct has been committed, he / she may institute disciplinary proceedings forthwith or as soon as reasonably possible. If in doubt

about the evidence, the Municipal Manager shall appoint an investigating officer or entity, internally or externally, to conduct a full investigation before deciding whether or not to institute disciplinary proceedings.

- 6.1.2. Depending on the seriousness of the misconduct, the Municipal Manager or his / her representative may refer the matter before either a Departmental Enquiry or Disciplinary Tribunal.

A Departmental Enquiry shall be reserved only for matters where the competent sanction is a verbal or final written warning. In proceedings before a Departmental Enquiry, the employee shall enjoy the same rights as he / she would have had before a Disciplinary Tribunal.

- 6.1.3. If in the opinion of the Municipal Manager or his / her representative the misconduct is serious and may result in a sanction of suspension, demotion or dismissal, a Disciplinary Tribunal shall be established to conduct the enquiry. In this case:

6.1.3.1. The Municipal Manager or his / her authorised representative shall constitute a Disciplinary Tribunal by appointing a suitably qualified person to serve as the Presiding Officer. In general a person appointed to serve as the Presiding Officer should be a senior employee of the Municipality. However, if this is not possible or desirable, any other suitably qualified person may be appointed.

6.1.3.2. The Municipal Manager or his / her representative shall also appoint a person to be referred to as the Prosecutor to represent the Municipality and to serve the function of prosecution. In general a person appointed to serve as Prosecutor should be a person in the employ of the Municipality. However if this is not possible or desirable, any suitably qualified person may be appointed.

- 6.1.4. The Prosecutor shall, within five (5) days of his / her appointment, formulate and present the charges to be brought against the employee. The charge(s) is (are) to be set out in a Notice of Misconduct detailing:

6.1.4.1. The alleged misconduct as is contemplated in Annexure "A" hereto;

6.1.4.2. The time, date and venue at which the enquiry will be conducted;

6.1.4.3. The name of the Presiding Officer and the Prosecutor and the address at which notices and correspondence may be served on the Disciplinary Tribunal;

6.1.4.4. The fact that the employee may appoint a representative of choice who may be a fellow employee, shop steward, union official and if this is not possible or desirable, any suitably qualified person; and

6.1.4.5. The fact that if the employee or his representative fails to attend the enquiry it may be conducted in absentia.

6.1.4.6. The employee should, whenever possible, acknowledge receipt of the notice.

- 6.1.4.7. The disciplinary enquiry should commence on a date not less than five (5) days or more than fifteen (15) days calculated from the date of service of the Notice of Misconduct on the employee.
- 6.1.4.8. The period referred to in 6.1.4.7 above may be varied by agreement and failing agreement, either party may apply to the Disciplinary Tribunal for an extension of the period.
- 6.1.4.9. The Disciplinary Tribunal, on good cause shown, may extend any period of time fixed by or under this clause provided a return date is fixed and made certain.

6.2. Conducting an enquiry

- 6.2.1. The hearing shall be conducted by the Presiding Officer who may determine the procedure to be followed subject to the following:
 - 6.2.1.1. The rules of natural justice must be observed in the conduct of the proceedings;
 - 6.2.1.2. Unless otherwise agreed to by the parties, the hearing must be adversarial in nature and character, and
 - 6.2.1.3. The Presiding Officer in discharging this obligation is to exercise care, proceed diligently and act impartially.
- 6.2.2. The Prosecutor shall bear the duty to commence and the burden proves each and every allegation(s) on a balance of probability set out in the Notice of Misconduct.
- 6.2.3. In discharging these duties, the Prosecutor shall be entitled to call before the Disciplinary Tribunal any witnesses and produce any books, documents or things; and:
 - 6.2.3.1. Subject to legal objection cross-examine any witness called to testify on behalf of the employee and inspect any books, documents or things produced; and
 - 6.2.3.2. Present argument based on the evidence in support of any submission.
- 6.2.4. The employee summoned before the Disciplinary Tribunal shall have the right to be heard in person or through a representative and to call before the Disciplinary Tribunal any witness and produce any books, documents or things; and
 - 6.2.4.1. Cross-examine any witness subject to legal objection called to testify on behalf of the employer and to inspect any books, documents or things produced; and
 - 6.2.4.2. Present argument based on the evidence in support of any submission.
- 6.2.5. The Presiding Officer shall have the power to:

- 6.2.5.1. Determine the procedure to be followed for the conduct of the enquiry that he deems appropriate with the minimum of legal formalities provided that the rules of natural justice shall be observed;
- 6.2.5.2. Put questions, without cross-examining, to the parties or their witnesses on any matter relevant to the issues;
- 6.2.5.3. Proceed with the enquiry in the absence of a party who is in wilful default or fails to attend any meeting despite the expiry of a notice to attend;
- 6.2.5.4. Make such interim determinations or rulings as he / she deems necessary;
- 6.2.5.5. Propose to the parties compromise settlements in disposal of the whole or portion of the issues;
- 6.2.5.6. Make a finding of fact after having considered the evidence;
- 6.2.5.7. Invite and hear any plea in mitigation, aggravation or extenuation prior to deciding on the sanction to impose; and
- 6.2.5.8. Impose, where deemed appropriate, any of the following sanction:
 - 6.2.5.8.1. Written warning;
 - 6.2.5.8.2. Final written warning;
 - 6.2.5.8.3. Transfer to another position either with or without financial loss;
 - 6.2.5.8.4. Suspension without pay for a maximum of ten (10) days as is furthermore referred to in clause 2.5.3 of Annexure "A" hereto;
 - 6.2.5.8.5. The withholding of any salary increment for a period not exceeding twelve months;
 - 6.2.5.8.6. Demotion to another post with or without financial loss; or
 - 6.2.5.8.7. Dismissal.

6.2.6. The Presiding Officer shall within ten (10) days of the last day of the hearing confirm in writing the findings of fact, sanction imposed and the reasons in support thereof and provide a copy of the determination to the Municipal Manager or his / her representative and to the employee or his / her representative.

Summary Procedure

6.2.7. If the Municipality and the employee so agree in writing, the Summary Procedure as set out hereinafter may apply to the proceedings. The Presiding Officer shall, at such meeting(s) with the parties, as he deems necessary:

- 6.2.7.1. Confirm that the matter is ready for adjudication;
- 6.2.7.2. Ascertain and record in writing, signed by him / herself and the parties, the facts on which the parties agree and those on which they disagree herein called the “issues”;
- 6.2.7.3. Receive from the parties such documents or copies thereof as they consider relevant to the determination of the issues;

- 6.2.7.4. Receive evidence or submissions, orally or in writing, sworn or un-sworn at joint meetings with the parties or, if the parties so agree, by the interchange of written statements or submissions, between the parties with copies to the Presiding Officer provided that each party shall be given reasonable opportunities of presenting evidence or submissions and of responding to those of the other;
- 6.2.7.5. Deliver a determination, in writing, within ten (10) days of the last day of the hearing or submission of the last document to the Presiding Officer, if there was no hearing.

6.3. Right of resignation

- 6.3.1. An employee who receives a Notice of Misconduct shall be entitled to resign from employment or to retire, if eligible, in terms of the retirement fund rules, provided that:
 - 6.3.1.1. The employee does so prior to the handing down of a determination;
 - 6.3.1.2. The employee consents in writing to the deductions of all and any amounts owing by him / her to the Municipality from any monies payable to him / her by the Municipality (including but not limited to retirement fund monies) arising out of or in connection with his / her resignation or retirement.
 - 6.3.1.3. In such an event the disciplinary enquiry shall not proceed.

6.4. Disciplinary tribunal

- 6.4.1. In general a person appointed to serve as the Presiding Officer should be a senior employee in the employ of the Municipality. However if this is not possible or desirable, any other suitably qualified person may be appointed.
- 6.4.2. During the conduct of the enquiry the employee may make application on good cause shown for the recusal of the Presiding Officer.
- 6.4.3. The Presiding Officer shall not consult, confer or have casual contact with any of the parties or their representatives while handling a matter without the presence or consent of the other party.

