



ADDENDUM

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COUNCIL MEETING

30 JUNE 2020

**CONFERMENT OF ALDERMANSHIP ON SERVING COUNCILLORS/ BEVESTIGING VAN
RAADSHEER / RAADSDAME EER AAN DIENDEDE RAADSLEDE / UNIKEZELO LOBUSIBONDA
KOOCEBA BEBHUNGA**

(4/1/1/3)

18 June 2020

REPORT FROM THE MUNICIPAL MANAGER (M STRATU)**PURPOSE OF THE REPORT**

The purpose of this report is for Council to confer Aldermanship (The title of Alderman or Alderlady) on serving Councillors who qualify in terms of the criteria as contained in the policy approved by Council on 27 May 2020.

BACKGROUND / DISCUSSION

The Garden Route District Municipality (GRDM) Council approved the Conferment of Alderman/Alderlady honour policy on 27 May 2020. In terms of the Policy, the Executive Mayor, after approval from Council may confer the honour on any person and may make a posthumous conferral of the honour.

THE CRITERIA

The criteria for bestowing of the honour is as follows:

(1) Alderman/Alderlady honour will be conferred on a serving Councillor of the Garden Route District Municipality as follows:

(a) Any member of the Municipal Council becomes an Alderman/Alderlady upon commencement of his/her term as Mayor, Deputy Mayor or Speaker of the Council. (b)

Any member who obtains a minimum of ten (10) points on the following scale:

(i) one (1) point for every year of service as a Councillor at one or more municipalities and it need not be continuous; and

(ii) one (1) additional point for every year of service as a member of the Mayoral Committee.

PRIVILEGES AND BENEFITS

The following privileges are awarded to Aldermen/Alderwomen:

- (a) the provision of a special parking space in the municipal parking area on prior arrangement;
- (b) the provision of agendas even after retirement in electronic format if so required; (c) the Alderman/Alderlady is kept on municipal invitation lists;
- (d) reserving of special seats at Council Meetings should a member so wish; (e) issuing of an Honorary certificate;

IMPLEMENTATION OF THE POLICY

Any current serving Councilor who is of the view that he/she qualifies for Alderman/Alderlady honor, should notify the Speaker in writing, and provide the necessary details. The Municipal Manager shall make a recommendation to Council, after having considered all the relevant details

The following list of serving Councilors who comply with the policy criteria and who therefore qualify for the conferment of Aldermanship has been received by the Municipal Manager from the Speaker's office:

COUNCILLOR	PARTY	POINTS ACCUMULATED
STEPHEN DE VRIES	ANC	18
GEORLENE WOLMARANS	DA	14
VIRGILL GERICKE	PBI	13

FINANCIAL IMPLICATIONS

Any financial implication which will emanate as a result of the conferment of the honour will be managed within the limitations of the approved Medium - Term Revenue and Expenditure Framework

RELEVANT LEGISLATION

The Constitution of the Republic of South Africa, Act No. 108 of 1996

Local Government Municipal Structures Act 117 of 1998

Local Government Municipal Systems Act 32 of 2000

RECOMMENDATION

That the title of Alderman or Alderlady be conferred on the following serving Councillors who all qualify in terms of the criteria as contained in the Policy for the conferment of the Alderman/Alderlady honour, and in the manner as contained in this report:

Stephen de Vries (ANC)

Georlene Wolmarans (DA)

Virgill Gericke (PBI)

AANBEVELING

Dat die titel van Raadsheer /Raadsdame eer op die diende Raadslede wie kwalifiseer in terme van die kriteria soos saam gevat in die beleid rakende die bevestiging van Raadsheer Raadsdame eer:

Stephen de Vries (ANC)

Georlene Wolmarans (DA)

Virgill Gericke (PBI)

IZINDULULO

Sesokuba iwonga lobubonda linikezelwe kooCeba beBunga ababekwe ngokusemthethweni ngemimiselo equlathwe kumgaqo-nqubo, isivumelwano nokunika imbeko osbonda ngokwendlela equlathwe kulengxelo:

