

## **A. INDUCTION/ORIENTATION COURSE INDEX**

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## **GENERAL INTRODUCTION**

The induction/orientation course has been compiled to assist new employees to understand information in respect of the functioning and procedures of the EMALAHLENI LOCAL MUNICIPALITY

NOTE: This is an orientation course: - Induction with regards to the job description, working environment, and the specific duties will be done by means of departmental training session arranged by the specific Departmental Head.

## **OBJECTIVES**

1. To orientate the newly appointed employee to the structure, functioning and procedures of a local government with specific reference to the EMALAHLENI LOCAL MUNICIPALITY. Thereby enable the employee to adapt to the new working environment.
2. To orientate the newly appointed employee to the conditions of service and related benefits.

## **LOCAL GOVERNMENT IN RELATION WITH THE NATIONAL AND PROVINCIAL GOVERNMENT**

### **1. THE CONSTITUTION OF SOUTH AFRICA**

What is the constitution?

- The constitution is the supreme or highest law of South Africa.
- The President, the Government and all the people of South Africa must follow it.
- It says what the structures of government are and what powers they have
- It makes sure that your rights are protected and sets up institutions to check that Government does not abuse your rights.

EXAMPLE: - Workers' rights are protected in the Constitution. But these are not the only rights workers have. Instead, most of the law about workers is in the Labour Relating Act. But any law written about workers must follow the Constitution and cannot take away the rights given to workers in the Constitution.

The rules in the Constitution are hard to change; it means that future Governments have to follow these rules too. The rules stay the same even if the Government changes. In this way the Constitution helps to make sure there will always be *democracy* in South Africa.

## 2. WHAT IS DEMOCRACY?

Democracy is one of the ways to govern a country. It is based on the idea that everyone in the country should have a say about how the country is run. But, because it is not possible for everyone to be in the parliament, people choose other people to represent them in Parliament and to make decisions for them. These people are chosen during an election when people vote for those whom they believe can best represent them.

## 3. WHAT IS THE RELATION BETWEEN THE CONSTITUTION, DEMOCRACY AND LOCAL GOVERNMENT?

The governing of the country is a huge task. To make sure that it operates in terms of the Constitution and properly it is divided up into the National, Provincial and Local Governments

### 3.1 NATIONAL GOVERNMENT:

Deals with things that affect the nation as a whole

- The Head of the state is called the ***President*** and is chosen by the Parliament.
- The President has an assistant and is called the ***Deputy-President***. The Deputy-President is chosen by the President.
- Then there is one ***Minister*** to deal with each area that Government controls for example Education, Finance, Foreign Affairs, Transport, etc

### 3.2 PROVINCIAL GOVERNMENT:

Provincial Government deals with issues, which affect their provinces only. South Africa has been divided into nine provinces and for each of these provinces Provincial Government has been established.

The Provinces are:

- (i) Eastern Cape
- (ii) Free State

- (iii) Gauteng
- (iv) Kwa Zulu-Natal
- (v) Mpumalanga
- (vi) NorthernCape
- (vii) Limpopo
- (viii) North West
- (ix) Western Cape

The Head of the Province is called the **Premier**. He/she is assisted by an **Executive Council** to govern a province.

Each Province has a Provincial Executive to put Provincial laws into operation. Election of members takes place every five years.

### 3.3 LOCAL GOVERNMENT:

The third sphere of Government is Local Government. The local sphere of Government is made up of **municipalities**. Municipalities deal with issues, which affect the local area or municipality that they control. Each municipality has a Municipal Council and laws made by such a Local Council is called "By-Laws"

By-Laws cannot go against:

- The Constitution
- Acts of the National Government
- Provincial laws for that province

#### 3.3.1 DEMOCRACY: LOCAL GOVERNMENT

Under the Democracy heading it was mentioned "that everyone in the country should have a say about how the country is run" It is not possible for each resident of a municipality to be in the Local Government, therefore each municipality in this country is divided into wards. A person, elected by the residents of a ward, to represent the residents in the Municipality Council, will present each ward. Such an elected person will be called a **Councillor** of a specific municipality. Proportional representation is provided for in the Constitution. The Head of a Municipal Council is the **Mayor** and the Municipal Councillors assist the Mayor. Election of Councillors takes place every five years.

