



1. Policy Title

Insert the Policy Name

EMPLOYEE RELATIONS POLICY

2. Main Purpose

What is the main purpose of the policy?

To facilitate an employee relations environment in BCM which promotes the Vision, Mission and Values of BCM and its Directorates and empowers all employees and their teams to develop and implement solutions which improve cost effective service delivery.

3. Strategic Objective

Insert the key objectives of the policy.

- 1) To develop a shared understanding and commitment amongst stakeholders to attain BCM's Vision, Mission and Values.
- 2) To ensure the consistent application of fair employee relations relations procedures for BCM, including but not limited to overtime, absenteeism and poor performance.
- 3) To foster sound relationships between stakeholders to ensure a common commitment to achieve the BCM strategic goals.
- 4) To facilitate understanding and support for structures and processes which encourage effective communication and participation at all levels within BCM.
- 5) To facilitate greater problem solving and dispute resolution mechanisms which promote co – operation.

4. Key Principles

What are the key governing principles of the policy?

- 1) The relationship between management, recognized Unions and all employees must be conducted in accordance with the BCM Values.
- 2) The procedures to give effect to the achievement of the strategic objectives must be legally compliant and best practice.
- 3) Management and union leadership must be trained in all aspects required to successfully lead and facilitate the implementation of the policy.



5. Governance Issues

Insert the key Governance Structures and a brief description of their roles and responsibilities,

- 1) Council
 - a. As per the relevant legislation
- 2) Snr Management Committee
 - a. To create an environment where this can be achieved
 - b. Enforcement of the policies

6. Policy Procedures

Draw a flow chart / process flow of the process to be followed in order to achieve the strategic objectives of the policy.

Contained in individual policies.



7. Competence and Capacity to implement

Briefly describe the competency and capacity required to implement the policy with the understanding and support of key stakeholders.

Basic Supervisory Training

8. Relevant Legislation applicable to this Policy

What Municipal or Local Government legislation govern this Policy?

- 1) Basic Conditions of Employment Act No 23 of 1997
- 2) Labour Relations Act No 66 of 1995
- 3) Municipal Systems Act No of 2000
- 4) Municipal Finance Management Act
- 5) Conditions of Service
- 6) Disciplinary Code and Procedures
- 7) Collective agreements such as the Organisational Rights Agreement

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9. Other key Policy Matters

Briefly describe what other policy matters should be included in a generic policy template for B.C.M.

N/A

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1. Policy Title

Insert the Policy Name
OVERTIME POLICY

2. Main Purpose

What is the main purpose of the policy?
To establish an overtime system for BCM in order to promote attainment of the BCM Vision, Mission and Values

3. Strategic Objective

Insert the key objectives of the policy.

- 1) To ensure that overtime worked is linked to the Vision, Mission and Values of BCM.
- 2) To control and reduce overtime.
- 3) To set out common procedures for compliance regarding the working of overtime.



4. Key Principles

What are the key governing principles of the policy?

- 1) Overtime must be approved in advance by the relevant General Manager **prior** to such overtime being worked.
- 2) In genuine emergencies, staff should endeavor to obtain the required prior authorization whenever possible. Should this not be possible, the staff member must report such overtime to the General Manager as soon as possible in order to obtain the necessary authorization.
- 3) Overtime which has not been approved by the relevant General Manager will not be paid.
- 4) General Managers may only approve overtime which is operationally required and which cannot be performed during normal working hours.
- 5) Employees may not work overtime of more than 3 hours per day to a maximum of 10 hours per week, unless such overtime is emergency work as referred to in para 2) above.
- 6) Overtime will be remunerated in terms of the conditions of service.
- 7) Line managers must ensure that possible alternatives to overtime (such as shift work) are investigated and implemented where practicable.
- 8) Overtime will be remunerated at the occupational level at which it is performed.
- 9) Overtime may **not** be claimed nor paid in advance, but will be paid in arrears.



