

INCAPACITY : ILL HEALTH / INJURY POLICY

1. INTRODUCTION

Langeberg Municipality has embarked on a process to address incapacity due to ill health/injury at the work place within the prescribed guidelines in terms of the Labour Relations Act.

2. OBJECTIVE

The purpose of this policy is to ensure the Employer's operational efficiency while at the same time exploring every possible alternative action to avoid termination of employment, it is intended to ensure that when a termination for reasons of incapacity due to ill-health or injury takes place it is effected for a fair reason and in accordance with a fair procedure and as a last resort.

3. DEFINITION OF INCAPACITY

- Incapacity refers to an individual's inability to perform according to the stipulated work standards of a particular job.
- Incapacity on the grounds of ill health may be temporary or permanent. Certain types of disability may be temporary but recurrent, such as illnesses related to AIDS and HIV. In the instance of ill health, the employer or the manager acting on behalf of the employer would need to assess the capability of the employee and to determine whether the inability to perform is caused by ill-health. Alternatives to the termination of employment should be sought. For example, whether the employee could be accommodated in a different position performing different duties in the organization.

4. GENERAL PRINCIPLES

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

5. GUIDELINES FOR MANAGING INCAPACITY

5.1 Temporary incapacity

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

of absence, the seriousness of the illness or injury and the possibility of securing a temporary replacement for the ill or injured employee.

- If the employee's medical report indicates that his/her condition has improved and the employee is capable of performing his/her duties, failure to do so will lead to disciplinary action being taken.

5.2 Permanent incapacity

- In cases of permanent incapacity, the Employer will ascertain the possibility of securing alternative employment, or adapting the duties or work circumstances of the employee to accommodate the employee's disability. This could include an alternative job of a lower rank or rate of pay.
- In the process of the investigation the employee will be allowed the opportunity to state a case in response and to be assisted by a fellow employee or Union representative.
- Particular consideration will be given to employees who are injured at work or who are incapacitated by work related illness. {In these cases the employer will assist the employee to claim Compensation for Occupational Injuries and Diseases (COID)}
- Termination of employment should only be considered if the employee's disability cannot be reasonably accommodated by adapting his or her duties or work circumstances, and an alternative position is not available.

6. IMPLEMENTATION OF THE POLICY

The policy shall be implemented after consultation with the labour unions and the approval of the Municipal Manager.

Signed at on this day of

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MUNICIPAL MANAGER

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IMATU CHAIRPERSON

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SAMWU CHAIRPERSON