### **3.3.2 OBJECTS OF A LOCAL GOVERNMENT**

The objects of a Local Government are: -

- (a) To provide democratic and accountable government for Local Communities.
- (b) To ensure the provision of services to communities in a sustainable manner.
- (c) To promote social and economic development
- (d) To promote a safe and healthy environment.
- (e) To encourage the involvement of communities and community organizations in the matters of Local Government.

With this brief summary of the three spheres of Government you as a newly appointed employee will have a perception of the purpose of Local Government and the role it plays. One should realize or bear in mind that every decision taken or action by a Local Municipality must be done in consideration with the Constitution and Democracy.

## **EMALAHLENI LOCAL MUNICIPALITY COAT OF ARMS**

### **DESCRIPTION: -**

The coat of arms is based on a Nguni-type shield, resting on top of which is a mural crown, customarily used in the arms of municipal authorities. The shield is so divided that the green central part has the appearance of a power station cooling tower. On this is a Jupiter's thunderbolt placed in allusion to the generating of electricity and in the lower part a heraldic fountain. These elements can be seen as referring to the Kriel/Ogies region with the green also linking the design to agriculture. On either side are black diamonds, which refer to the rich coal deposits in the area. The diamond pattern is repeated on the mural crown.

### **VISION: -**

Striving together to be an excellent center for service, delivery and development.

### **MISSION: -**

Providing affordable, accessible and sustainable quality service, enhance community participation and creating a climate for economic development.

**MOTTO: -**

“Together in service delivery and development”

**EMALAHLENI LOCAL MUNICIPALITY**

(directly translated means “place of coal”)

Emalahleni Local Municipality consists of the following three towns:

Witbank

Kriel

Ogies

And several mining towns, which include Reedstream

**EXECUTIVE MAYOR: -**

The Head of the Emalahleni Local Municipality is the *Executive Mayor*.

**FUNCTIONS AND POWERS OF THE EXECUTIVE MAYOR: -**

- Identify the needs of the municipality.
- Recommend to the Municipal Council strategies, programmes and services to address needs through an integrated development plan, the estimates of revenue and expenditure.
- Recommend or determine the best way to deliver strategies, programmes and services to the benefit of the community.
- Monitor the management of the municipality administration in accordance with the directions of the Municipal Council
- Oversee the provision of services to the community.
- Perform such duties and exercise such powers as the council may delegate to him.
- An Executive Mayor performs a ceremonial role.

**MUNICIPAL COUNCILLORS: -**

The Emalahleni Local Municipality has been divided into 32 wards (Kriel/Ogies and urban areas included). Therefore Emalahleni Local Municipality has 32 ward councillors elected by the residents of the specific ward. 32 additional councillors may be nominated in terms of the Constitution as Proportional Councillors.

## **OBJECTIVES OF COUNCIL: -**

A municipality must strive to, within its capacity, comply to the needs of the community provide democratic and accountable government, promote provision of services to communities in a sustainable manner, promote social and economic development, safe and healthy environment, encourage involvement of communities.

## **SPEAKER OF THE MUNICIPAL COUNCIL: -**

Each Municipal Council must have a Chairperson who will be called the Speaker. The Council members of a Municipality elect the Speaker.

## **FUNCTIONS OF A SPEAKER:**

- Presides at meetings of a Council.
- The Speaker has certain delegated powers.
- The Speaker ensures that the council meets at least quarterly.
- The Speaker maintains order during meetings
- The Speaker ensures that Council Meetings are conducted in accordance with the rules and orders of the council.