5. Governance Issues

Insert the key Governance Structures and a brief description of their roles and responsibilities,

- 1) Council
 - a. Monitoring of overtime
- 2) Senior Management Committee
 - a. Monitoring overtime
 - b. Making and approving recommendations re reduction or control of overtime
- 3) General Managers
 - a. Controlling overtime
 - b. Approving overtime
 - c. Reducing overtime
- 4) Line Managers / Supervisors
 - a. Controlling overtime
 - b. Reducing overtime
 - c. Determining alternatives to overtime



6. Policy Procedures

Draw a flow chart / process flow of the process to be followed in order to achieve the strategic objectives of the policy.

As per attached annexure A

7. Competence and Capacity to implement

Briefly describe the competency and capacity required to implement the policy with the understanding and support of key stakeholders.

- 1) All staff must be aware of the prescriptions of this policy.
- 2) Supervisors / Managers must ensure compliance with this policy.



8. Relevant Legislation applicable to this Policy

What Municipal or Local Government legislation govern this Policy?

Municipal Systems Act 32 of 2000

Integrated Development Plan

SALGBC / SALGA directives or guidelines

Conditions of Service

Basic Conditions of Employment Act

9. Other key Policy Matters

Briefly describe what other policy matters should be included in a generic policy template for B.C.M.

N/A

Annexure A

Procedure : Overtime

- 1) Line managers determine operational need for overtime (which must be linked to the BCM's Vision, Mission and Values) after determining that there is no viable alternative to such overtime being worked.
- 2) Line managers obtain **prior** approval for such overtime from relevant General Manager.
- 3) In case of genuine emergencies, supervisor allows overtime to be worked and then obtain approval from General Manager as soon as possible.
- 4) Staff work overtime in compliance with maximum overtime periods permissible i.e. 3 hours per day to a maximum of 10 hours per week except in the case of genuine emergencies.
- 5) Once worked, overtime is recorded on exception report (Annexure B) and is approved by General Manager who authorized such overtime.
- 6) Exception report is forwarded to Human Resources Department on or before 7th day of the following month for checking of overtime levels worked and of leave contained on report.
- 7) Human Resources Department refers any queries on levels of overtime worked to the relevant General Manager. Any overtime in excess of the limits specified herein will be reported to the City Manager.
- 8) Human Resources Department forwards the exception report to Pay Office for payment.
- 9) Overtime is paid by Pay Office.



Buffalo City Municipality

POLICY REGULATING ABSENTEEISM

A) POLICY STATEMENT

It is the policy of Buffalo City Municipality to investigate all absenteeism in the organisation and render assistance, if and when possible, through a process of counselling in order to correct the problem or to work around the problem. Where it is not possible to correct or work around the problem, then the appropriate action must be taken.

B) INTRODUCTION

Absenteeism is not always caused by wilful or negligent conduct on the part of an employee, but may be caused by an employee's incapacity. Nevertheless high levels of absenteeism are having a significant adverse impact on the municipality's operational requirements and are to be dealt with in accordance with the provisions of this policy.

It is important that supervisors / managers scrutinise attendance records to establish negative trends in attendance since such behaviour may often be indicative of more deep seated problems (psychological, physical, logistical, domestic, etc.). It is the duty of supervisors / managers to attempt to ascertain underlying reasons which might be impacting on the attendance of their subordinates, to attempt to isolate the underlying causes of the problem, and to find effective solutions that PREVENT disruption to the normal operation of the municipality.

C) STANDARDS

The following standards are set regarding absenteeism arising from sick leave or any other reason:

1) SICK LEAVE

- a) Employees are to notify their supervisors before 10H00 when they are unable to attend work due to illness.
- b) Employees are to submit sick leave forms with the supporting Medical Certificate, where required, within 72 hours of the employee (i.e. 3 days) absenting themselves.