6.4.4. The determination of the Disciplinary Tribunal shall be final and binding on the Municipality save that the employee may lodge an appeal thereto.

6.4.5. In general a person appointed to serve as Prosecutor should be a person in the employ of the Municipality. However, if this is not possible or desirable, any suitably qualified person may be appointed.

6.5. Recording

6.5.1. The proceedings of the Disciplinary Tribunal shall be recorded by means of a mechanical device.

6.5.2. The record of the proceedings shall be kept in safe custody by the Municipality and upon request a copy thereof provided to the employee or his / her representative.

6.6. Non-attendance

6.6.1. In the event of the failure by the employee, or a duly appointed representative, to attend an enquiry or appeal without good cause and after proper service of the Notice of Misconduct was done, the enquiry may be conducted in absentia and discipline imposed.

6.7. Right of representation

6.7.1. An employee shall be entitled to representation at any enquiry by an employee, a shop steward or union official who is willing and able to represent the employee and, if this is not possible or desirable, any suitably qualified person.

6.8. Suspension

6.8.1. The Municipality may at any time before or after an employee has been charged with misconduct, suspend the employee or utilise him / her temporarily in another capacity should the Municipal Manager be of the opinion that it would be detrimental to the interest of the Municipality if the employee remains in active service.

6.8.2. If the Municipal Manager intends to suspend an employee he / she shall give notice of such intention and afford the employee with an opportunity to make representation as to why he / she should not be suspended. The enquiry shall be done by means of the *Summary Procedure* as provided for herein.

6.8.3. The suspension or utilisation in another capacity shall be for a fixed and pre-determined period and at any rate shall not exceed a period of three (3) months. Any suspension imposed shall be on full remuneration.

6.9. Appeal

- 6.9.1. The employee has the right to appeal against any disciplinary sanction, which has been given at a Departmental Enquiry or Disciplinary Tribunal.
- 6.9.2. An appeal must be lodged on the prescribed form within five (5) days of receipt of written notification of the disciplinary decision and the grounds of appeal must be clearly set out provided that the failure by a party to raise a ground of appeal shall not preclude that party from subsequently raising it before the Disciplinary Appeal Tribunal.
- 6.9.3. Appeals will be heard by a management level above that of the Presiding Officer of the enquiry in the case of final written warnings and by a higher level of management who does not exercise direct management control over the affected employee in the case of dismissals and suspensions without pay.
- 6.9.4. By agreement an appeal may be heard by an impartial arbitrator appointed by the parties to the appeal from a panel or list.
- 6.9.5. The appeal will only be heard on the grounds of an appeal submitted by the employee and any amendment thereto and by having regard to the record of the proceedings and submissions and arguments based thereon. The appeal should not entail the rehearing of the matter from scratch.
- 6.9.6. The Presiding Officer of the Disciplinary Appeal Tribunal shall have the power to confirm or set aside any decision, determination or finding and to confirm, set aside or reduce any sanction imposed.
- 6.9.7. The Presiding Officer of the Disciplinary Appeal Tribunal shall fix the time and date of the hearing which will take place within ten (10) days from the date of appointment. In consultation with the parties, the Presiding Officer may vary the time and date and order a mutually convenient time, date and place.
- 6.9.8. The parties shall deliver to the other and to the Presiding Officer a brief statement of case at least two (2) days prior to the hearing and no further pleadings shall be exchanged unless otherwise agreed.
- 6.9.9. The statement of case shall concisely set out the facts upon which the party relies, the conclusions of law upon which the party relies and the relief which the party seeks.
- 6.9.10. The hearing will be conducted by the Presiding Officer in whatever manner and procedure, including the *Summary Procedure* as set out in clause 6.2.7 above that will produce the most expeditious hearing of the matter.
- 6.9.11. The Disciplinary Appeal Tribunal is to consider whether the disciplinary enquiry and sanction was fair. The Presiding Officer in his / her sole discretion shall be entitled to make whatever order he / she deems reasonable in the circumstance.
- 6.9.12. The Disciplinary Appeal Tribunal shall make its determination, in writing, within ten (10) days from the last day of the hearing and provide a copy of the determination to

the Municipal Manager or his / her representative and to the employee or his / her representative.

6.10. Pre-dismissal arbitration

6.10.1. The Municipality may, with the consent of the employee, request the Bargaining Council, an accredited agency or the Commission for Conciliation, Mediation and Arbitration (CCMA), to conduct arbitration into allegations about the conduct or capacity of an employee as provided for under section 188A of the Labour Relations Act 66 of 1995.

6.10.2. The provisions of Section 138 of the Labour Relations Act, read with the changes required by the context, apply to any pre-dismissal arbitration.

7. IMPLEMENTATION AND MONITORING

This procedure will be implemented and effective once recommended by the Local Labour Forum and approved by the Council.

8. COMMUNICATION

This procedure will be communicated to all employees using the full range of communication methods available to the Municipality.

9. PROCEDURE REVIEW

This procedure will be reviewed and revised annually when there are changes in the applicable collective agreement.

10. BUDGET AND RESOURCES

The financial and resource implications related to the implementation of this procedure should be qualified and quantified by Human Resource Management.

11. ROLES AND RESPONSIBILITIES

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

12. PENALTIES

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

13. DISPUTE RESOLUTION

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

14. AUTHORITY

Formulated by HR Management: Signature: _____ Date: _____

Consulted with Local Labour Forum:

Management Representative: Signature: _____ Date: _____

Union Representative: Signature: _____ Date: _____

Union Representative: Signature: _____ Date: _____

Recommended by Portfolio Committee on Corporate Support Services: Signature: _____
_____ Date: _____

Approved by Municipal Council: Signature: _____ Date: _____

ANNEXURE A

CONDUCT AND SANCTIONS

1. STANDARD OF CONDUCT

- 1.1. Employees are expected to comply in every respect with the conditions of employment and collective agreements and various related regulations, orders, policies and practices and to refrain from any conduct which would give just cause for discipline.
- 1.2. In particular, employees should:
 - 1.2.1. Attend work regularly and punctually;
 - 1.2.2. Conform to the reasonable dress and uniform requirements of the Municipality;
 - 1.2.3. Perform their tasks and job responsibilities diligently, carefully and to the best of their ability;
 - 1.2.4. Obey all lawful and reasonable instructions given by a person having the authority to do so;
 - 1.2.5. Conduct themselves with honesty and integrity;
 - 1.2.6. Request permission in advance for any leave of absence whenever possible;
 - 1.2.7. Refrain from being absent from duty without leave or permission, except on good cause;
 - 1.2.8. Refrain from accepting any other employment outside of normal working hours without the prior permission of the Department Head or Municipal Manager, which permission shall not be unreasonably withheld;

- 1.2.9. Refrain from any rude, abusive, insolent, provocative, intimidatory or aggressive behaviour to a fellow employee or member of the public;
- 1.2.10. Refrain from wilful or negligent behaviour, which may result in the damage of property;
- 1.2.11. Refrain from participating, either individually or with others, in any form of action, which will have the effect of disrupting the operations of the Municipality, other than actions contemplated by the Labour Relations Act;
- 1.2.12. Refrain from wrongfully disclosing privileged information; and
- 1.2.13. Refrain from consuming alcohol or using intoxicating drugs whilst on duty.

