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UMZIMVUBU
LOCAL MUNICIPALITY

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MUNICIPAL COUNCILLOR AND EMPLOYEE ASSISTANCE POLICY

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MUNICIPAL COUNCILLOR AND EMPLOYEE ASSISTANCE POLICY

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1. DEFINITIONS

- [a] **Alcoholism** means the chronic abuse of alcohol, where the councillor or employee is unable to control the condition by his/her own ability to resist such abuse.
- [b] **Chronic Illness** means illness that is of an ongoing nature and where there is no prognosis for a complete cure.
- [c] **Confidentiality** means obligation to refrain from willingly disclosing information that has been received in confidence and not to situations in which a court or statute compels a person to disclose information.
- [d] **Family Violence** means any physical or psychological abuse that occurs within the family environment.
- [e] **Inadequacy** means that the normal employee benefits as provided for in the HR Policies and Procedure falls short of the requirements to meet the employee's needs.
- [f] **Referral** is any means by which an employee is encouraged to seek professional intervention and includes self-referral and informal referral.
- [g] **Significant Others** means boy/girl friends, sexual partners or people in a relationship with the councillor or employee who might have a direct influence on the condition of the employee.
- [h] **Sexual Harassment** means unwanted sexual attention or any unwanted pressure involving one's sexuality and/or unwanted, unsolicited and unreciprocated conduct of a sexual nature which substantially interferes with an employee's work performance, and/or has a detrimental effect on the terms and conditions of employment, and/or creates an intimidating, hostile or offensive work environment.

2. PREAMBLE

UMZIMVUBU LOCAL MUNICIPALITY (ULM) is committed to the health and well being of its councillors and employees and recognizes that a variety of personal problems can disrupt their personal and work lives. Serious personal or family problems are usually amenable to treatment and rehabilitation. Personal problems like alcoholism, drugs, gambling stress, emotional distress have devastating effects on the health and life of a person. Provision of professional advice to councillors or employees will go a long way towards improving the wellbeing of councillors and employees in the work place. ULM further recognizes that EAP is a tertiary form of

support to councillors and employees. It will be provided once a strong need has been established and when other HR intervention remedies fall short of producing the desired results.

3. OBJECTIVES OF THE COUNCILLOR AND EMPLOYEE ASSISTANCE PROGRAMME

- 3.1. To offer confidential assistance to councillors and employees who have the potential to be adversely affected by personal problems and work related problems.
- 3.2. To lay a foundation for sustainable, participatory and penetrating Councillor and Employee Assistance Programmes (C&EAP) and Councillor and Employee Wellness Programmes (C&EWP).
- 3.3. To provide a customized, accurate and cost-effective C&EAP and C&EWP toolkit
- 3.4. To improve employee morale and stimulate better performance.
- 3.5. To increase employer care and employee loyalty to the employer
- 3.6. To provide a general framework for management of C&EAP and C&EWP in the Municipality

4 BASIC PRINCIPLES

- 4.1. Early intervention is desirable in dealing with any personal, family or work-related problems.
- 4.2. Management and Unions shall work co-operatively through the Councillor and Employee Assistance Programme in order to help councillors and employees deal with personal problems.
- 4.3. In the event of informal referrals, the employer's concern with employee problems shall be limited to efforts to address deteriorating work performance.
- 4.4. The supervisor or manager shall be responsible for identifying the problem with the employee when job performance falls below standard.
- 4.5. The supervisor shall not be responsible for diagnosing the nature of a personal problem and the Councillor and Employee Assistance Programme shall not be used to interfere with a councillor or employee's private and social life.
- 4.6. The Councillor and Employee Assistance Programme shall apply equally to all councillors and employees and the categories of persons mentioned in section 5.
- 4.7. The Councillor and Employee Assistance Programme is designed to encourage councillors and employees to voluntarily seek help (self-referral) for personal problems.
- 4.8. The Councillor and Employee Assistance Programme shall be strictly voluntary and not mandatory.