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POLICY REGULATING ABSENTEEISM



- c) A Medical certificate issued by a registered medical practitioner (as envisaged by the Basic Conditions of Employment Act 75 of 1997) must be automatically submitted in all cases of sick leave of 3 or more days duration.
- d) Medical certificates issued by a registered medical practitioner (as envisaged by the Basic Conditions of Employment Act 75 of 1997) must be produced by employees upon request by supervisors for periods of sick leave of less than 3 days duration with the following conditions:
 - i) Where the supervisor requests such a certificate for sick leave of less than 3 days, the employee must still be paid for that days sick leave, unless the circumstances set out in para ii) below exist.
 - ii) If the employee has been absent on account of illness on 3 or more occasions in an eight – week period and when requested by the supervisor does not supply a medical certificate as prescribed above, then unpaid leave will be granted for such absences.
- e) A sick absenteeism rate (SAR) of 12 days per annum for ‘every day’ illness is set by the Buffalo City Municipality. SAR of more than this limit of 12 days per annum is unacceptable and must be actioned by the supervisor. Major illness or accidents will not be included in the above and will be covered in terms of the sick leave allocation of employees.
- f) Staff members who are on sick leave for any reason are required to be at their home resting. Should staff not comply, disciplinary action is to be taken against them. Should an employee need to leave home, prior consent must be obtained from the relevant supervisor.

2) **ABSENTEEISM**

- a) Employees are to notify their supervisors before 10H00 when they are absent for any urgent personal reason other than illness.
- b) Absence without leave is unacceptable and will lead to disciplinary action being taken against employees by supervisors.
- c) If an employee is absent without leave, his/her salary will be deducted for the period of absence. This deduction will be made in addition to any disciplinary action being taken.
- d) Staff members who are absent for 5 consecutive working days or more, without liaising with their supervisor will be deemed to have deserted/absconded from their employment.
- e) Staff members who are absent without leave will not be granted vacational leave or annual leave retrospectively, but will have their salary deducted as stated above.

Buffalo City Municipality

POLICY REGULATING ABSENTEEISM



ABSENTEEISM

THE COUNSELLING PROCESS

1. STAGE ONE (by immediate Supervisor)

- 1.1. The counselling process may involve the employee's representative who should be asked to personally involve himself/herself in attempting to assist with the problem. The process itself should be approached constructively and not in an antagonistic and adversarial fashion.
- 1.2. The employee and his/her representative should be called aside and in a discussion asked to review the issue of the employee's absenteeism or repeated absenteeism. Notice of such "review" is not required since the employee is merely being asked to comment on factual situation.
- 1.3 The counselling process could involve three distinct stages:-
 - a) **Provide Facts:** firstly, the employee should be informed of why it is considered that his/her attendance is inadequate and unacceptable, eg. "You have been absent on 4 separate occasions during the last 8 weeks and because of your important role in the Department, your absence has a seriously disruptive effect on the normal operation of your department";
 - b) **Listen to Explanation:** secondly, the employee must be asked to provide an explanation for his/her absenteeism and to suggest reasonable ways in which the problem may be rectified;
 - c) **Find Acceptable Solution:** the final stage requires both the supervisor/manager and the employee to accept that a problem exists regarding attendance together with the problems this causes and for the employee to commit himself/herself to taking active steps to remedy the problem. It should be specifically brought to the employee's attention that the company cannot allow poor attendance to continue.
- 1.4 **Set up Monitor/Feedback System:** The parties should agree that the employee's attendance will be monitored over the following 8 week period and that they will meet to review the situation should this prove necessary.
- 1.5 **Record Event:** This gist of the above process should be summarised in a letter, a copy of which should be given to the employee and a copy placed on his / her personal file (see poor attendance – memo – Annexure B hereto)