## **ADMINISTRATION: -**

The Local Government has administrative structures such as National and Provincial Government carry out, resolutions, policies, etc made by the specific level of Government.

## **MUNICIPAL MANAGER: -**

The Municipal Manager is the Head of the administration and also the Accounting Officer for the Emalahleni Local Municipality. To enable the Municipal Manager to perform his duties he has the assistance of various departmental sections. Refer to annexure "A".

## **INFRASTRUCTURE AND BASIC SERVICES: -**

The purpose of this Department is self-explanatory in the description of the department. This department is responsible for the maintenance and development of: -

- Water supply, which include water purification, maintenance of water supply system, water meters, etc.
- Sewerage services: sewerage purification plants, sewerage systems in Emalahleni as a whole, sewerage manholes, sewerage blockages.

- Roads/streets/storm water: Maintenance of existing streets/roads/pavement, infrastructure as well as the development of new roads, storm water drainage, manholes, etc.
- Electricity supply: which include the maintenance of electricity and provision of electric supply to residential areas, businesses and industrial areas. The provision and construction of electricity supply to new areas.

## **FINANCES: -**

The Finance Department consists of the following:

- (a) Revenue: service delivery to the community at a rate fixed annually. Assessment rates according to the valuation of properties.
- (b) Expenditure: To provide services to the community.
- (c) Debt collection
- (d) Credit control

## **ADMIN SUPPORT AND RESOURCE MANAGEMENT: -**

This department consists of the following sections:

- Records (Files/in- and outgoing correspondence)
- Secretary services to Mayoral Committee, Council and other committees.
- Procurement: Materials required by other departments.
- Transport Services: Vehicles
- I.F. Services: Computer Services
- Human Resources: All facets – recruitment, grievances, conditions of service.
- Occupational Health and Environment: Safe working place.

## **DEVELOPMENT PLANNING: -**

This Department consists of the following:

- Spatial planning and housing.
- Environmental: Waste management.
- Social services.

Sections such as: libraries, parks and gardens, refuse removal, clinics, arts and culture, market, development Witbank Recreational Resort, health services resort under this department

## **KRIEL, OGIES AND URBAN AREAS: -**

Management of above mentioned towns, mining towns and other sections.



Overtime may be worked subject to the prior approval of the Council

**LEAVE OF ABSENCE:**

1. **ANNUAL LEAVE: (Clause 7)**

Annual leave is calculated according to the number of working days, excluding Saturdays, Sundays and Public Holidays. "Leave cycle" means the period of twelve months (12) employment with the same employer immediately following an employee's commencement of employment or following the completion of that employee's existing leave cycle. The exact calculation is contained in clause 7 of the conditions of service.

2. **SICK LEAVE: (Clause 8)**

The Conditions of Service make provision for "Paid Sick Leave" subject to certain conditions. Refer to clause 8 of the Conditions of Service.

3. **MARTERNITY LEAVE: (Clause 9)**

A female employee will be entitled to 3 months paid maternity leave, with no limit to the number of confinements. Certain conditions are also applicable.

4. **FAMILY RESPONSIBILITY LEAVE: (Clause 10)**

Conditions of this benefit is that an employee must have four (4) or more months service with the same employer, and may be granted five (5) days family responsibility leave in an annual leave cycle for the following:

- Employee's child is born
- Employee's child is sick.
- Employee's spouse or life partner is sick.
- In the event of death of:  
Employee's spouse or partner  
Employee's parent, adoptive parent, grandparent, child, adopted child, grandchild, sibling.

5. **SPECIAL SICK LEAVE:**

An employee who is absent from duty owing to an injury arising out of his duties and occurring in the course thereof or owing to an illness contracted in the course of and as a result of his duties, shall

be granted special sick leave on full pay for the period during which he/she is unfit to perform his/her usual duties.