Stephen de Vries (ANC)

Georlene Wolmarans (DA)

Virgill Gericke (PBI)

**VARIOUS HUMAN RESOURCES POLICIES FOR APPROVAL / VERSKEIDENHEID MENSLIKE
HULPBRONNE BELEIDE VIR GOEDKEURING / IMIGAQO EYAHLUKILEYO YEZENGQESHO
EKUFUNEKA IPHUNYEZWE**

(9/4/B)

29 May 2020

**REPORT FROM THE EXECUTIVE MANAGER: CORPORATE SERVICES (MS B HOLTZHAUSEN) /
ACTING MANAGER: HUMAN RESOURCES (ADV S. MAQEKENI)**

PURPOSE OF THE REPORT

To submit HR Policies as workshopped with relevant stakeholders for Council's approval.

BACKGROUND

The following Policies were discussed and workshopped at LLF Workshop dated 13 and 25 May 2020 and Council Workshop that took place on 23 June 2020.

1	OVERTIME POLICY
2	AMENDED ACTING ALLOWANCE POLICY
3	CONTRACT APPOINTMENT POLICY
4	RECRUITMENT AND SELECTION POLICY
5	EMPLOYMENT EQUITY POLICY
6	TRANSFER OF STAFF POLICY
7	SUBSTANCE ABUSE/DRUG MANAMENT POLICY

8	FUNERAL/MEMORIAL SERVICE POLICY
9	GENDER MAINSTREAMING POLICY
10	DRAFT WORK FROM HOME CORONA VIRUS (COVID 19) POLICY
11	DRAFT REMUNERATION AND CONDITIONS OF SERVICE POLICY

IMPORTANCE OF POLICIES

Human Resource Policies serve a very critical role in the Garden Route District Municipality. Relevant and updated policies are important for the following reasons:

- To ensure compliance with legislation
- To ensure compliance with Bargaining Council Agreements
- To align with strategic organisational objectives
- To ensure equitable, fair and standard practices
- To achieve optimisation
- To drive corporate governance
- To adapt to market trends and best practice
- To achieve overall service delivery excellence

NECESSITY FOR POLICY UPDATES

There are various occurrences that necessitate the review, update or development of policies. The Municipality shall review, update or develop policies as per events in the table below:

OCCURRENCE	DESCRIPTION
New / updated legislation	New legislation may impact conditions of service, which require updates to policies and procedures. As legislation is passed, the impact on policies should immediately be assessed.
Bargaining Council resolutions	Bargaining Council resolutions impact internal conditions of service, which require updates to policies and procedures. Impact on policies should be assessed once an agreement is signed.
Organisational objectives / strategy	A change in organisational strategy and objectives can also influence HR policies. Example: organisational transformation or restructuring.
Periodic review	Regular scheduled review of policies should take place to ensure alignment and compliance. This should happen annually, at the start of the new financial year.
Operational issues	Operational process issues can highlight inadequacies in existing policies. This can happen on an <i>ad hoc</i> basis.
Risk assessment / audit	Risk assessments or policy implementation audits can identify policy issues.

FINANCIAL IMPLICATIONS / FINANSIËLE IMPLIKASIES

As per approved budget

LEGISLATION/LEGAL FRAMEWORK/COLLECTIVE AGREEMENTS

- Constitution of the Republic of South Africa Act, Act No. 108 of 1996.
- Municipal Finance Management Act, Act No. 56 of 2003
- Municipal Structures Act, Act No. 117 of 1998
- Municipal Systems Act, Act No. 32, of 2000
- Labour Relations Act 66 of 1995
- Skills Development Act 97 of 1998
- Employment Equity Act 55 of 1998

- Garden Route District Municipality - Delegations of Authority
- South African Local Government Bargaining Council (SALGBC) Collective Agreements
- Local Government: Regulations on appointment and conditions of employment of senior managers, dated 17 January 2014
- National Archives and Record Service of South Africa Act, Act No. 43 of 1996
- National Archives Regulations and Guidance
- Promotion of Access to Information Act, Act No. 2 of 2000
- Protection of Personal Information Act, Act No. 4 of 2013

UITVOERENDE OPSOMMING

Die doel van hierdie verslag is om verskeie Menslike Hulpbronne beleide voor te lê vir goedkeuring deur die Raad.