Buffalo City Municipality
POLICY REGULATING ABSENTEEISM



2 STAGE TWO (follow up action based on Agreement)

- 2.1. If within the following period agreed upon between the supervisor / manager and the employee concerned, the employee's attendance record continues to indicate absenteeism and the supervisor / manager is of the view that the employee is showing no ability / inclination to improve his / her attendance, then stage two of the counselling process should be invoked.
- 2.2. Stage two is in essence a repeat of the procedure involved in stage one. In addition the supervisor / manager should highlight to the employee:-
- a) The basis of their previous discussion at which a problem was identified and a commitment made to remedy it and why the employee has again failed to meet the required standards;
 - b) It is important at this stage that the employee be clearly informed that unless he / she is able to improve attendance, the municipality may well have to consider taking more serious action to prevent disruption to the operation of the municipality, which action may include the termination of the employee's services.
- 2.3. Again the gist of the above process should be summarised in a letter, a copy of which should be given to the employee and a copy placed on his / her personal file (see poor attendance – Brief 2 on page). This letter would take the form of a verbal warning.

3. STAGE THREE (FORMAL ENQUIRY)

- 3.1. Where the situation persists and the supervisor / manager is of the view that the employee is either unable to remedy it, or has shown no positive inclination to do so, an enquiry should be convened in keeping with the municipality's requirements for the conducting of a fair disciplinary enquiry
- 3.2. If the absenteeism is beyond the control of the employee, the incapacity procedure must be followed.
- 3.3. The normal prescriptions of progressive discipline should apply i.e. progressive warnings should be issued.
- 3.4. The termination of the employee's services will be a measure of last resort.
- 3.5. The disciplinary hearing must follow the normal rules of discipline.

POOR ATTENDANCE: BRIEF 1

TO :

DEPARTMENT :

FROM :

DATE :

I wish to summarise our discussion today during which I conveyed to you my concern over your repeated absenteeism over recent weeks.

We discussed the fact that your record indicated that you have been unable to attend work on occasions during the past weeks. I further stressed to you that the company is dependent upon our regular attendance at work and cannot tolerate persistent non-attendance due to the disruptive effect it has on the operation of your department and that your regular attendance is necessary.

I have taken note of your stated reasons for your absenteeism as being:

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and your undertaking and commitment to take the following active steps to remedy the problem

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I confirm that we agreed that your attendance will be monitored during the next (8) week period in order to determine whether you are able to improve same. Should you continue to be absent during this period, the company will have to review your suitability for employment in your present position.

Yours sincerely

SUPERVISOR

POOR ATTENDANCE: BRIEF 2

TO :

DEPARTMENT :

FROM :

DATE :

I wish to summarise our discussion today during which I repeated to you my growing concern over your repeated absenteeism from work.

You will recall that I initially expressed my concern to you on When I stressed that the company is dependant on your regular attendance at work and that your inability to attend work regularly was having a disruptive effect on he normal operation of your department.

On that occasion we noted your poor attendance record and you committed yourself to making a special effort to improve your attendance in the future. You specifically, in an effort to improve the position, were going to

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Despite the above undertaking, I stress today that since our previous discussion there has been no positive indication that you have been able to alter your poor attendance record, which continues to detrimentally effect the operation of your department.

You again undertook today to make an extra effort to do whatever is reasonably possible to ensure your regular attendance in the future.

Should it not be possible to reverse this trend of poor attendance, the company is going to have to take more drastic steps, which could include the termination of your services.

Yours sincerely

SUPERVISOR

Procedure: Sick Leave

- a) Supervisors must enforce the standards contained in the Absenteeism Policy.
- b) Attendance of employees must be continuously monitored by supervisors/ managers.
- c) Where standards are contravened, or where a problem such as apparent abuse of sick leave becomes evident, supervisors should do all or some of the following:
 - i) Follow-up medical certificates with Doctors, Hospitals or Clinics. Supervisors must emphasize to the medical practitioner that they request his co-operation and are not questioning his professional judgement, but want to confirm the veracity of the certificate.
 - ii) A medical certificate can be required for each day/period of sick leave. Where an employee has not taken longer than 3 days or has not been absent on at least 2 occasions in the past 8 weeks supervisors still have to pay the employee. In such cases, non-production of a certificate should lead to disciplinary action for disobeying an instruction.
 - iii) Obtain a 2nd opinion from a medical practitioner of the Department's choice. In such a case the opinion must be paid for by the Department.
 - iv) Do a home visit to sick employee. Should the employee not be there, the supervisor should check again later. Disciplinary action should be taken in such a case, unless a valid reason is presented by the employee.
- d) In the case of continuous absenteeism due to ill-health, where corrective measures have not succeeded supervisors/managers must refer to the Buffalo City Municipality Incapacity Policy attached as Enclosure 3 to the Employee Relations Policy for further action.