- 4.9. Confidentiality shall be the cornerstone of the Councillor and Employee Assistance Programme.
- 4.10. Councillors and Employees' access to the programme shall be unfettered and not be conditional on consent to release information to management.
- 4.11. Information shall not be released to anyone without the councillor and employee's written consent.
- 4.12. Information pertaining to councillor or employee shall be legally confidential.
- 4.13. An employee's current job and opportunity for promotion or advancement shall not be jeopardized by using the services of the Employee Assistance Programme.
- 4.14. The Councillor and Employee Assistance Programme shall constitute an additional form of assistance to councillors and employees upon realization of disadvantaging inadequacy of the available HR remedies or benefits.
- 4.15. The Councillor and Employee Assistance Programme shall not alter management's responsibility to maintain discipline or the employer's right to take disciplinary measures within the framework of the disciplinary procedure and code, nor shall it alter the union's prerogatives to seek any desirable remedies in terms of the law.
- 4.16. The Councillor and Employee Assistance Programme is not designed to assist in "conflict resolution" between councillors employees and/or managers.
- 4.17. The Councillor and Employee Assistance Programme may be used to help the councillor or employee deal with personal consequences of conflicts which may be work-related.

5. ELIGIBILITY TO USE THE COUNCILLOR AND EMPLOYEE ASSISTANCE PROGRAMME

The following categories of people shall be eligible to participate in the programme:

- 5.1. Councillors, Contract and Permanent Employees
- 5.2. Casuals or temporary employees with over six months of accumulated service;
- 5.3. Any of the above who are on long-term disability;
- 5.4. To be included in the category of family members for the purpose of inclusion in the Councillor and Employee Assistance Programme are the following:
- 5.5. Spouses (including common law spouse and significant others);
- 5.6. Dependent children, as defined under the benefits plan.
- 5.7. Eligibility is subject to having anyone of the personal, social, family or work-related problems cited in section 6

6. AREAS OF ASSISTANCE

The Councillor and Employee Assistance Programme shall provide assistance in a broad range of personal concerns, including, but not limited to:

- 6.1. Marital, family and relationship problems;
- 6.2. Substance abuse (alcohol, drugs, prescription medication) and other addictive behaviour such as gambling;
- 6.3. HIV / AIDS Counselling and treatment
- 6.4. Workplace Violence and Trauma Counselling and after care
- 6.5. Workplace discrimination or victimization, for example, discrimination against people with disabilities or from designated groups;
- 6.6. Personal debt and financial management problems;
- 6.7. Stress (family, social, job);
- 6.8. Family violence;
- 6.9. Psychological problems;
- 6.10. Sexual harassment;
- 6.11. Injury
- 6.12. Chronic illness
- 6.13. Any other area of personal concern approved by the EAP advisory committee.

7. COUNCILLOR AND EMPLOYEE ASSISTANCE AND WELLNESS PROGRAMME OPERATION

- 7.1 The C&EAP and C&EWP's shall operate by making an intake and concerns with the use of internal capacity and resources on the basis of voluntary participation.
- 7.2 Referrals will be made to specialized agencies and services in the community to provide ongoing appropriate and required assistance to employees.
- 7.3 Whenever possible, public community services shall be used initially.
- 7.4 Participation in the Councillor and Employee Assistance Programme shall not, be used as an alternative to discipline nor shall it be used by management as a disciplinary measure.
- 7.5 All referrals shall be based on voluntary participation in the Employee Assistance Programme.

- 7.6 Any councillor or employee shall be free to consult, on a confidential basis, with the Employee Assistance Designated Employee concerning access to the programme and general information.
- 7.7 There shall be no cost for councillor or employees to consult with the Employee Assistance Program Designated Employee.
- 7.8 If further counseling or any other assistance is necessary, the Councillor and Employee Assistance Programme Designated Employee will outline community and private services available.
- 7.9 Any costs associated with private or public services are the responsibility of the councillor or employee unless otherwise advised.

8. RIGHTS AND RESPONSIBILITIES OF DIFFERENT STAKEHOLDERS

8.1 General Norms

- 8.1.1 Maintenance of acceptable job performance shall be a shared responsibility of concerned stakeholders.
- 8.1.2 Performance goals and targets shall be set by the manager/supervisor along with the employee and achievements measured against these goals.
- 8.1.3 The employee shall after thorough coaching by the manager, respond by accepting responsibility for maintaining satisfactory job performance.
- 8.1.4 Declining job performance shall be addressed from a perspective of monitoring performance standards.
- 8.1.5 The Municipality shall use appropriate policy and procedures to set standards for measuring performance and application of both incentives and disincentives
- 8.1.6 The Municipality shall acknowledge exemplary performance by recognition of individuals and groups of employees for this type of performance in a special way.

8.2 Councillor and Employee Rights and Responsibilities

- 8.2.1 Personal information concerning employee participation in the Councillor and Employee Assistance Programme shall be maintained in a confidential manner.
- 8.2.2 No information related to councillor or employee's participation in the programme shall be entered into the personnel file.
- 8.2.3 Access to councillor or employee's C&EAP information shall be limited to Employee Assistance Programme staff.
- 8.2.4 Councillor or employee may review his or her Councillor and Employee Assistance Programme file at any reasonable time.