2. SANCTIONS FOR MISCONDUCT

- 2.1. In accordance with the Disciplinary Policy, any sanction that is imposed for misconduct will be intended to deter future repetition of that behaviour. The sanction imposed must be based on the seriousness of the offence and considering the employee's disciplinary record;
- 2.2. The imposition of discipline is progressive in that sanctions are to be applied with increasing severity with the repetition of the offence. Sanctions will generally be applied by first issuing a written warning and then a final written warning, except in cases of misconduct which would constitute grounds for immediate dismissal or suspension without pay or the immediate imposition of a final written warning.
- 2.3. All written warnings and suspensions are to be recorded in the employee's personal file.
- 2.4. A written warning will remain valid and on the record of the employee for a period of six (6) months from the date of imposition.
- 2.5. The Municipality may impose as a sanction a suspension without pay having regard either to the serious nature of the misconduct or the fact that there has been a previous warning or warnings for the same behaviour in which event:
 - 2.5.1. The maximum period will be ten (10) days;
 - 2.5.2. The period of suspension will run consecutively;
 - 2.5.3. In the event of a suspension in excess of five (5) days, the suspension without pay shall be spread over three (3) monthly pay periods;
- 2.6. A suspension without pay shall be regarded as sanction more serious than a final written warning.
- 2.7. As guideline, an employee may be dismissed on the first occasion for, inter alia:-
 - 2.7.1. Intimidation, fighting and / or assault;
 - 2.7.2. Theft, unauthorised possession of or malicious damage to the Municipality's property

- 2.7.3. Being under the influence of alcohol or intoxicating drugs whilst on duty such that performance is seriously impaired or diminished;
 - 2.7.4. The consumption of alcohol or intoxicating drugs whilst on duty if the nature of work to be performed is such that intoxication endangers the safety of the employee or that of others;
 - 2.7.5. Any act of gross dishonesty;
 - 2.7.6. Any act of gross negligence;
 - 2.7.7. Gross insubordination;
 - 2.7.8. Wrongful disclosure of privileged information;
 - 2.7.9. Any act of bribery or corruption; and
 - 2.7.10. Any other act of misconduct which would constitute just cause for dismissal.
-

INCAPACITY DUE TO POOR WORK PERFORMANCE POLICY

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INCAPACITY DUE TO POOR WORK PERFORMANCE POLICY

1. PREAMBLE

The Labour Relations Act sets out certain guidelines in handling incapacity. The following is the Municipality's guideline in dealing with incapacity due to poor work performance.

2. DEFINITIONS

Poor work performance is the inability or failure of an employee to meet the required standard(s) or output(s) for the position in which he / she is employed. Poor work performance could include:

- Less than expected output and poor quality
- Failure to meet set targets
- Work requiring rework / repair
- Unnecessary material wastage
- Any non-conformance to reasonable or agreed standards
- Time wasting

All terminology not defined under clause 2 of this policy shall bear the same meaning as in the applicable legislation.

3. LEGAL FRAMEWORK

- Municipal Systems Act 32 of 2000
- Labour Relations Act 66 of 1995
- Elias Motsoaledi Local Municipality - Delegations of Authority
- South African Local Government Bargaining Council (SALGBC) Collective Agreements

4. SCOPE AND APPLICATION

The policy shall apply to all employees of the Municipality.

5. OBJECTIVES OF POLICY

The objective of this policy is to establish a procedure for managing incapacity due to poor performance at the Municipality in line with applicable legislation. This shall assist managers and supervisors to identify the reasons for the non-performance and to provide a structured and consistent system of assisting the employee to improve his / her performance to the required standards within a reasonable period.

6. POLICY CONTENT

6.1. Set standards

Clear and objective standards shall be set and discussed with the employee. These jobrelated standards shall be fair and reasonable in that the employee has sufficient training and knowledge to perform at a particular level. Performance standards shall be set in consultation with the employee within the performance management system framework.

6.2. Probation Period

For new employees, provision must be made for dealing with poor performance during an employee's probation period, during which management should give relevant evaluation feedback, instruction, training and guidance to the employee in an attempt to meet the required standards. In the event of the employee still not reaching the required standard of performance, the employee's contract of employment may be terminated or the probation period may be extended where appropriate.

6.3. Conduct performance review and assessment

- In case of employees whose probationary period has been successfully completed, that employee shall be addressed in terms of how he / she has not met standards from after the probationary period, and shall be given an opportunity to challenge the performance appraisal.
- The employee and the manager shall discuss ways in which performance can be improved. Management shall assist and support the employee as far as possible through, for instance, regular report-backs, refresher courses, training and counselling, within a reasonable period for improvement.
- All communication between management and the employee shall be confirmed in writing. Factors that have hindered an employee from reaching the set standards shall be taken into consideration. *[Use attached checklist as guideline.]*

6.4. Institute disciplinary proceedings

- Once the manager has established that the employee's performance is unsatisfactory regardless of the support, training and the period given for improvement, and that there is no other way short of dismissal to remedy the matter, the appropriate steps may be taken to discipline the employee.
- The appropriate steps shall include following options provided by the approved disciplinary procedure of the Municipality.

7. IMPLEMENTATION AND MONITORING

This policy will be implemented and effective once recommended by the Local Labour Forum and approved by the Council.

8. COMMUNICATION

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

9. POLICY REVIEW

This policy will be reviewed annually 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 by Human Resource Management.

11. ROLES AND RESPONSIBILITIES

It is the responsibility of management at the Municipality to manage performance and ensure that job descriptions and clear performance standards are communicated to and consulted with employees. Appropriate instructions, training and guidance must be provided to employees. Employees must be given a reasonable period, depending on seniority of the post, to capacitate themselves on the content of their jobs. Feedback, counselling and where appropriate, retraining must be provided to employees to enable them to perform to standards.

All documentation and correspondence emanating from or related to this policy will be kept on either personal and / or record files as dictated by the nature of issue.

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 procedure due to ambiguous wording or phrasing must be referred to the Local Labour Forum for adjudication. Resolutions from the Local Labour Forum shall be incorporated into the policy.

14. AUTHORITY

Formulated by HR Management:

Signature: _____ Date: _____

Consulted with Local Labour Forum:

Management Representative:

Signature: _____ Date: _____

Union Representative:

Signature: _____ Date: _____

Union Representative:

Signature: _____ Date: _____

Recommended by Portfolio Committee on Corporate Support Services:
 _____ Date: _____

Signature: _____

Approved by Municipal Council:

Signature: _____ Date: _____

CHECKLIST FOR MANAGING POOR WORK PERFORMANCE

No	Activities	Yes/No
1	Identify sub-standard performance	
2	Review standards to ensure they are reasonable	
3	Arrange interview with employee	
4	Inform employee of your dissatisfaction with his / her performance	
5	Establish if employee is aware of performance standard. If employee is unaware, spell out standards and indicate to employee that performance will in future be monitored	
6	If employee is aware of standard, enquire into reason for poor performance	
7	Consider your employee's reasons. If satisfactory, end the session	
8	If not or if indications are that further action is required, stress the need for standards to be maintained	
9	Discuss with employee possible ways of addressing the problem, e.g. training, assistance, transfer, etc.	
10	If agreement is reached on an action plan, secure employee's commitment to it	
11	If no agreement is reached, spell out your own action plan. Be clear on standards required as well as time allowed for performance to improve. Make sure that it is reasonable	
12	In both cases inform employee that he / she will be monitored and that failure to comply with performance standards may lead to dismissal	
13	Assure employee of support, and give it continuously	
14	Thereafter monitor progress	
15	If problem persists, arrange for formal incapacity hearing. Employee is entitled to representation. Enquire about reasons for failure to improve and, if reasons are acceptable, decide on further assistance. If reasons are unsatisfactory, terminate services on notices	
16	Inform the employee of the right to refer any disagreement about termination to review by a more senior level of management	
17	If the review is unsuccessful, inform the employee about his / her right to refer the matter externally	
18	Attend to administrative issues, eg. UIF and Certificate of Service	
19	Always keep accurate record of interview, action plans, etc.	

Checked by (Manager): _____ Date: _____
(Name in print)

SIGNATURE: _____

INCAPACITY DUE TO ILL HEALTH / INJURY POLICY

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INCAPACITY DUE TO ILL HEALTH / INJURY POLICY

1. PREAMBLE

The Labour Relations Act sets out certain guidelines in handling incapacity. The following is the Municipality's guideline in dealing with incapacity due to ill health / injury.