**6. SPECIAL LEAVE:**

Special leave in full salary or wage shall be granted to an employee when he/she:

- Sits for an examination prescribed or approved by the council;
- In order to prepare him/her for an examination refer to above, provided that the number of working days, leave granted for study purposes shall not exceed the number of days on which the employee is actually sitting for the examination;
- Has been arrested or is to appear in court on a criminal charge and is later acquitted or the charge is withdrawn;
- Is attending a meeting or conference approved by the council;
- Is doing overtime or works on public holidays without monetary consideration;
- Gives evidence in a court case after a summons has been served to him/her.

**LONG-SERVICE**

An employee shall qualify for the following additional leave as recognition for service at the same employer, which shall be paid out respectively once on which the various periods of continuous service have been completed as follows:

- After 10 years' service – 10 working days
- After 15 years' service – 20 working days
- After 20 years' service – 30 working days
- After 25 years' service – 30 working days
- After 30 years' service – 30 working days
- After 35 years' service – 30 working days
- After 40 years' service – 30 working days
- After 45 years' service – 30 working days

The leave may be wholly or partially converted on the date on which the employee qualifies therefore or at any stage thereafter.

**HOUSING SUBSIDY: (Clause 11)**

Homeowners Subsidy on the repayment of a bond, calculated at a mortgage bond of R85 000,00.

#### **HOUSING GUARANTEE SCHEME:**

When an employee is at least 21 years of age have been employed by the council continuously for at least 12 months an employee qualifies for the Housing Guarantee Scheme.

An employee, without having to make use of his own money, to make a deposit, loans the full purchase amount needed to buy the house from an approved financial institution. The Council in the form of a written guarantee gives the deposit amount up to 20%.

#### **SEVERANCE PAY: (Clause 12)**

Dismissal due to the employer's operational requirements, severance pay of three (3) weeks remuneration for each completed year of service capped to the equivalent of nine (9) months remuneration thereafter one week's remunerations for every completed year of service.

#### **DISPUTE ABOUT REMUNERATION AND APPLICATION OF THIS AGREEMENT:**

Specific procedures are stipulated under clause 13 in this regard

#### **USAGE OF COUNCIL PROPERTY FOR OWN BENEFIT:**

An employee may not remove or use municipal property for his own benefit. An employee may not remove, use or allow to be used/removed any municipal property or goods.

#### **PAID WORK DONE OUTSIDE THE MUNICIPAL SERVICE:**

No payment for work outside municipal service by an employee is allowed except if the Council has rendered the necessary permission.

#### **SALARY:**

The remuneration due to an employee for a completed working month will be on the 26 of each month. In the event that the 26 of a month is on a Saturday payment will take place on the Friday prior to the Saturday and in the event that the 26 of a month is on a Sunday, payment will take place of the Monday following the Sunday

In the event that the 26 of a month is on a public holiday payment will be made on the working day prior to the public holiday.

Payment may be made on a later date due to circumstances beyond the control of the council, but not later than five working days after completion of the relevant working month.

The council may deduct any monies owing by an employee in respect of accommodation of the council's houses, income tax, unemployment insurance fund, pension fund, medical aid contributions and other monies owing to the council by the employee from an employee's remuneration.

Court order judgements may also be deducted from an employee's salary.

**BONUS SALARY/13<sup>th</sup> CHEQUE:**

An employee qualifies after an uninterrupted period of 12 months service at the same employer for the payment of a non-pensionable bonus equivalent to one-month salary.

**TRAINING:**

It is the policy of the council to have personnel trained. Personnel will be nominated from time to time to attend certain training courses to enable them to enhance themselves.

**MEDICAL AID:**

The South African Local Government Bargaining Council has finalized and approved the accreditation as per Medical Aid Collective agreement of the following medical aid schemes:

1. SAMWU Med.
2. LAMAF
3. Munimed
4. Bonitas
5. Global Health
6. Prosana
7. Hosmed

**PENSION FUND:**

The membership of a Pension Fund is compulsory and an employee may choose between various Pension and Provident Funds.

The Council's contribution towards an employee's pension fund is calculated at 22% of an employee's monthly salary.