- 8.2.5 The Councillor and Employee Assistance Programme file is destroyed after seven years following closure of the case, subject to compliance with the laws.
- 8.2.6 Participation in the Councillor and Employee Assistance Programme shall not jeopardize an employee's job nor prejudice any opportunity for promotion or advancement or employment benefit.
- 8.2.7 Extended leave of absence may be granted in accordance with the leave policy and/or terms and conditions of employment and such conditions which may be recommended and approved by the Municipal Manager for recovery, professional assessment counselling and treatment, and may not be rejected unreasonably.
- 8.2.8 It shall be the responsibility of the employee to maintain satisfactory job performance.
- 8.2.9 In the event that personal problems cause deterioration of work performance, the employee has a responsibility to obtain the necessary help to bring job performance up to an acceptable level.
- 8.2.10 The Councillor and Employee Assistance Programme shall offer a means to obtain this help.

8.3 Manager/Supervisor's Responsibilities

The Manager/Supervisor shall:

- 8.3.1 Address work performance problems through normal supervisory procedures.
- 8.3.2 Be consistent and treat employees fairly.
- 8.3.3 Make employees aware of the Employee Assistance Programme in instances where declining job performance has been determined, if appropriate.
- 8.3.4 Not attempt to diagnose personal problems of the employee or offer a personal opinion.
- 8.3.5 Provide a follow-up and support to employees upon return to work, if appropriate.
- 8.3.6 Not require the employee to divulge the nature of the problem when requesting leave for an appointment with the service providers under the Employee Assistance Programme.
- 8.3.7 Verify attendance of the employee through the Employee Assistance Designated Employee.
- 8.3.8 Maintain a strict level of confidentiality with all cases.

8.4 Union's Responsibilities

- 8.4.1 The Union shall keep abreast with the programme and its referral procedure.
- 8.4.2 The Union shall encourage members to use the Councillor and Employee Assistance Programme, if appropriate.
- 8.4.3 The Union shall maintain a strict level of confidentiality in all EAP cases.

8.5 EAP Designated Employee's Responsibilities

The Designated Employee shall be responsible for:

- 8.5.1 Overseeing the Councillor and Employee Assistance Programme to ensure effective and consistent application of the policy and procedures.
- 8.5.2 Providing information sessions to management, Councillors, Unions and staff regarding the Employee Assistance Programme.
- 8.5.3 Promoting the Employee Assistance Programme in the workplace.
- 8.5.4 Developing and maintaining an accurate, current data bank on "helping" resources and services in the community including a brief description of services available and the cost, if any, of the service.
- 8.5.5 Liaising with service providers to assure service standards are acceptable and meet the requirements of clients.
- 8.5.6 Conducting screening and preliminary assessment of persons contacting the C&EAP for assistance.
- 8.5.7 Providing full information to employees regarding participation in the programme.
- 8.5.8 Making referrals to a professional counselor or/and service agencies for detailed assistance, assessment and treatment as appropriate.
- 8.5.9 Making follow-ups as may be desirable with the individual to assure assistance was beneficial.
- 8.5.10 Assisting the employee in his or her return to the work environment as appropriate.
- 8.5.11 Providing consultation to managers regarding the Employee Assistance Programme services.
- 8.5.12 Organising and/or facilitating, on an ongoing basis, educational programs for councillors and employees about the Councillors and Employee Assistance Programme's services.

- 8.5.13 Maintaining all information on employees participating in the Councillor and Employee Assistance Programme in a confidential and secure manner.
- 8.5.14 Providing feedback to management on areas where special attention or training is required.
- 8.5.15 Providing statistics of participation in the programme without identifying the personal details of participants.

8.6 Establishment and Responsibilities of the C&EAP Committee

- 8.6.1 There shall be an inter-departmental Employee Assistance Programme Committee composed of one staff member from each Department, Two members from both SAMWU, and IMATU and the Designated Employee shall be an ex-officio member of the committee.

The committee shall:

- 8.6.2 Review established policy to ensure agreement and understanding of procedures and practices.
- 8.6.3 Develop and recommend changes in programme policy as necessary after receiving input from interested parties.
- 8.6.4 Develop strategies in conjunction with the Employee Assistance Programme Designated Employee to ensure that employees are aware of the Employee Assistance Programme.
- 8.6.5 Oversee an evaluation of the programme.
- 8.6.6 Shall prepare a report for Council on the activities of the committee as deemed necessary or required.