2. DEFINITIONS

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

3. LEGAL FRAMEWORK

- Municipal Systems Act 32 of 2000
- Labour Relations Act 66 of 1995
- Elias Motsoaledi Local Municipality - Delegations of Authority
- South African Local Government Bargaining Council (SALGBC) Collective Agreements
- Occupational Health and Safety Act 85 of 1993
- Basic Conditions of Employment Act 75 of 1997
- Compensation for Occupational Injuries and Diseases Act 130 of 1993

4. SCOPE AND APPLICATION

The policy shall apply to all employees of the Municipality.

5. OBJECTIVES OF POLICY

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.

6. POLICY CONTENT

6.1 General Principles

- The Municipality is committed to treating any employee incapacitated due to illness or injury in a fair and appropriate manner to their particular situations. As such, no employee should be subjected to any form of victimisation or unfair discrimination as a result of their illness or injury.
- The degree of incapacity, as well as the permanency of the incapacity, will be considered when assessing the person's suitability for continuous 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 Municipality shall investigate the extent of the incapacity of the injury

- ✓ Such an investigation shall 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 Municipality shall investigate all the possible alternatives short of dismissal. The employee and his / her representative shall 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.

6.2.2 *Permanent incapacity*

- ✓ In cases of permanent incapacity, the Municipality shall 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 shall be allowed the opportunity to state a case in response and to be assisted by a fellow employee or union representative.
- ✓ Particular consideration shall be given to employees who are injured at work or who are incapacitated by work related illness. In these cases the Municipality shall, as compelled by legislation, assist employees to claim compensation for occupational injuries and diseases.
- ✓ Termination of employment shall only be considered if the employee's disability cannot be reasonably accommodated by adapting his / her duties or work circumstances, and an alternative position is not available.
- ✓ Should the employee be unable to continue working, the Municipality shall assist the employee 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 that the employee would be unable to continue performing his / her normal duties. The application shall 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 recommended by the Local Labour Forum and approved by the Council.

8. COMMUNICATION

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

9. POLICY REVIEW

This policy will be reviewed annually and revised as necessary.

10. BUDGET AND RESOURCES

The financial and resource implications related to the implementation of this policy should be qualified and quantified by Human Resource Management.

11. ROLES AND RESPONSIBILITIES

The Municipal Manager or his / her delegated 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.

14. AUTHORITY

Formulated by HR Management: Signature: _____ Date: _____

Consulted with Local Labour Forum:

Management Representative: Signature: _____ Date: _____

Union Representative: Signature: _____ Date: _____

Union Representative: Signature: _____ Date: _____

Recommended by Portfolio Committee on Corporate Support Services: Signature: _____
_____ Date: _____

Approved by Municipal Council: Signature: _____ Date: _____

INCAPACITY DUE TO OPERATIONAL REQUIREMENTS POLICY

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INCAPACITY DUE TO OPERATIONAL REQUIREMENTS POLICY

1. PREAMBLE

The Labour Relations Act sets out certain guidelines in handling dismissal due to operational requirements. The following is the Municipality's guideline in dealing with dismissal due to operational requirements.

2. DEFINITIONS

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

3. LEGAL FRAMEWORK

- Municipal Systems Act 32 of 2000
- Labour Relations Act 66 of 1995
- Elias Motsoaledi Local Municipality - Delegations of Authority

- South African Local Government Bargaining Council (SALGBC) Collective Agreements
- Basic Conditions of Employment Act 75 of 1997

4. SCOPE AND APPLICATION

The policy shall apply to all employees of the Municipality.

5. OBJECTIVES OF POLICY

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 operational requirements takes place substantively and procedurally fair.

6. POLICY CONTENT

6.1 Consultation

The purpose of consultation is to permit the parties, in the form of a joint problem-solving exercise, to strive for consensus, if that is possible. The parties shall attempt to reach consensus on, amongst other things, appropriate measures to avoid dismissals. In order for this to be effective, the consultation process shall commence as soon as a reduction of the workforce, through retrenchments or redundancies, is contemplated by the Municipality so that possible alternatives can be explored. The Municipality shall in all good faith keep open mind throughout and seriously consider proposals put forward.

6.1.1. Importance of proper consultation

Proper consultation ensures the following for the process:

- the opportunity for the Municipality to meet with and report back to *employees*;
- the opportunity for employees to meet with the Municipality; and
- the request, receipt and consideration of information from both sides

6.1.2. Disclosure of information

The Municipality shall disclose all information on matters relevant to the consultation, if considerations relevant to the proposed dismissal or the development of alternative proposals.

6.1.3. Criteria for selection

- The Municipality shall develop a fair and objective selection criteria through which dismissals would be carried out, and consult with the employees on the contents and merits thereof.
- The following criteria, for instance, shall be avoided:
 - ✓ selection on the basis of union membership or activity,

✓ pregnancy, or any other unfair discriminatory ground

- Criteria that are on the face of it neutral shall be carefully examined to ensure that when they are applied, they do not have a discriminatory effect.
- The Municipality shall endeavour to apply selection criteria that are generally accepted to be fair, such as those that include length of service, skills and qualifications, as well as meeting employment equity objectives.
- Exceptions may also include the retention of employees based on criteria mentioned above which are fundamental to the successful operation of the work. These exceptions shall however be treated with caution.

6.2 Severance pay and alternative employment

- Employees that are to be dismissed for reasons based on the operational requirements shall be entitled to severance pay of at least one week's remuneration for each completed year of continuous service at the Municipality, plus any other additional pay agreed to during consultations in the Local Labour Forum.
- Any other matters related to the status or entitlements of employees during and up to eventual termination of service, for the employees earmarked for dismissal, shall be decided during the consultation process. These matters cover, but are not limited to:
 - Notice periods and conditions thereof
 - Counselling and other employee wellness interventions
 - Financial literacy training, where required
 - Claims and / or lodgement of documentation to, e.g. Retirement Funds, UIF, Medical Schemes, insurers
 - Service certificates, etc

□ If an employee either accepted or unreasonably refused to accept an offer of alternative employment, the employee's statutory right to severance pay shall be forfeited. The Municipality shall determine reasonableness of the offer of alternative employment and the reasonableness of the employee's refusal. In the first case, objective factors such as remuneration, status and job security are relevant. In the second case, the employee's personal circumstances play a greater role.

6.3 Re-employment

Employees dismissed for reasons based on operational requirements shall be given preference if the Municipality again recruits with intention to appoint the employees with comparable qualifications, subject to –

- the employee, after having been asked by the Municipality, and having expressed within a reasonable time from the date of dismissal a desire to be re-employed; and
- being within the time limit on preferential re-employment reasonably set during predismisal consultations
- the Municipality taking reasonable steps to inform the employee, including notification to the representative union, of the offer of re-employment, if the above conditions are met

7. IMPLEMENTATION AND MONITORING

This policy will be implemented and effective once recommended by the Local Labour Forum and approved by the Council.

8. COMMUNICATION

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

9. POLICY REVIEW

This policy will be reviewed annually and revised as necessary.

10. BUDGET AND RESOURCES

The financial and resource implications related to the implementation of this policy should be qualified and quantified by Human Resource Management.

11. ROLES AND RESPONSIBILITIES

The Municipal Manager or his / her delegated 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.

14. AUTHORITY

Formulated by HR Management:

Signature: _____ Date: _____

Consulted with Local Labour Forum:

Management Representative:

Signature: _____ Date: _____

Union Representative:

Signature: _____ Date: _____

Union Representative:

Signature: _____ Date: _____

Recommended by Portfolio Committee on Corporate Support Services:

Signature: _____

_____ Date: _____

Approved by Municipal Council:

Signature: _____ Date: _____

PART H:

HR COMMUNICATION AND INFORMATION MANAGEMENT

HUMAN RESOURCES COMMUNICATION POLICY

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HUMAN RESOURCES COMMUNICATION POLICY

1. PREAMBLE

Human resources communication takes on many forms and is fundamental to the success of any organisation, the Municipality being no exception. The communication of knowledge forms part of the Municipality’s objectives and communication is key to the achievement of the aim to support, develop and value high quality employees. Communication is also critical in engaging staff in the strategic direction of the Municipality, as detailed in the Integrated Development Plan (IDP) and, more specifically, in the Human Resources Strategy.