Die aanvaarding en goedkeuring van bogenoemde beleide is noodsaaklik sodat goeie MH bestuur binne die Tuinroete Distriksmunisipaliteit kan plaasvind deur die implementering van kontroles en prosedures. Die nodige kontroles en prosedures sal verseker dat die MH risiko's beperk word.

RECOMMENDATION

1. That the following Policies be approved:

- Overtime Policy
- Amended Acting Allowance Policy
- Contract Appointment Policy
- Recruitment and Selection Policy
- Employment Equity Policy
- Transfer of Staff Policy
- Subsistence Abuse/Drug Management Policy
- Funeral/Memorial Service Policy
- Gender Mainstreaming Policy
- Draft Work from Home Corona Virus (COVID 19) Policy
- Draft Remuneration and Conditions of Service Policy

AANBEVELING

Dat die volgende beleide goedgekeur word deur die raad.

- *Oortyd beleid*
- *Gewysigde Waarnemingsbeleid*
- *Kontrak Aanstellingsbeleid*
- *Werwing en Keurings sbeleid*
- *Gelyke Indiensnemingsbeleid*
- *Verskuiwing van Personeelbeleid*
- *Dwelm Misbruik/Alkohol Bestuursbeleid*
- *Begrafnis/Ere Diens Beleid*
- *Geslag Gelykheidsbeleid*
- *Konsep Werk vanaf die huis Korona (KOVID 19) Beleid*
- *Konsep Vergoeding en Diensvoorwaarde Beleid*

IZINDULULO

Sesokuba leMigaqo ilandelayo iphunyezwe:

- Overtime Policy
- Amended Acting Allowance Policy
- Contract Appointment Policy
- Recruitment and Selection Policy
- Employment Equity Policy
- Transfer of Staff Policy
- Subsistence Abuse/Drug Management Policy
- Funeral/Memorial Service Policy
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- Draft Work from Home Corona Virus (COVID 19) Policy
- Draft Remuneration and Conditions of Service Policy

APPENDIX A

Overtime Policy

APPENDIX B

Amended Acting Allowance Policy

APPENDIX C

Contract Appointment Policy

APPENDIX D

Recruitment and Selection Policy

APPENDIX E

Employment Equity Policy

APPENDIX F

Transfer of Staff Policy

APPENDIX G

Subsistence Abuse/Drug Management Policy

APPENDIX H

Funeral/Memorial Service Policy

APPENDIX I

Gender Mainstreaming Policy

APPENDIX J

Draft Work from Home Corona Virus (COVID 19) Policy

APPENDIX K

Draft Remuneration and Conditions of Service Policy



OVERTIME POLICY

Date
Approved:

DD MM YYYY

Council
Resolution (DC
No):

DC ?/?/?/?/?/?/?/?

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1. PURPOSE

This policy serves to guide management regarding overtime worked and payment thereof, as required by the Basic Conditions of Employment Act.

All personnel must be made aware that even though overtime work is needed to adhere to operational requirements, payment thereof is more expensive than actually performing the work during office hours. It is important to note that the cost implication for Council must be taken into consideration when overtime is worked.

2. DEFINITIONS

- 2.1 Overtime means the time when an employee works during a day or a week in excess of ordinary hours of work, as defined in the BCEA and the collective Agreement on Conditions of Service. A full day's work (normal working hours and a lunch break of at least 30 minutes) must first be worked before such employee is eligible for overtime.
- 2.2 Emergency work refers to work that must be done without delay because of circumstances for which the employer could not reasonably have been expected to make provision and which cannot be performed by employees during their ordinary hours of work. Emergency work excludes the performance of routine maintenance work outside normal working hours.
- 2.3 Earnings means gross pay before deductions, i.e. income tax, pension, medical and similar payments but excluding similar payments (contributions) made by the employer in respect of the employee.
- 2.4 Earnings Threshold is annually determined and confirmed by the Minister of Labour regarding employees earning in excess of the amount sated in the Minister's determination.
- 2.5 Senior Managerial employee means an employee who has the authority to hire, discipline and dismiss employees and to represent the employer internally and externally.
- 2.6 Shift worker, is an employee engaged in a scheduled continuous process which activity is deemed to be one in which continuous working by means of daily shifts is necessary.