### **UNIONS:**

The council endorses the Freedom of Association principle in other words an employee may decide to become a member of a union of his/her choice.

Currently South African Municipal Workers Union (SAMWU) and Independent Municipal and Allied Trade Union (IMATU) have bargaining power at the South African Local Government Bargaining Council.

### **B. GRIEVANCE PROCEDURE:**

The lodging of a grievance, shall except in exceptional circumstances, take place within ten (10) days from the time the employee first became aware of the matter that gave reason to such a grievance.

No employee shall suffer victimisation or occupational prejudice as a result of lodging a grievance.

The procedure to follow to report a grievance is as follows:

a) Step one: Immediate Supervisor

An aggrieved employee or group of employees must lodge a grievance in writing to his/her immediate Supervisor.

The Supervisor has to deal with the grievance within five (5) days from the date of reception, and has to inform the employee in writing of the outcome.

b) Step two: Head of Department

In the event that an employee or group of employees' is/are no satisfied with the outcome/decision of the immediate supervisor, the employee(s) may refer the matter to the Head of Department.

The Head of Department or his authorised nominee has to resolve the grievance within five (5) days after reception.

A fellow employee, a shop steward or an union official may represent an employee(s).

c) Step three: Municipal Manager

If the grievance has not been resolved to the satisfaction of the aggrieved employee or group of employees, the Head of Department shall refer it to the Municipal Manager or his nominee within five (5) days in writing who shall hold an enquiry into the grievance, attended by the employee, his representative, if required, and any other person who, in the opinion of the Municipal Manager or his nominee should attend.

The Municipal manager or his authorised nominee will hear details of the grievance including proposals to resolve the issue and endeavour to reach a decision within five (5) days.

The Municipal Manager will inform the employee(s) in writing of the findings.

In the event that the employee(s) is/are not satisfied with the findings of the Municipal Manager the employee(s) may refer the/their grievance to the South African Local Government Bargaining Council for adjudication.

The prescribed form to lodge a grievance is attached as per annexure "B."

#### **GRIEVANCE PROCEDURE AGREEMENT:**

A "Grievance Procedure Agreement" has been reached between the South African Local Government Association (SALGA) and SAMWU and IMATU.

The agreement is per annexure "C".

#### **C. DISCIPLINARY PROCEDURE:**

The following actions by an employee may course that an employee can be found guilty of misconduct:

- a) Wilfully does allow or course to be done anything detrimental to the council its discipline or its efficient.
- b) Disobeys or disregards or wilfully defaults to carry out a lawful order by a person who has the authority to do so.
- c) Is negligent or indolent in the discharge of his/her duties.
- d) Conducts himself/herself in a disgraceful, dishonest or improper manner.
- e) Partakes of intoxicating liquor or drugs in such a manner that he/she is unable to perform his/her duties.

- f) Discloses or uses information acquired in the course of his/her duties without the prior consent of the council.
- g) Commits corruption or accepts bribes.
- h) Wilfully or negligently endangers or damages the council's property or allow the improper/use of council's property.
- i) Do not attend work without obtaining leave or a valid reason.
- j) Wilfully deliberately makes an inaccurate or false statement in order to benefit himself or herself.
- k) Performing paid private work without obtaining the council's permission.
- l) Assaults any employee of the council, threatens or tries to assault an employee of the council.
- m) Commits a criminal offence and is sentenced to imprisonment, unless the entire period of imprisonment is suspended, without the option of a fine.
- n) Participation in an illegal strike.

**DISCIPLINARY CODE:**

A "Disciplinary Code" agreement has been reached between the SALGA, SAMWU and IMATU.

The Disciplinary procedure is attached as per annexure "D".

**D. OCCUPATIONAL HEALTH & SAFETY:**

The *Emalahleni Local Municipality* shall:

- a) Provide and maintain a Healthy and Safe working environment (as far as reasonable practical) for its employees.
- b) Supply the correct equipment and material for the completion of work assigned.
- c) Educate the employees on Health and Safety and working methods.
- d) Comply with the applicable statutory notices conscientiously.

