



## INCAPACITY POLICY

### 1. SCOPE

- 1.1 This policy applies to all the employees of the **Dihlabeng Local municipality (DLM)**.
- 1.2 This Policy should, where applicable, be read with the Collective Agreement on Conditions of Service, Individual contracts of employment, the Labour Relations Act 66 of 1995, the Local Government: Municipal Systems Act and the **DLM's** Performance Management System.

### 2. PREAMBLE

Termination of employment for poor work performance is a serious matter which requires careful evaluation. The **DLM** endeavours to use the guiding principles set out herein in an attempt to best evaluate an individual's performance prior to dismissal or taking any disciplinary action. It is the responsibility of the **DLM** to decide when it is necessary to apply the guidelines.

### 3. OBJECTIVES

- 3.1 To serve as an effective guideline in the management of employees who are performing below the expected standards;
- 3.2 To ensure compliance with the requirements of labour legislation when managing poor work performance;

- 3.3 To assist employees to overcome poor performance and to perform to the standard expected of them;
- 3.4 To promote efficient and effective performance by employees;
- 3.5 To enable the **DLM** to function efficiently and effectively; and
- 3.6 To assist the **DLM** when in appropriate circumstances corrective action needs to be applied.

#### 4. PROCEDURE

- 4.1 If the **DLM** is of the view that an employee is not performing in accordance with the job that the employee has been employed to do, it will:
  - 4.1.1 Inform the employee in writing of the perceived poor work performance; and
  - 4.1.2 After informing the employee as per paragraph 4.1.1 above, meet with the employee, and if the employee so chooses with the employees trade union representative and/or a fellow employee
- 4.2 In the meeting referred to in paragraph 4.1.2. **DLM** will:
  - 4.2.1 Explain the requirements, grade, skills competency requirements and nature of the job; and
  - 4.2.2 Evaluate the employee's performance in relation to the requirements of the job; and
  - 4.2.3 Indicate to the employee the reasons for the perceived poor performance; and

4.2.4 Hear the employee or the employee's representative on:

4.2.4.1 Whether the employee has performed in accordance with the requirements of the job; and

4.2.4.2 If the employee does not agree that he has not performed in accordance with the requirements of the job, he must provide reasons to justify such poor performance.

4.3 After the employee has had the opportunity to be heard, **DLM** will, if necessary:

4.3.1 Develop and initiate a formal programme of counseling and instruction to enable the employee to reach the required standard of performance; and

4.3.2 Establish ways to address any factor that may affect the employee's performance that lies beyond the control of the employee.

4.4 The programme referred to in paragraph 4.3.1 will include:

4.4.1 Assessing with the relevant employee the time frame in which it would reasonably take for such employee to overcome the poor work performance;

4.4.2 Based on the assessment above, a realistic time frame shall be established within which the **DLM** will expect the employee to have met the required performance standard; and

4.4.3 Identification and provision of adequate training and/or counseling sessions if necessary in order for the employee to reach the required standard of performance.

- 4.5 If the poor performance is not remedied within the time frames established by the programme, the **DLM** shall provide the employee with a written outcome of the procedure and meet again with the employee to explain the outcome as well as the measures that the **DLM** intends pursuing to address the problem.
- 4.6 A record of all counseling sessions / meetings shall be kept by the Director: Corporate Services.
- 4.7 After consulting with the employee, the **DLM** shall consider whether:
- 4.7.1 To continue to give the employee guidance, instruction and counseling and establish a further appropriate period for the employee to meet the required standard of performance; or
- 4.7.2 To mentor the employee; or
- 4.7.3 To institute disciplinary procedures; or
- 4.7.4 To dismiss the employee in appropriate circumstances

## 5 **POLICY REVIEW**

Notwithstanding the review date herein, this policy shall remain effective until such time approved otherwise by Council and may be reviewed on an earlier date if necessary

## 6. **AUTHORITY**

Formulation Policy	:	Director: Corporate Services
Authorization Policy	:	Council
Ownership & Maintenance Manager	:	Director: Corporate Services