3. APPROVED

Approved by Council on 25 March 2014, resolution EMC 520/03/14.

4. POLICY

4.1 LEGAL FRAMEWORK

- Basic Conditions of Employment Act, 1997 (Act 75 of 1997), as amended
- Collective Agreement on Conditions of Service for the Western Cape Division of the SALGBC.

4.2 SCOPE AND APPLICATION

- 4.2.1 Senior managerial employees, as defined in the Basic Conditions of Employment Act, including any employee occupying a position on TASK level 16 and higher, do not qualify for any overtime payment or time off in lieu of payment for overtime worked.
- 4.2.2 Employees earning more than the overtime threshold provided for in the Conditions of Service Collective Agreement and Basic Conditions of Employment Act, will be provided time off for overtime worked calculated on a straight time basis, subject to the provisions of this Policy. The approving authority and the employee involved to agree beforehand in writing on time off for overtime worked.
- 4.2.3 Employees below the threshold will be remunerated for overtime or be given time off in lieu of payment for overtime worked at the rates provided for in the Conditions of Service Collective Agreement and Basic Conditions of Employment Act, as amended. The approving authority and the employee involved to agree beforehand in writing on payment or time off for overtime worked.
- 4.2.4 In cases where an employee is remunerated on a Personal-to-Incumbent (PTI) basis, the employee's current basic salary, determines the TASK grade applicable for the payment of overtime as referred to in 4.2.1 to 4.2.2 above.
- 4.2.5 An employee may not be required or allowed to work for a longer period overtime than prescribed by the Basic Conditions of Employment Act.
- 4.2.6 Employees performing work on a basis of emergency overtime, shall receive overtime, irrespective of his/her earnings, subject to the approval of the Municipal Manager.

4.3 GENERAL

- 4.3.1 Overtime work is subject to the provisions of the Basic Conditions of Employment Act as amended, the Collective Agreement on Conditions of Service: Western Cape Division and the provisions of this policy. In case of conflict between this policy and the provisions of the Basic Conditions of Employment Act as amended, the provisions of the Act will prevail.
- 4.3.2 Overtime work is subject to prior written approval by a competent authority and no overtime may be worked without such written approval being obtained, except in cases of work-related to emergency situations where work has to be done without delay owing to circumstances or which the employer could not reasonably have expected to make provision for and which cannot be performed by employees during their ordinary hours of work. For emergency overtime the

competent authority may give verbal approval to the working of such overtime provided such approval is followed up with a written confirmation. Written standing approval may be granted where justified by operational requirements, in conjunction with the Municipal Manager.