The *Supervisor* shall:

- a) Ensure the Health & Safety in the working environment are maintained.
- b) Ensure that employees work according to prescribed methods.
- c) Ensure that, machinery, plant equipment and materials are correctly used and protected.

The *employee* shall:

- a) Undertake to work according to prescribed methods.
- b) Act at all times in such a way that his own as well as co-workers Health and Safety is assured.
- c) Machinery and equipment and material must only be used for the purpose that it is designed for.

#### **E. COMPENSATION FOR OCCUPATIONAL INJURIES AND DISEASES ACT, 1993 (INJURY ON DUTY)**

An accident is an occurrence of which the date, time and place can be determined that arises out of and in the course of an employee's employment and resulting in a personal injury or death.

All accidents or alleged accidents that entail medical expenses and/or absence from work for more than 3 (three) days must be reported within 7 (seven) days in the prescribed manner.

The delay to report an accident or alleged accident is a criminal offence.

#### **F. EMPLOYMENT ASSISTANCE PROGRAM**

This program is to promote the well being moral and productivity of all employees through employment assistance programmes. E.g. traumatised employees.

#### **BATHO PELE: "PUTTING PEOPLE FIRST"**

The Emalahleni Local Municipality is committed to the Batho Pele "Putting People First" principles in respect of service delivery.

The principles are:

##### **1. CONSULTATION**

The resident be consulted about the level and quality of the public services he receives and, wherever possible, should be given a choice about the service that are offered.

2. **SERVICE STANDARDS**

The resident be told what level and quality of public services he will receive so that he is aware of what to expect.

3. **ACCESS**

The resident should have equal access to the services to which he is entitled.

4. **COURTESY**

The resident should be treated with courtesy and consideration.

5. **INFORMATION**

The resident should be given full, accurate information about the public services that he is entitled to receive.

6. **OPENNESS AND TRANSPARENCY**

The resident should be told how national and provincial departments are run, how much they cost and who is in charge.

7. **REDRESS**

If the promised standard of service is not delivered, the resident should be offered an apology, a full explanation and a speedy and effective remedy. When complaints are made, the resident should receive a sympathetic, positive response.

8. **VALUE FOR MONEY**

Public services should be provided economically and efficiently in order to give the resident the best possible value for money.

9. **ENCOURAGING INNOVATIVE AND REWARDING EXCELLENCE**

Service delivery requires creative thinking. However organizations need to show that staff commitment, energy and skills are being harnessed to tackle inefficient, outdated and bureaucratic practices. The resident has a right to excellent services.

## 10. CUSTOMER IMPACT

Effective application of the principles should contribute to sustainable community development. The resident has a right to high quality services.

## 11. INTERGRATED AND COORDINATED APPROACH

The resident should involve all relevant stakeholders within and outside government to ensure well-focused, coordinated and integrated public service.

gg/hr/induction-orientation course

# G. HIV/AIDS POLICY

## PROTECTING WORKPLACE CONFIDENTIALITY

- Written consent must be obtained before informing anyone else of an employee's HIV status.
- Anonymous discussions about an employee's status are permitted.
- Anonymous record keeping - HIV status must be encoded if required.
- Access to personnel files must be strictly limited to protect confidentiality.
- Internal healthcare workers should not disclose HIV status to management.
- Medical certificates no longer need to give the reason for absence from work.
- Medical aid/insurance information must be kept confidential by the insurance company and HIV status should not be given to the HR department of a company.
- Grievance procedures and hearings regarding HIV/Aids issues should be behind closed doors and all parties to the proceedings should sign confidentiality agreements.

Disability grants are only given to people who are unable to work. HIV is not classified as a disability, which is a permanent or recurring mental or physical impairment that substantially limits a person.