2. DEFINITIONS

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

3. LEGAL FRAMEWORK

- Municipal Systems Act 32 of 2000
- Municipal Structures Act 117 of 1998
- Labour Relations Act 66 of 1995
- Elias Motsoaledi Local Municipality - Delegations of Authority
- South African Local Government Bargaining Council (SALGBC) Collective Agreements □
Minimum Information Security Standards (MISS).

- Promotion of Access to Information Act 2 of 2000.
- Electronic Communications Act 36 of 2005.
- Electronic Communication and Transaction Act 25 of 2002
- Protected Disclosures Act 26 Of 2000

4. SCOPE AND APPLICATION

The policy shall apply to all employees of the Municipality.

5. OBJECTIVES OF POLICY

The purpose of this policy is to outline the responsibilities of all employees in maintaining good human resources communication practice, the main communication channels available to employees and how and when they might be used to be effective.

6. POLICY CONTENT

6.1 Guiding principles

The guiding principles of this policy are:

- to ensure employees are fully informed of all activities, to enable them to be as effective as possible in their role and to support the strategy of the Municipality
- to ensure all employees are aware of their responsibility for maintaining good human resources communication practice
- to provide easy access to essential, useful and engaging information for employees;
- to provide effective methods of communicating during serious incidences.

6.2 Categories of information

Different pieces of information shall require different channels of communication and will be the responsibility of different people to disseminate. Here are the main categories of human resources message within the Municipality:

6.2.1. *Strategic direction and management*

This includes information from senior management and committees regarding the overall management of the Municipality and its strategic direction. This may be updates on regular activities or committee decisions or it may be new information and activities that need to be communicated to employees in a timely and appropriate manner. This may involve communication of important information via management cascade.

6.2.2. *Day-to-day work-related information*

This is the information employees require to carry out their work day-to-day. It is the responsibility of individuals and their colleagues and line managers to communicate this information effectively.

6.2.3. Municipality-wide notices

This is information that all employees will benefit from and can be generated by any function within the Municipality. Such information may be news items, forthcoming events, useful advice or more formal notices and is the responsibility of the relevant Departmental Head to channel it through Human Resources Management, or Municipal Manager if it is not human resources in nature, to disseminate to all employees.

6.2.4. Serious incidents

The Municipality has a system or plan where serious incidents are detailed. During a serious incident, the team dealing with serious incidents shall be responsible for all communication and will advise Human Resource Management should assistance in communicating be required. Plans are in place for all effective channels of communication to be utilised where necessary.

6.3 Communication channels

Here is a summary of the primary and secondary channels available to employees when communicating information in the above categories:

6.3.1. Primary channels

The three methods of communicating in this section have been designated primary channels as these are the preferred methods of communication amongst employees. Face to face communication is by far the most effective method. The communication framework with the online guidance can be used as a template for Departments to consider their communication practice and how best to ensure regular opportunities for face-to-face discussion.

6.3.1.1. Face-to-face communication

Communicating in person with colleagues is considered to be the most beneficial method of ensuring information and knowledge are shared. The conversational nature allows for greater understanding of the context of the message and encourages reflection, questioning and feedback. Here are some instances of face-to-face communication within the Municipality:

- ✓ Prescribed communication

There are some human resources policies and processes where face-to-face communication is prescribed – for example the Performance Management review process requires a one-to-one discussion, as does many others.

✓ Strategic communication

In some circumstances, senior management will require information to be disseminated through the Municipality via managers as quickly as possible and, as far as possible, via face-to-face meetings where understanding of the information can be assured and feedback can be gathered and discussed. It is vital that all employees receive this information within a given timescale and that all employees understand the intent and the outcomes of the information and are given an opportunity to discuss, comment and provide feedback.

✓ All other face-to-face communication

In all other circumstances as part of the working environment, employees are encouraged as often as possible to meet with colleagues or use the telephone to discuss issues verbally, rather than relying on email or printed material. Whilst it is important to manage the amount of time spent in meetings, well-managed meetings or discussions are an effective and efficient way of sharing knowledge, solving problems and ensuring common understanding and appreciation of issues. Face-to-face communication engenders greater trust and understanding than any other communication method. It is important therefore, that employees have opportunities for one-to-one and group meetings with colleagues and their line managers on a regular basis and that dialogue in those meetings is two-way.

6.3.1.2. *Email*

Email is one of the most common methods of communicating within the Municipality, however it is often considered to be overused and inappropriate. Employees are reminded that general email communication remains the subject of the Municipality's electronic mail (email) and Internet usage policy, confidentiality, and the Disciplinary Code, which provide details of appropriate use, email management, security and confidentiality. Weekly all-employees email bulletins shall be distributed on the day and time to be fixed by the Manager Human Resources from time to time. All-employees emails at all other times can be sent by individuals through to Manager Human Resources and will be sent as necessary for timely information that is considered important to all employees

6.3.1.3. *Website and /or Portal*

The Municipality website shall include pages containing news items, events and links to useful information for employees, and shall be maintained by Human Resource Management with the technical support of the Webmaster on a daily basis. Employees are encouraged to use the website, whether on or off the workplace, in order to keep up-to-date with employee-related information. The portal, if created, shall be used to broadcast messages and emergency situations to employees.

6.3.2. Secondary channels

The secondary channels listed here are a supplement to the primary channels. These channels have varying degrees of popularity and effectiveness as they are not consistently used across the Municipality. Thus they shall not be solely relied upon to relay crucial information, but as back-up and to raising awareness.

6.3.2.1. Municipal employee magazine

This magazine, when published and distributed to all staff, shall be designed to provide more in-depth information into items of interest to employees, including new developments in the Municipality, awards, successes, employee profiles, forthcoming events and a regular update from the Mayor and / or the Municipal Manager.

6.3.2.2. Notice boards

There are many notice boards across the Municipality's workplaces displaying information for employees. Employees with responsibility for maintenance of notice boards shall ensure that information is advertised in a timely manner and, importantly, is removed when out of date.

6.3.2.3. Printed material

Departments and services need to produce printed material for use by employees. Any wishes to produce any printed material shall be mindful of corporate identity guidelines and collective agreements, and should contact Human Resources Management to discuss requirements.

6.3.2.4. Social media and external websites

Social media sites such as MySpace, Facebook, Twitter and any other websites external to the Municipality sites are not within the preferred list of channels with which to communicate with employees. Employees are reminded that use of social media, as with all communication when is undertaken on behalf of the Municipality, is subject to the Disciplinary Code, the principles being respect and dignity in all correspondence. Where the Municipality has either official Facebook page for visitors or a Twitter account for all audiences, these are secondary channels as they cannot be relied on to reach all employees.

6.4 Communicating with non PC-based employees

Many employees do not have regular access to a PC to check the website or their email accounts and may be missing important information. It is the responsibility of line managers to ensure that information is passed to employees in a timely manner, either verbally or in print. To assist line managers, employee pages on the website shall be formatted to print as notices that can be pinned to notice boards. All employee emails shall be kept to a brief and concise format to allow them to be easily read in print.

6.5 Communicating change

Programmes of change within the Municipality shall be more widely understood and accepted if employees are aware of the programme as early as possible. An understanding of the objectives and an involvement in the process will help employees to accept and embrace change. Internal communication shall be a consideration from the beginning of major projects within the Municipality.

6.6 Professionalism in communication

In all communications, employees are reminded of their responsibility to serve the interests of the Municipality and ensure appropriate content at all times. Communication is undertaken on behalf of the Municipality, therefore is subject to the Disciplinary Code, the principles being respect and dignity in all correspondence. Employees shall ensure appropriate response times are adhered to when communicating, particularly via email. During absence or when employees would not be able to respond in a reasonable time, employees shall provide an *Auto Reply* to their emails with details of an alternative contact.

6.7 Related policies

This Policy shall be read in conjunction with all other Human Resources Policies.