- 4.3.3 An employee may not be required or permitted to work for a longer period overtime than 10 hours during any working week, these hours may only be increased to 15 hours by means of an agreement between the employee and the employer. An employee may not work more than 12 hours on any working day (normal + overtime hours), except in case of work related to emergency situations.
- 4.3.4 No employee is allowed to work more than 60 hours per month, for more than two months within a twelve month period. This overtime is only allowed when an employee has completed working his/her normal working hours.
- 4.3.5 Only officials with delegated authority may approve overtime work and overtime payment.
- 4.3.6 Overtime only commences after completion of an employee's ordinary daily working hours.
- 4.3.7 No overtime can be claimed should an employee work short-time on a specific day. A full day's work (normal working hours) must first be worked before such employee is eligible for overtime.
- 4.3.8 Overtime can only be claimed for actual hours worked and travelling time (with Head of Department approval) except for standby staff. Overtime for the latter group starts from the time of call-out.
- 4.3.9 No overtime will be paid for attendance of functions/prize giving, etc. by personal invitation except in case of compulsory attendance as official representative of Council, provided that such employee qualifies for overtime in terms of this policy and provided further that such overtime is authorised in advance by the applicable Manager.
- 4.3.10 Where overtime in emergency situations cause an employee to work past midnight on a day, the employee will be entitled to a break of at least 8 hours before the employee is required to report for normal duty, without negatively impacting on his salary.
- 4.3.11 Should an employee who is appointed on a part-time basis be required (and agree) to work overtime, payment or time off in lieu of payment would only be effected at overtime rates after 8 hours worked on that specific day. The hours worked in excess of such an employee's ordinary working hours will be paid at straight time up to 8 hours and only thereafter at overtime rates.
- 4.3.12 If an employee chooses to take time off, this time off will be regarded as overtime, additional to normal leave.
- 4.3.13 If an employee is on standby and is called out to work, then this will be seen as overtime work which is payable and the employee is entitled to overtime regardless of statutory limitations in item 4.7.

4.4 TIME OFF IN LIEU OF OVERTIME

- 4.4.1 Time-off in lieu of payment for overtime shall be granted only for structured and approved overtime.
- 4.4.2 Application for time off in lieu of payment for overtime worked shall be done on the prescribed application form.
- 4.4.3 Time off in lieu of payment for overtime worked must be taken within one (1) month from date of accrual. Time off not taken within one (1) month will be forfeited. This one (1) month period may, for operational reasons, be extended to a maximum of three (3) months by the Municipal Manager or his delegate.
- 4.4.4 Time off in lieu of payment for overtime worked cannot be encashed except on termination of services provided such time is valid and is subject to approval by the Municipal Manager.

4.5 OVERTIME WORKED ON PUBLIC HOLIDAYS

Payment or time off to eligible employees for work on public holidays will be dealt with in terms of the Basic Conditions of Employment Act as amended.

4.6 OVERTIME WORK ON SUNDAYS

Payment or time off to eligible employees for work on a Sunday will be dealt with in terms of the Basic Conditions of Employment Act, as amended.

4.7 PAYMENT FOR OVERTIME WORKED

Payment can only be granted when an employee earns less than the earnings threshold as determined annually.

4.8 ADMINISTRATIVE MEASURES FOR MANAGING AND CONTROL OF OVERTIME

- 4.8.1 Each Executive Manager is responsible and accountable to constantly monitor and review the provisions for overtime on his/her budget and to ensure that trends are noted early; funds are adequate; over expenditure is noted, justified and provided for timeously.
- 4.8.2 Each Executive Manager is responsible and accountable that only officials who are authorised in terms of the delegated powers approve overtime work and payment or time off in lieu of payment. The authorising bodies must determine whether the information on the overtime form is accurate and correct before they authorise the form for payment/time off.
- 4.8.3 Attendance registers, time sheets and overtime approval forms, which should indicate dates, starting and ending times, must be kept at source for three years in respect of all employees who qualify for overtime payment or time off in terms of this policy. Attendance registers/time sheets serve as source documents to complete overtime sheets.

4.8.4 Overtime forms must be submitted on a monthly basis before the 10th to the Remuneration Section. Forms that exceed the period of one (1) month must be supported with valid reasons for the period.

4.8.5 An employee acting in a higher position and receiving an acting allowance will be remunerated overtime for emergency work only at the acting post level.