However, the Social Assistance Act states that South African citizens over the age of 18 years who are too sick to support themselves, and who have no-one else to support them can obtain disability grants - if they receive no other social grants.

## **POLICY OBJECTIVES**

- Co-ordination and implementation of programme.
- Education and training.
- HIV/Aids and legal issues.
- Testing for HIV/Aids in the workplace.
- Confidentiality.
- HIV/Aids, employment and capacity to perform.
- Early retirement.
- Alternative suitable employment in the company or elsewhere in the group.
- Termination of services.
- Promoting a safe working environment.
- Compensation for occupationally acquired HIV.
- Employee benefits and provision of care.
- The response of fellow employees.
- Dispute resolution/grievances.

Key decision-making issues that must be taken into consideration include an HIV/Aids budget; the supply of anti-retroviral, vitamins and prophylactics; provision of free counseling sessions and compassionate salary benefits as well as early retirement/medical boarding; provision of flexi-time/reasonable accommodation and additional days sick leave.

## **MEASURING AND MONITORING**

- Conduct repeated anonymous prevalence testing for HIV/Aids, noting the number of employees who give their informed consent to test as well as those who disclose their HIV status.
- Note prevalence of other STIs.
- Record condom distribution figures.
- Conduct knowledge, attitude and behavioural surveys, monitoring the number and quality of training and counseling sessions conducted as well as the peer counselor to employee ration.
- Monitor the effectiveness of wellness programmes by seeing whether there is a reduction in the prevalence of HIV/Aids.
- Track sick- and compassionate leave, and the number of employees taking ill-health retirement.

## **INCLUSIVITY**

- A well-designed programme targets all employees, including management.
- Identify your risk.
- Identify key areas where reduced production due to HIV/Aids prevalence would put the company at most risk. Plan accordingly.

## **HIV/AIDS BUDGET**

**It is estimated that the costs of ignoring HIV/Aids in the workplace are between 3.5 and 7.5 times higher than the cost of instituting interventions. Impulsive cost containment in one area can increase costs elsewhere. For example, very restrictive employee benefits can reduce morale and discourage early disclosure, making responses such as succession planning more difficult.**

## **EDUCATION**

- Invest in training and education, also aiming at preventing infection among learners, to ensure sustained skills development. Educate all employees on HIV/Aids to ensure tolerance towards HIV+ employees.
- Dealing with employees who are not HIV+.
- Should there be negative reactions from colleagues of infected staff, each situation should be assessed and dealt with as it arises. However, where there is no risk to other employees but they remain unwilling to work with an HIV+ colleague (despite reassurance and with all appropriate safety and health precautions having been taken), they need to be warned that their behaviour is unreasonable and that, if it continues they may be subject to disciplinary proceedings.

## **PROVISION OF HEALTHCARE AND SUPPORT**

- Provide a clean and healthy workplace for employees with adequate ventilation. Employees should not come to work with bad colds and flu as they can infect HIV+ employees who will take much longer to recover.
- The company should have access to a qualified Aids counselor.
- Strengthen the human resources function.  
The human resources function, including planning and development is central to combating HIV/Aids in the workplace and HR practitioners should be well educated in all aspects of HIV/Aids.

## EMPLOYEE BENEFITS

Develop appropriate employee structures that balance sustainability and effectiveness in keeping workers motivated and productive.

## COMPASSIONATE SALARY PAYMENTS

When all appropriate work alternatives have been exhausted, it may be appropriate for the company to pay additional compassionate salary payments. This is at the discretion of the company but should be consistent for all employees with HIV/Aids.

## SOCIAL RESPONSIBILITY

HIV/Aids workplace programmes are found to work best when the broader family unit is involved in the process. Educating women, for example, without educating their husbands (who might not be employed by the company) can have little or no effect as they are powerless to change their husbands' behaviour.

## REASONABLE ACCOMMODATION FOR PEOPLE WITH HIV/AIDS

The aim of the accommodation is to reduce the impact of the impairment of a person's capacity to fulfill the essential functions of a job. Employers may adopt the most cost-effective means to effectively remove the barriers to a person being able to perform the job as well as to enjoy equal access to benefits and opportunities.