7. IMPLEMENTATION AND MONITORING

This policy will be implemented and effective once recommended by the Local Labour Forum and approved by the Council.

8. COMMUNICATION

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

9. POLICY REVIEW

This policy will be reviewed annually and revised as necessary.

10. BUDGET AND RESOURCES

The financial and resource implications related to the implementation of this policy should be qualified and quantified by Human Resource Management.

11. ROLES AND RESPONSIBILITIES

- ***Municipal Manager***

Accepts overall responsibility for the implementation and monitoring of the Policy
- ***Senior management (Departmental Heads or equivalents)***
 - To ensure information is made available to all employees in a timely manner and via appropriate channels
 - To ensure managers have the relevant information available to communicate with their employees effectively
 - To maintain open channels of two-way communication and to listen to feedback and comment from all employees
- ***Middle managers, line managers and supervisors or equivalent***
 - To communicate regularly with their teams, preferably face to face, to ensure information is available and understood within the context of the Department and working environment
 - To ensure they and their employees are maintaining good communication practice in accordance with this Policy
 - To maintain open channels of two-way communication, to listen to feedback and comment and to keep senior managers informed
- ***All Employees***
 - To ensure they are informed and have access to information in order to be as effective as possible in their role and to support the strategic direction of the Municipality
 - To ensure they are maintaining good communication practice in accordance with this Policy
 - To use open channels of two-way communication to keep line managers and colleagues informed
 - To communicate with colleagues across the Municipality where necessary
- ***Human Resource Management***
 - To maintain this Policy
 - To disseminate information to employees via all appropriate channels
 - To offer guidance to any areas of the Municipality in maintaining good communication practice in accordance with this Policy

- To support the Municipality in realising the human resource communication principles

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.

14. AUTHORITY

Formulated by HR Management:	Signature: _____	Date: _____
Consulted with Local Labour Forum:		
<i>Management Representative:</i>	Signature: _____	Date: _____
<i>Union Representative:</i>	Signature: _____	Date: _____
<i>Union Representative:</i>	Signature: _____	Date: _____
Recommended by Portfolio Committee on Corporate Support Services:		Signature: _____
_____ Date: _____		
Approved by Municipal Council:	Signature: _____	Date: _____

ELECTRONIC COMMUNICATION AND INFORMATION SECURITY POLICY

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ELECTRONIC COMMUNICATION AND INFORMATION SECURITY POLICY

1. PREAMBLE

At the Municipality, electronic communication plays an essential role in the conduct of the business. How employees communicate with people not only reflects on them as individuals but also on the Municipality as a public entity. The Municipality values employees' ability to communicate with colleagues, clients and business contacts, and has invested substantially in information technology and communications systems to enable employees to work more efficiently. The Municipality therefore trust employees to use them responsibly.

2. DEFINITIONS

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

3. LEGAL FRAMEWORK

- Municipal Systems Act 32 of 2000
- Municipal Structures Act 117 of 1998
- Labour Relations Act 66 of 1995
- Elias Motsoaledi Local Municipality - Delegations of Authority

- South African Local Government Bargaining Council (SALGBC) Collective Agreements □ Minimum Information Security Standards (MISS).
- Regulation of Interception of Communication and Provision of Communication-related Information Act 70 of 2002.
- Promotion of Access to Information Act 2 of 2000.
- Electronic Communications Act 36 of 2005.
- Electronic Communication and Transaction Act 25 of 2002
- Copyright Act 98 of 1978
- Protected Disclosures Act 26 Of 2000
- Design Act 195 of 1993
- Patent Act 57 of 1978
- Trade Mark Act 194 of 1993
- National Archives of South Africa Act 43 of 1996

4. SCOPE AND APPLICATION

This policy shall apply to all employees working for the Municipality and who use communications facilities, whether full-time, part-time or fixed-term employees, trainees, contract employees, temporary employees, agency, and service providers.

5. OBJECTIVES OF POLICY

- To regulate information and data security, including confidentiality, non-disclosure and non-solicitation
- To regulate authorised use of internet and email facilities and limited personal use
- To apply the general principles underlying all parts of this policy to telephone communications, fax machines, copiers and scanners.

6. POLICY CONTENT

6.1 Guiding principles

- Information technology and communications facilities should be used sensibly, professionally, lawfully, and consistently with the employee's duties, with respect for colleagues and for the Municipality and in accordance with this policy
- All information relating to clients / customers and business operations of the Municipality is confidential. Paper-based and electronic information shall be treated with utmost care
- Many aspects of communication are protected by intellectual property rights which are infringed by copying. Downloading, uploading, posting, copying, possessing, processing and distributing material from the internet may be an infringement of copyright or of other intellectual property rights.
- Particular care shall be taken when using email, internal message boards as a means of communication because all expressions of fact, intention and opinion in an email

may bind the employee and the Municipality and can be produced in court in the same way as other kinds of written statements.

- The advantage of the internet and email is that they are extremely easy and informal ways of accessing and disseminating information, but this means that it is also easy to send out ill-considered statements. All messages sent on email systems or via the internet shall demonstrate the same professionalism as that which would be taken when writing a letter or a fax.
- It is advisable not to use these media to do or say anything which would be subject to disciplinary or legal action in any other context such as sending any discriminatory (on the grounds of a person's sex, race, disability, age, sexual orientation, religion or belief), defamatory, or other unlawful material (for example, any material that is designed to be, or could be construed as, bullying or harassment by the recipient).
- If in doubt about a course of action, the employee shall take advice from the supervisor (line manager / departmental head)

6.2 Use of electronic mail

6.2.1. General provisions

- ✓ Always use the email template which contains the appropriate disclaimer notice from the Municipality and do not amend this notice in any way.
- ✓ If copying an email to others, it may breach legislation on data protection if it reveals all the recipients' email addresses to each recipient (e.g. in the case of marketing and mailing lists).
- ✓ It can also breach duties of confidentiality (e.g. in the case of internal emails to members of an employee benefit scheme). Accordingly, it may be appropriate to use the 'Bcc' (blind carbon copy) field instead of the 'Cc' (carbon copy) field when addressing an email to more than one recipient. If in doubt, seek advice from own line manager / departmental head.
- ✓ Do not amend any messages received and, except where specifically authorised by the other person, do not access other person's inbox or other email folders, nor send any email purporting to come from another person.
- ✓ It is good practice to re-read and check an email before sending
- ✓ Employees shall observe and practice the bandwidth ranges and limitations provided by ICT Support from time to time

6.2.2. Official use

- ✓ Each official email should include the appropriate Municipality business reference.

- ✓ If the email message or attachment contains information which is timecritical, bear in mind that email is not necessarily an instant communication and consider whether it is the most appropriate means of communication.
- ✓ If sending an important document, always telephone to confirm that the email has been received and read.
- ✓ In every instance, file a hard copy of any email (including any attachments) sent to or received from the client before filing or deleting the electronic copy. The same applies to all internal email transmissions concerning other matters.
- ✓ In light of the security risks inherent in some web-based email accounts, employees must not email official documents to own personal web-based accounts. Employees may send documents to a client's web-based account if they have the client's express written permission to do so. However, under no circumstances should employees send sensitive or highly classified or confidential documents to a client's personal web-based email account, even if the client asks them to do so.
- ✓ When employees need to work on documents remotely they can be saved to a disk or retrieved over the safe internet access.