5 PROCESS: WAGE TYPE

WAGE TYPE	
909A 906A	<p>OVERTIME – PART TIME (NON-SHIFT) WORKERS – Excluding Sundays and Public Holidays</p> <p>1.5 x hourly wage x hours worked in excess of ordinary daily working hours as per employment contract (see IT7)</p> <p>Part-time employees: 1 x hourly rate until 8 hours per day then 1.5 x hourly rate for hours in excess of 8.</p>
909A	<p>OVERTIME – SHIFT WORKERS (EXCLUDING FIRE SERVICES) – Excluding Sundays and Public Holidays</p> <p>1.5 x hourly rate x hours worked in excess of planned working hours per shift.</p>
909A	<p>OVERTIME – FIRE SERVICES – Excluding Sundays and Public Holidays</p> <p>1.5 x hourly rate x hours worked in excess of planning working hours per shift roster.</p>
927A	<p>WORK ON SUNDAY – PART-TIME (NON SHIFT) WORKERS</p> <p>2 x hourly rate x hours worked with a minimum of 1 day's pay.</p>
903A 909A 927A	<p>WORK ON SUNDAY – SHIFT WORKER (EXCLUDING FIRE SERVICES)</p> <ol style="list-style-type: none"> 1. If the Sunday is a normal working day (planned shift) for the employee: <ul style="list-style-type: none"> (a) Additional 0.5 x hourly rate x hours for a planned shift worked (one day's pay already in monthly salary) plus (b) For the hours worked in excess of his ordinary planned working hours per shift : 1.5 x hourly rate x excess hours worked. 2. If the Sunday is not a planned shift for the employee <p style="text-align: center;">2 x hourly rate x hours worked with a minimum of 1 shift's pay</p>
909A	<p>WORK ON SUNDAY – FIRE SERVICES</p> <p>If the Sunday is a normal working day (planned shift) for employee</p>

927A	<p>1.5 x hourly rate x hours worked in excess of planned working hours per shift.</p> <p>If the Sunday is not a normal working day (planned shift) for employee –</p> <p>2 x hourly rate x hours worked with a minimum of 1 shift's pay</p>
935A	<p>WORK ON PUBLIC HOLIDAY – PART-TIME (NON SHIFT) WORKERS</p> <p>1. If the public holidays falls on a normal working day:</p> <p>a) If employee works less than or equal to his ordinary daily working hours as per his contract : an additional 1 day's pay; OR</p> <p>b) If employee works more than his ordinary daily working hours as per his contract : 1 x hourly rate x actual hours worked on that day (in addition to his normal pay for a day's work).</p> <p>2. If the public holiday falls on a day which is not a normal working day:</p>
930A	<p>1 day's ordinary pay plus 1 x hourly rate x actual hours worked on that day.</p>
935A	<p>WORK ON PUBLIC HOLIDAY – SHIFT WORKERS (EXCLUDING FIRE SERVICES)</p> <p>1. If the public holiday is a normal working day (planned shift):</p> <p>a) 1 day's pay for a shift worked (in addition to his ordinary pay for a shift's work); OR</p> <p>b) If he works more than his ordinary planned working hours per shift : 1 x hourly rate x actual hours worked on that day (in addition to normal pay for the shift worked).</p> <p>2. If the public holiday falls on a day which is not a normal work day (planned shift):</p>
930A	<p>1 day ordinary pay plus 1 x hourly rate x actual hours worked on that day.</p>
927A	<p>WORK ON PUBLIC HOLIDAY – FIRE SERVICES</p> <p>1. If the shift falls on a public holiday and the employee works hours in excess of his planned shift</p>
930A	<p>2 x hourly rate x hours worked in excess of planned working hours per shift</p>

	<p>2. If employee works on a public holiday that was <u>not a planned shift</u> day</p> <p>1 day's ordinary pay plus 1 x hourly rate x actual hours worked.</p>
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6 APPLICABLE FORMS

Attached Overtime Form.

7 TRANSITIONAL ARRANGEMENT

This Policy replaces all previous policies from date of implementation.

8 IMPLEMENTATION DATE

This Policy will be implemented upon approval by Council.



ACTING ALLOWANCE POLICY

Date:
Approved:

Council
Resolution
(DC No):

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1. INTRODUCTION - DEFINITIONS

a. "employee" means -

- i. any person, excluding an independent contractor, who works for another person or for the State and who receives, or is entitled to receive, any remuneration; and
- ii. any other person who in any manner assists in carrying on or conducting the business of an employer.