Reasonable accommodation applies to applicants and employees with disabilities and may be required during the recruitment and selection processes, in the working environment; in the way work is usually done, evaluated and rewarded, and in the benefits and privileges of employment.

The obligation to make reasonable accommodation might arise when applicants or employees voluntarily disclose their HIV/Aids status or when such a need is reasonably self-evident to the employer. Examples of reasonable accommodation includes :

- Adapting existing facilities to make them accessible.
- Adapting existing equipment or acquiring new equipment.
- Reorganising workstations.
- Changing training and assessment materials and systems.
- Restructuring jobs so non-essential functions can be reassigned.
- Adjusting working time and leave.

- Providing specialized supervision, training and support.

Employees need not accommodate qualified applicants or employees if this would impose unjustifiable hardship on the business. Unjustifiable hardship is action that requires significant or considerable difficulty or expense, and that would substantially harm the viability of the enterprise. This involves considering the effectiveness of the accommodation and the extent to which it would disrupt operation of the business.

### GRIEVANCE PROCEDURES

Company grievance procedures should be made sensitive to people with HIV/Aids.

### TERMINATION OF EMPLOYMENT

If an employee develops Aids, the employer should consult the employee to determine whether or not the disability can be reasonably accommodated by the company. If not, the employer should consult the employee to explore the possibility of alternative employment within the company, which could be appropriate to the employee's abilities and capacity.

If the employee is unable to be accommodated, or there is no appropriate alternative employment, the employer may terminate the employment relationship in accordance with dismissal procedures for incapacity.

When employees who have Aids are dismissed for operational requirements, the employer should ensure that selection criteria do not (directly or indirectly) unfairly discriminate against people suffering from either HIV or Aids.

HIV aids policy/hde

## **H. EMALAHLENI LOCAL MUNICIPAL COUNCIL TRAINING POLICY**

### **1. GENERAL POLICY**

The Management of Emalahleni Local Municipal Council regard training as an important function, essential in ensuring optimum utilization of our Human Resources.

The aims of our training will be:

- To ensure we have sufficient resources in terms of people with the correct skills and knowledge to achieve our present and future aims of the Council.
- To enable Council employees to develop in such a way that maximum growth takes place, consistent with the Council's and the limits of an individual's potential.

### **2. RESPONSIBILITIES Line Management**

Responsibility for ensuring the implementation of this policy is vested with Line Management

The Training and Development of people is a regular management function and Departmental and Sectional Head is responsible for providing the climate, conditions and directions for the Training and Development of his subordinates.

#### **Training Staff**

The responsibility of the Training Staff is to provide Line Management with the advice, guidance and assistance necessary for them to execute their training responsibilities effectively by:

- Providing the necessary information, Aids and Technical Resources to meet training needs.
- Developing, planning and coordinating the Council's training activities.
- Anticipating new Training and Development needs arising from planned changes in Manpower, Organisation, Objectives, Budgets and Long Term Plans.
- Evaluating the effectiveness of training

### **3. IDENTIFICATION OF TRAINING NEEDS**

Departmental and Sectional Heads will interpret Training Needs in terms of their services, Technical, Financial and Manpower objectives. No allocations or resources to training will take place unless there are clearly defined expected results that will contribute to these objectives.

#### 4. **IMPLEMENTATION**

In order to co-ordinate training in Council, it will be necessary for each Departmental Head, with the Training Section Assistance to:

- Determine and set the standards of knowledge, skills and experience required by employees to perform their jobs.
- Assess and identify the training needs within the Department/Section.
- Identify the priorities and resources required to satisfy these training needs.
- Ensure that training is implemented
- Check the effectiveness of the training received by their subordinates Assist employees and trainees in their development through training, coaching and counseling, and by keeping them informed of opportunities for self-development.