6.2.3. Personal use

- ✓ Although the Municipality's email facilities are provided for the purposes of the business, it is accepted that employees may occasionally want to use them for own personal purposes. This is permitted on the condition that all the procedures and rules set out in this policy are complied with. Be aware, however, that when choosing to make use of the facilities for personal correspondence, the employee can expect very little privacy because the Municipality may need to monitor communications for the reasons given under *Clause 6.8*.
- ✓ Under no circumstances may the Municipality's facilities be used in connection with the operation or management of any business other than that of Municipality or client of Municipality unless express permission has been obtained from the line manager / departmental head.
- ✓ All personal email send from Municipality's facilities must be marked PERSONAL in the subject heading, and all personal email sent or received must be filed in a separate folder marked "Personal" in the inbox should an employee wish to retain it after reading. Information Communication and Technology (ICT) Support should be contacted where an employee need guidance on how to set up and use a personal folder. All email contained in the inbox and *sent items box* are deemed official communications for the purposes of monitoring.
- ✓ Employees must ensure that their personal email use:
 - does not interfere with the performance of their duties;

- does not take priority over their work responsibilities;
 - is minimal and limited to taking place substantially outside of normal working hours (i.e. during any breaks which they are entitled to or before or after normal hours of work);
 - does not cause unwarranted expense or liability to be incurred by the Municipality;
 - does not have a negative impact on the Municipality in any way;
 - is lawful and complies with this policy.
- ✓ As with any correspondence made using the Municipality's electronic facilities, an employee can delete personal email from the live system, but they will have been copied (perhaps many times) onto the backup tapes and in that form will be retained within the parameters of archiving legislation, or even indefinitely. It would be a very difficult, costly and time-consuming exercise to sift all those tapes in order to delete an employee's personal email, and if there has to be an agreement to attempt this, it would be at the Municipality's convenience, and only on the basis that all the very considerable costs involved were paid in advance by the employee making the request.
 - ✓ By making personal use of Municipality's facilities for sending and receiving email signifies the employee's agreement to abide by the conditions imposed for their use, and consent to the Municipality monitoring personal email in accordance with *Clause 6.8* of this policy.

6.3 Use of internet and intranet

- The Municipality trusts an employee to use the internet sensibly. Bear in mind at all times that, when visiting a website, information identifying your PC may be logged. Therefore any activity you engage in via the internet may affect the Municipality.

- The Municipality recognises the need for employees to carry out some personal tasks during working hours, e.g. for internet banking or online shopping, and this is permitted subject to the same rules as are set out for personal email use under this policy. If these activities require additional software to be installed onto an employee's PC then a request should be submitted to ICT Support, who may be able to arrange this subject to relevant ICT policy.
- Employees are strongly discouraged from providing their Municipality email address when using public websites for non-official purposes. This must be kept to a minimum and done only where necessary, as it results in the employee and the Municipality receiving substantial amounts of unwanted / unsolicited email.
- Access to certain websites is blocked during normal working hours. If an employee has a particular business need to access such sites he / she should contact ICT Support.
- An employee must not:
 - ✓ introduce password-detecting software;
 - ✓ seek to gain access to restricted areas of the Municipality's network;
 - ✓ access or try to access data they know or ought to know is confidential;
 - ✓ intentionally or recklessly introduce any form of spyware, computer virus or other potentially malicious software; nor
 - ✓ carry out any hacking activities
 - ✓ use the Municipality's systems to participate in any internet chat room or post messages on any external website, including any message board or blog, unless expressly permitted in writing to do so by the Municipality
- Breach of the above would not only contravene the terms of this policy but could in some circumstance also amount to the commission of an offence under various legislation such as, for instance:
 - ✓ unauthorised access to computer material, i.e. hacking;
 - ✓ unauthorised modification of computer material; and
 - ✓ unauthorised access with intent to commit or facilitate the commission of further offences

6.4 Misuse of facilities and systems

- Misuse of the Municipality's facilities and systems, including its telephone, email and internet systems, in breach of this policy will be treated seriously and dealt with in accordance with the Municipality's disciplinary procedure. In particular, viewing,

accessing, transmitting, posting, downloading or uploading any of the following materials in the following ways, or using any of the Municipality's facilities, will amount to gross misconduct capable of resulting in summary dismissal (this list is not exhaustive):

- ✓ material which is sexist, racist, homophobic, xenophobic, pornographic, paedophilic or similarly discriminatory and/or offensive;
 - ✓ offensive, obscene, derogatory or criminal material or material which is liable to cause embarrassment to the Municipality and any of its employees or its clients or bring the reputation of the Municipality and any of its employees or its clients into disrepute;
 - ✓ any defamatory material about any person or organisation or material which includes statements which are untrue or of a deceptive nature;
 - ✓ any material which, by intent or otherwise, harasses the recipient;
 - ✓ any other statement which is designed to cause annoyance, inconvenience or anxiety to anyone;
 - ✓ any material which violates the privacy of others or unfairly criticises or misrepresents others;
 - ✓ confidential information about the Municipality and any of its employees or clients;
 - ✓ any other statement which is likely to create any liability (whether criminal or civil, and whether for the employee or the Municipality);
 - ✓ material in breach of copyright and / or other intellectual property rights;
 - ✓ online gambling; or
 - ✓ unsolicited commercial or advertising material, chain letters or other junk mail of any kind
- If the Municipality has evidence of the examples of misuse set out above it reserves the right to undertake a more detailed investigation in accordance with its disciplinary procedures.

6.5 System security

- Security of the Municipality's ICT systems is of paramount importance. The Municipality must ensure that all official transactions are kept confidential. If at any time the Municipality need to rely in court on any information which has been stored or processed using the ICT systems it is essential that it is able to demonstrate the integrity of those systems. Every time the employee uses the system he / she take responsibility for the security implications of what they do.

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- The Municipality's system or equipment must not be used in any way which may cause damage, or overloading or which may affect its performance or that of the internal or external network.
- Keep all confidential information secure, use it only for the purposes intended and do not disclose it to any unauthorised third party. Automatic forwarding of email to external addresses should be disabled to avoid accidental disclosure of information.

Keep the issued system passwords safe, and manage them as per the instructions and guidelines issued by ICT Support from time to time. Do not disclose them to anyone. Those who have a legitimate reason to access other users' inboxes must be given permission from that other user. ICT Support will provide guidance on how to do this. If an employee has disclosed own password to anyone else (e.g. in response to a request from ICT Support), they should ensure that they change their password once ICT Support no longer need it.

- If a document is highly confidential or classified even on a higher security level, an employee should mark it as "private and confidential" and password-protect the document itself. Bear in mind that documents which are NOT marked "private and confidential" can be accessed by all users of the network.
- Copies of confidential information should be printed out only as necessary, retrieved from the printer immediately, and stored or destroyed in an appropriate manner.
- Employees should not download or install software from external sources without having first received the necessary authorisation from ICT Support, line manager, or departmental head.
- Employees should not take or copy the Municipality's software for personal use on their personal equipment
- No external device or equipment, including discs and other data storage devices, should be run on or connected to the Municipality's systems without the prior notification to and approval of ICT Support, line manager, or departmental head.
- Employees should always exercise caution when opening emails from unknown external sources or where, for any reason, an email appears suspicious. ICT Support should be informed immediately in such circumstances.

6.6 Working remotely

This part of the policy and the procedures in it apply to the use of Municipality systems, to employees' use of Municipality laptops, and also to use of own computer equipment or other computer equipment (e.g. client's equipment) whenever an employee is working on the Municipality's business away from the Municipality's premises (working remotely). When working remotely an employee must:

- Password-protect any work which relates to the Municipality's business so that no other person can access the work;

- position him / herself so that their work cannot be seen by any other person;
- take reasonable precautions to safeguard the security of the equipment, and keep passwords secret;
- inform the police and ICT Support (as appropriate) as soon as possible if either a Municipality laptop in possession or any computer equipment on which the Municipality's work is carried out, even if this is personal IT equipment, has been lost or stolen; and

- ensure that any work which is done remotely is saved on the Municipality's system or is transferred to the system as soon as reasonably practical
- Pocket computers, mobile phones and similar hand-held devices are easily lost or stolen so password-protect access to any such devices used to store any personal data of which the Municipality is a data controller or any information relating to Municipality's business, clients or their business.

6.7 Personal blogs and websites

This part of the policy and procedures in it apply to content that employees publish on the internet (e.g. your contributions to blogs, message boards and social networking or content-sharing sites) even if created, updated, modified or contributed to outside of working hours or when using personal IT systems.