9. ACCESS, REFERRAL AND OFFERS OF ASSISTANCE

- 9.1 Participation in the Councillor and Employee Assistance Programme shall either be self- initiated or employer initiated.
- 9.2 The decision to seek assistance through the Councillor and Employee Assistance Programme shall be always voluntary.
- 9.3 When an offer of assistance is made by the employer, it shall not be mandatory for the employee to accept the offer.
- 9.4 The contact details of the Designated Employee for Assistance Programme may be obtained from the Senior Manager: Corporate Services.

10. SELF INITIATED C&EAP PARTICIPATION

- 10.1 Councillor or employee who recognizes that a problem exists and seeks assistance shall contact the Designated Employee for Assistance directly.
- 10.2 The realization of the problem may have resulted from a process of self realization or from a family member, friend, co-worker or supervisor sharing

concern for the employee and informally suggesting the use of the Councillor and Employee Assistance Programme.

- 10.3 The self referrals shall be treated with strict confidentiality.
- 10.4 The employee's supervisor shall not necessarily be informed of the nature of the problem unless the employee requests this to happen.
- 10.5 The employee shall be responsible for obtaining approval for any required time off associated with the use of the Councillor and Employee Assistance Programme.

11. EMPLOYER INITIATED PARTICIPATION

- 11.1 The manager shall be responsible for addressing the employee's deteriorating work performance and providing guidance to help the employee improve work performance.
- 11.2 An employee shall accept responsibility for keeping job performance at a pre-established acceptable level.
- 11.3 If job performance does not improve or shows continuing deterioration, then the manager shall initiate a formal offer of assistance and it shall not be mandatory/obligatory for the employee to accept this offer.
- 11.4 Prior to initiating a formal offer of assistance, the supervisor /manager shall consult with the Designated Employee for Assistance Programme concerning the appropriateness of the offer.

12. INFORMAL OFFER OF ASSISTANCE

- 12.1 The supervisor/manager shall ensure that the employee receives an informal offer of assistance prior to initiating a formal offer of assistance.
- 12.2 Such offers shall be documented.
- 12.3 Certain workplace behaviour could result in an employer-initiated formal offer of assistance without there being previous informal offers.

13. FORMAL OFFER OF ASSISTANCE

- 13.1 The formal employer-initiated offer of assistance shall be in writing on the prescribed form ("**Appendix 1**").
- 13.2 The employee shall reserve the right to refuse the offer.
- 13.3 A formal offer of assistance shall be delivered confidentially to the employee, with a confidential copy to the Designated Employee for Assistance Programme and a copy retained in a confidential HR master personnel file.

14. REFERRAL BY THE DESIGNATED EMPLOYEE FOR ASSISTANCE PROGRAMME

14.1 Assessment

- 14.1.1 Councillor or employee shall be responsible for making contact with the Designated Employee for Assistance Programme.
- 14.1.2 During the initial contact, the Designated Employee for Assistance Programme shall explain the Councillor and Employee Assistance Programme, including confidentiality of the programme and the exceptions, the councillor and employee's rights and responsibilities and full information about participation in the programme.
- 14.1.3 The Designated Employee for Assistance Programme and the councillor or employee will conduct a preliminary assessment of the problem.
- 14.1.4 The Designated Employee shall provide information and, if appropriate, encourage the employee to accept referral for counselling and treatment.
- 14.1.5 Upon completion of the preliminary assessment, the Designated Employee and the councillor or employee shall discuss the options which appear to be most realistic and attainable for the employee in resolving the problem.
- 14.1.6 The employee shall choose the treatment service and a referral will be facilitated by the C&EAP Designated Employee.
- 14.1.7 The Designated Employee shall conduct a preliminary assessment of the problem with the employee.

14.2 C&EAP QUALIFICATIONS

- 14.2.1 The Designated Employee shall be knowledgeable about the appropriate services in the community and will assist the councillor or employee with making referral arrangements.

15. CO-ORDINATION AND FOLLOW-UP

- 15.1 The Designated Employee shall maintain an informal but planned follow-up procedure.
- 15.2 The Designated Employee shall work with the employee to ensure appropriate services are received in a timely manner.
- 15.3 Contact with any service agency or the employer, shall only be at the request of the councillor or employee.