Procedure: Absence without Leave

- a) Supervisors/Managers must enforce the standards contained in the Absenteeism Policy.
- b) Attendance of employees must be continuously monitored by supervisors/managers.
- c) Where an employee is absent without leave, the reasons must be investigated by the supervisor/manager.
- d) Unless a reasonable and justified explanation is provided by the employee, the supervisor/manager must deduct the lost time from the employee's salary, as well as take disciplinary action against the employee.
- e) Should a reasonable and justified explanation be provided (where possible, documentary proof may be required) the supervisor/manager may authorise vacation leave for the employee.
- f) In cases where employees are absent for 5 consecutive working days or longer, the following procedure should be followed:
 - i) If no contact has been made after 3 working days, the department must send a letter to the place of residence of the employee advising that absence of 5 consecutive working days is deemed to be desertion/absconding which could result in his/her dismissal and also notifying the employee of a disciplinary hearing which must be set for the period after completion of the 5 days desertion period. The letter must further advise the employee that the hearing will be held notwithstanding failure to attend by the employee, his/her representative and/or his/her witnesses.
 - ii) The supervisor then arranges a hearing with the relevant parties and follows normal procedures.
- g) As specified above, any instance of unauthorised absenteeism must be lead to corrective disciplinary action being taken by the supervisor/manager. Such disciplinary action may lead to dismissal of employees should an improvement not occur.

Buffalo City Municipality
Policy Template



1. Policy Title

Insert the Policy Name
INCAPACITY POLICY

2. Main Purpose

What is the main purpose of the policy?
To establish an incapacity policy and procedures for BCM to assist in attainment of BCM's Vision, Mission and Values.

3. Strategic Objective

Insert the key objectives of the policy.

- 1) To set out clear guidelines for all stakeholders regarding incapacity of staff due to injury / ill-health or poor performance.
- 2) To ensure consistency in the application of incapacity procedures by BCM.

Buffalo City Municipality
Policy Template



4. Key Principles

What are the key governing principles of the policy?

- 1) Incapacity procedures must comply with the relevant labour legislation.
- 2) The primary aim of incapacity procedure is to assist staff affected, whenever possible.
- 3) Line Managers must take the necessary incapacity action as indicated herein in appropriate circumstances.

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5. Governance Issues

Insert the key Governance Structures and a brief description of their roles and responsibilities,

- 1) Line Management :
 - a. To action incapacity, where pertinent.

- 2) Human Resources Department :
 - a. To assist and advise in the application of incapacity procedures.

- 3) Unions :
 - a. To assist in the application of incapacity procedures by representing members when required.
 - b. To monitor that the correct procedures are taken.

Buffalo City Municipality
Policy Template



6. Policy Procedures

Draw a flow chart / process flow of the process to be followed in order to achieve the strategic objectives of the policy.

As per attached annexure A

7. Competence and Capacity to implement

Briefly describe the competency and capacity required to implement the policy with the understanding and support of key stakeholders.

- 1) All staff must be aware of the prescriptions of this policy.
- 2) Supervisors / Managers must ensure compliance with this policy.

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Policy Template



8. Relevant Legislation applicable to this Policy

What Municipal or Local Government legislation govern this Policy?

Municipal Systems Act 32 of 2000
Integrated Development Plan
SALGBC / SALGA directives or guidelines
Conditions of Service
Basic Conditions of Employment Act 23 of 1997
Labour Relations Act 66 of 1995

9. Other key Policy Matters

Briefly describe what other policy matters should be included in a generic policy template for B.C.M.