- The Municipality recognises that in their own private time employees may wish to publish content on the internet. For the avoidance of doubt, such activities are expressly prohibited during working time or using the Municipality's systems.
- If employees post any content to the internet, written, vocal or visual, which identifies, or could identify, them as employees of the Municipality and / or they discuss their work or anything related to the Municipality or its business, customers or employees, the Municipality expects them, at all times, to conduct themselves appropriately and in a manner which is consistent with their contract of employment and with the Municipality's policies and procedures. It should be noted that simply revealing their name or a visual image of themselves could be sufficient to identify them as employees of the Municipality.
- If an employee already has a personal blog or website which indicates in any way that he / she works for the Municipality he / she should report this to their line manager, or departmental head.
- If an employee intend to create a personal blog or website that will say that he / she works for the Municipality, or in any way could identify him / her as someone who works for the Municipality then he / she should report this to their line manager / departmental head.
- If a blog posting clearly identifies that an employee works for the Municipality and he / she express any idea or opinion then he / she should add a disclaimer such as *"these are my own personal views and not those of the Municipality"*.
- The following matters will be treated as gross misconduct capable of resulting in summary dismissal (this list is not exhaustive):
- When revealing confidential information about the Municipality in a personal online posting, such as revealing information relating to the Municipality's clients, business plans, policies, employees, financial information or internal discussions, employees should consult their line manager / departmental head if they are unclear about what might be confidential.

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- Online publications which do not identify the author as an employee of the Municipality and do not mention the Municipality and are purely concerned with personal matters will normally fall outside the scope of this policy. Criticising or embarrassing the Municipality, its clients or its staff in a public forum (including any website) is prohibited. Employees should respect the reputation of the Municipality and the privacy and feelings of others at all times. If employees have a genuine complaint to make about a colleague or workplace matter the correct procedure is to raise a grievance using the Municipality's grievance procedure.
- Accessing or updating a personal blog or website from the Municipality's computers or during work time, should be arranged with the line manager / departmental head if an employee thinks that something on a blog or a website could give rise to a conflict of interest and in particular concerns issues of impartiality or confidentiality required by their role.
- If someone from the media or press contacts an employee about their online publications that relate to the Municipality the employee should talk to their line manager / departmental head before responding and the Municipality's media liaison officer must be consulted.

6.8 Monitoring of communications

- The Municipality is ultimately responsible for all business communications but subject to that will, so far as possible and appropriate, respect employees' privacy and autonomy while working. The Municipality may monitor employees' official communications for reasons which include:
 - ✓ providing evidence of business transactions;
 - ✓ ensuring that the Municipality's business procedures, policies and contracts with employees are adhered to;
 - ✓ complying with any legal obligations;
 - ✓ monitoring standards of service, employee performance, and for employee training;
 - ✓ preventing or detecting unauthorised use of communication systems or criminal activities; and
 - ✓ maintaining the effective operation of the Municipality's communications systems
- The Municipality shall monitor telephone, email and internet traffic data (i.e. sender, receiver, subject; non-business attachments to email, numbers called and duration of calls; domain names of websites visited, duration of visits, and files downloaded from the internet) at a network level (but covering both personal and business communications) for the purposes specified above.

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- Sometimes it is necessary for the Municipality to access employees' official communications during their absence, such as when they are away because they are ill or on holiday. Unless their mailbox settings are such that the individuals who need to do this already have permission to view their inbox, access shall be granted only with the permission of one of the persons authorised to grant such access in accordance with the ICT Support's policy on access to mailboxes.
For the purposes of maintenance of own personal privacy, employees need to be aware that such monitoring might reveal sensitive personal data about them. For example, if they regularly visit websites which detail the activities of a particular cult, political party or religious group, then those visits might indicate your cult beliefs, political opinions or religious beliefs. By carrying out such activities using the Municipality's facilities employees consent to processing any sensitive personal data about them which may be revealed by such monitoring.
- Any emails which are not stored in an employee's "Personal" folder in their mailbox and which are not marked PERSONAL in the subject heading will be treated, for the purpose of availability for monitoring, as business communications since there will be no way of knowing that they were intended to be personal. Therefore employees must set up a rule to automate the routing of personal email to their personal folder by asking ICT Support for guidance on how to do this.
- In certain very limited circumstances the Municipality may, subject to compliance with any legal requirements, access email marked PERSONAL. Examples are when there are reasonable suspicion that they may reveal evidence of unlawful activity, including instances where there may be a breach of a contract with the Municipality.
- Furthermore, there is a risk that any person authorised to access an employee's mailbox may have their own preview pane option as a default setting, which would reveal the content of any of an employee's personal email not filed in their "Personal" folder, whether or not such email are marked PERSONAL. It is up to employees to prevent the inadvertent disclosure of the content of personal email by filing their personal email in accordance with this policy. In particular, employees are responsible to anybody outside the Municipality who sends to them, or receives from them, a personal email, for the consequences of any breach of their privacy which may be caused by their failure to file their personal email.
- All incoming email is scanned using virus-checking software. The software will also block unsolicited marketing email (spam) and email which have potentially inappropriate attachments. If there is a suspected virus in an email which has been sent to an employee, the sender will automatically be notified and the employee will receive notice that the email is not going to be delivered to them because it may contain a virus.

6.9 Information and data protection

- As an employee of the Municipality who uses its communications facilities, an employee will inevitably be involved in processing personal data and information for

- the Municipality as part of their job. Data protection is about the privacy of individuals, and is governed by various legislation provisions.
- Whenever and wherever employees are processing personal data for the Municipality they must keep it secret, confidential and secure, and they must take particular care not to disclose them to any other person (whether inside or outside the Municipality) unless authorised to do so.
- Employees shall not use any such personal data except as authorised by the Municipality for the purposes of their job. If in doubt employees should get help from chief information officer (CIO) or their line manager / departmental head. Legislation gives every individual the right to see all the information or data which any government or public entity may hold about them. Employees should bear this in mind when recording personal opinions about someone, whether in an email or otherwise. It is another reason why personal remarks and opinions must be made or given responsibly, and they must be relevant and appropriate as well as accurate and justifiable.
- It is a criminal offence to obtain or disclose personal data without the consent of the affected person or persons. Obtaining includes the gathering of personal data by employees at work without the authorisation of the Municipality. Employees may be committing this offence if without authority of the Municipality they exceed their authority in collecting personal data, or access personal data held by the Municipality to control it or pass it to someone else, whether inside or outside the Municipality.
- While the Municipality is a data controller of all personal data processed for the purposes of its business, an employee shall be a data controller of all personal data processed in any personal email which they send or receive.
- Employees, and former employees, shall protect the confidential information and trade secrets, intellectual property, and copyright of the Municipality through:
 - ✓ Avoiding directly or indirectly divulging or disclosing confidential information to others
 - ✓ Refraining from persuading clients or persons who are or were suppliers of the Municipality to cease doing business with the Municipality, or any other business
 - ✓ Refraining from soliciting business from service providers of the Municipality
 - ✓ Refraining from persuading employees of Municipality to cease employment or take a different employment elsewhere

7. IMPLEMENTATION AND MONITORING

This policy will be implemented and effective once recommended by the Local Labour Forum and approved by the Council.

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8. COMMUNICATION

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

9. POLICY REVIEW

This policy will be reviewed annually and revised as necessary.

10. BUDGET AND RESOURCES

The financial and resource implications related to the implementation of this policy should be qualified and quantified by Human Resource Management.

11. ROLES AND RESPONSIBILITIES

The Municipal Manager as the chief information officer or his / her delegated 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.

14. AUTHORITY

Formulated by HR Management: Signature: _____ Date: _____

Consulted with Local Labour Forum:

Management Representative: Signature: _____ Date: _____

Union Representative: Signature: _____ Date: _____

Union Representative: Signature: _____ Date: _____

Recommended by Portfolio Committee on Corporate Support Services: Signature: _____
_____ Date: _____

Approved by Municipal Council:

Signature: _____ Date: _____

END OF MANUAL