16. CONFIDENTIALITY

- 16.1. Maintenance of discipline and confidentiality shall be the primary principles of participation in the Councillor and Employee Assistance Programme.
- 16.2 The Councillor and Employee Assistance Programme interaction shall be a matter of privacy.
- 16.3 A Designated Employee who is subpoenaed to surrender records or to testify in court shall not be in breach of his or her confidentiality obligations.
- 16.4 A Designated Employee shall not be in breach of confidentiality obligations by complying with the mandatory reporting provisions of the child abuse legislation or the obligation to warn the intended victims of violence.
- 16.5 The Councillor and Employee Assistance Programme Staff shall maintain the minimum amount of information required to assist the employee.
- 16.6 Access to files for review by the councillor or employee shall be made at any reasonable time.
- 16.7 The Designated Employee shall issue identity codes to participating employees for the purpose of enhancing confidentiality.
- 16.8 Notwithstanding clause No.16.7 Personal particulars may be required for legal identification purpose.
- 16.9 All persons employed within the Employee Assistance Programme shall be bound by conditions of strict confidentiality.

17. SUMMARY

- 17.1 The Councillor and Employee Assistance Programme shall be for the benefit of eligible persons.
- 17.2 Councillors or Employees shall obtain help with personal problems which may be affecting their well being, family life or work performance.
- 17.3 The employer shall benefit from the implementation of the programme by boosting the morale and retaining employees with valuable skills and knowledge.
- 17.4 Early use of the programme shall contribute to the prevention of serious problems for the individual employee, family and employer.

18. COMMENCEMENT OF THIS POLICY

- 18.1 This policy will come into effect on the date of adoption by Council.

19. INTERPRETATION OF THIS POLICY

- 19.1 All words contained in this policy shall have an ordinary meaning attached thereto, unless the definition or context indicates otherwise.
- 19.2 Any dispute on interpretation of this policy shall be declared in writing by any party concerned.

19.3 The Municipal Manager shall give a final interpretation of this policy in case of a written dispute.

19.4 If the party concerned is not satisfied with the interpretation, a dispute may then be pursued with the South African Local Government Bargaining Council/ or Arbitration

20. PERMANENT/TEMPORARY WAIVER OR SUSPENSION OF THIS POLICY

20.1 This policy may be partly or wholly waived or suspended by the Municipal Council on a temporary or permanent basis after consultation with Management and Trade Unions.

20.2 Notwithstanding clause No. 20.1 the Municipal Manager may under circumstances of emergency temporarily waive or suspend this policy subject to reporting of such waiver or suspension to Council and Trade Unions.

21. AMENDMENT AND/OR ABOLITION OF THIS POLICY

21.1 This policy may be amended or repealed by the Council after consultation with Management and Trade Unions.

22. COMPLIANCE AND ENFORCEMENT

22.1 Violation of or non-compliance with this policy will give a just cause for disciplinary steps to be taken.

22.2 It will be the responsibility of all Managers, Supervisors, Executive Committee and Council to enforce compliance with this policy.

23. FORMS

Appendix 1 Formal Offer of Assistance (Company Initiated)
Appendix 2 Formal Request for Assistance (Councillor/Employee Initiated)

Form 1 (Appendix 1)

CONFIDENTIAL FORMAL OFFER OF ASSISTANCE

TO:

DATE:

On _____ we discussed your job performance and the opportunities available with the COUNCILLOR AND EMPLOYEE ASSISTANCE PROGRAMME.

If you decide to accept this offer, an appointment is scheduled for you at _____(time) on _____(date).

Signature of Supervisor

Date

Read and Understood

Signature of Councillor/Employee

This is not a mandatory referral and the councillor or employee is not obligated to attend. A copy of this form is to be delivered to the departmental master personnel file maintained in a separate, confidential manner by the Human Resource Manager.

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Form 2 (Appendix 2)

CONFIDENTIAL REQUEST FOR ASSISTANCE

TO: Employee Assistance Programme Coordinator

DATE:

I, _____ hereby request an interview with the Employee Assistance Programme Coordinator.

I acknowledge that the matter I wish to address falls within the scope of the Councillor and Employee Assistance Programme. I further undertake to make the necessary arrangements directly with my supervisor for time-off from work to attend the interview.

Signature of Employee

Department

Date

Supervisor's Name

A copy of this form is to be delivered to the departmental master personnel file maintained in a separate, confidential manner by the Human Resource Manager.

APPROVAL OF THE POLICY

The Municipal Council has approved this policy and amendments thereof.

AUTHENTICATION

The amendments of the policy and or the new policy was adopted by the Council on the 27-05-2022

As per Council Resolution number ULMC: 091

Signed off



Mr. G.P.T. Nota

Municipal Manager



Cllr. H.M. Ngqasa

Speaker of the Council