N/A

Annexure A to Incapacity Policy

INCAPACITY PROCEDURES :

1) INCAPACITY DUE TO ILL – HEALTH OR INJURY

- a. Line Manager determines whether incapacity is permanent or temporary.
- b. If incapacity is **temporary**, the following action is taken:
 - i. Investigate the extent of the incapacity i.e. is it minor or major.
 - ii. If the employee is likely to be away from work for an unreasonably long period under the circumstances, investigate all possible alternatives to dismissal considering amongst others the following factors:
 1. Cause of incapacity e.g. in cases of alcohol abuse, counselling may be needed
 2. Nature of the job
 3. Period of absence
 4. Seriousness of illness / injury
 5. Possibility of securing a temporary replacement
 - iii. The employee plus representative (if required) must be involved at all stages of this process.
 - iv. Injuries on duty must be treated with greater leniency.
 - v. Generally temporary ill – health or injury should not lead to dismissal unless circumstances are such that the employee cannot be accommodated.
 - vi. In circumstances where the employee cannot be accommodated, a hearing must be held.
- c. If incapacity is **permanent**, the following action is taken :
 - i. Investigate all possible alternatives short of dismissal.
 - ii. Ascertain the possibility of adapting the employees duties or work circumstances to accommodate the employee.
 - iii. Ascertain the possibility of alternative employment. Such employment may on a lower post level, if need be.
 - iv. Involve the employee and representative (if required) at all stages of this process.
 - v. If the alternatives are not viable or if the employee does not accept a reasonable alternative, then a hearing is held which can lead to dismissal of the employee.

2) INCAPACITY DUE TO POOR PERFORMANCE :

- a. This form of incapacity arises when employees are unable to perform their work to a standard set by the employer, due to a lack of skill, physical ability or mental ability.
- b. Seniority and experience are factors for consideration in this exercise. The more senior / highly paid / specialized / experienced an employee is, the higher the standard of work that can be expected from him / her.
- c. It is accepted in law that probationers may be dismissed for reasons less compelling than those required for non – probationers.
- d. The employee and representative (if required) must be involved in the investigation / hearing.
- e. All actions taken by line managers must be recorded in writing and the employee must be required to respond in writing according to deadlines set by the line manager for such response.
- f. The following procedure is followed for **probationers** :
 - i. The line manager must constantly evaluate the employees performance against reasonable and known standards.
 - ii. Investigate reasons for unsatisfactory performance.
 - iii. Give the employee the following, where appropriate:
 1. Evaluation
 2. Instruction
 3. Training
 4. Guidance
 5. Counselling
 6. A reasonable period for improvement i.e. set deadlines
 - iv. If the probationer continues to perform unsatisfactorily, then a hearing is held wherein alternatives short of dismissal are to be considered eg. transfer / demotion.
 - v. If no viable alternative exists, then the probationer may be dismissed.
- g. The following procedure is followed for **non – probationers** :
 - i. The line manager must determine :
 1. Whether the employee has failed to meet a performance standard which is reasonable.
 2. What the reason is for the poor performance.
 3. Whether the employee was aware or could reasonably be expected to be aware of the required performance standard. Ensure that the employee is aware thereof.
 - ii. Warn the employee that his / her performance does not meet the required standard, that an improvement is expected and that his / her performance will be monitored.
 - iii. Specify in which respect the employee's performance is wanting.

- iv. Warn the employee that he / she might be dismissed if his / her performance does not improve (remember to do all this in writing).
- v. Give the employee appropriate :
 - 1. Evaluation
 - 2. Instruction
 - 3. Training
 - 4. Guidance
 - 5. Counselling
- vi. Continuously monitor employee's performance after any intervention.
- vii. Give employee a reasonable period for improvement.
- viii. If there is no improvement, hold a hearing wherein all possible alternatives to dismissal are considered.
- ix. Should there not be any viable alternatives, then the employee may be dismissed.