(According to the Basic Conditions of Employment Act, 75 of 1997)

b. "acting allowance" means –

- i. An acting allowance equal to the difference between the employee's pensionable salary and the commencing notch of the salary scale of the acting post shall be paid to the employee for the period of acting.

2. LEGAL FRAMEWORK

2.1 Basic Conditions of Employment Act, 1997 (chapter one)

2.2 SALGBC agreement (12 months)

2.3 Skills Development Act, 1998

2.3.1 "training and development are long term investments in an organization. Employees should be exposed to relevant training courses on identified training needs. Practices that promote staff development include self-development, training, career development, job rotation, mentorship, coaching, and job enrichment".

2.4 Internal acting allowance agreement.

2.5 Conditions of service for appointment of senior manager's promulgated 17 January 2014, publishing government gazette no 37245.

2.6 Local Government: Municipal Systems act 23 of 2000

3. PURPOSE OF THIS POLICY

3.1 THE PURPOSE OF THIS POLICY IS TO ADOPT AN ACTING ALLOWANCE POLICY FOR GARDEN ROUTE DISTRICT MUNICIPALITY.

4. SCOPE OF THIS POLICY

4.1 This policy is applicable to all officials

5. POLICY

5.1 An employee is entitled to an acting allowance when he/she is requested by written instruction by his/her superior **for approval by HOD, prior to acting taking place** in terms of council's delegation policy to act in a higher post for a period of at least ten consecutive working days.

5.2 Acting allowance will be considered for shorter periods in critical positions from day one.

5.3 An acting allowance equal to the difference between his/her pensionable salary and the commencing notch of the salary scale of the post in which he/she is acting shall be paid to the employee for the period of acting.

5.4 Where an employee's salary is higher than the commencing notch of the salary of the post in which he/she is required to act, an acting allowance amounting to five percent of his/her pensionable salary shall be paid.

5.5 If an employee is requested to act in terms of clause 5.1, the employer shall not unreasonably stop or interrupt the acting period of the employee resulting in the non-payment of an acting allowance.

5.6 Council, subject to the local government: Municipal Systems Act, 2000 and in consultation with the municipal manager, may resolve that an employee should act in a section 56 post in terms of clauses 5.1 and 5.3, in which case the following shall apply:

5.6.1 The employee shall in addition to his salary receive an acting allowance for the period of acting.

5.6.2 The salary component for determining the acting allowance will be 60 percent of the remuneration package of the post in which the employee is acting.

5.7 Subject to clause 4.8 an employee will not be paid an acting allowance whilst he/she is on any form of leave or any other absence during the acting period.

5.8 If an employee has acted for a continuous period of three months or longer, he/she will qualify for an acting allowance while on paid leave.

5.9 The acting period referred to in clause 4 must not exceed nine consecutive working months, whereafter the post must be advertised and filled on a competitive basis. This is only applicable to acting as from the date of the commencement of this agreement.

5.10 Every municipality shall determine a delegation policy for the purposes of clause 4.1. Where there is no such policy in place, any written instruction by a superior to act in a higher post shall qualify as an instruction for the purposes of clause 4.1. Such a policy must be communicated to all employees.

5.11 Before any employee is considered to act in a specific post, the relevant head of department must be satisfied and confident that such an employee has the potential and abilities to perform the key performance areas (job content) with utmost diligence and success. "Suitably qualified" shall include:

- Formal qualifications (Diploma/Degree must be attached)
- Appropriate/relevant prior learning
- Relevant experience
(in accordance with Recruitment & selection Policy)

6. PROCESSES

6.1 The supervisor of the employee must first request the employee to act in a specific post and complete an acting agreement form which is attached and must be recommended by the supervisor and **approved by** Head of Department **prior acting takes place**.

6.2 Before any employee is considered to act in a specific post, the relevant head of department must be satisfied and confident that such an employee has the potential and abilities to perform the key performance areas (job content) with utmost diligence and success. "Suitably qualified" shall include:

- Formal qualifications (Diploma/Degree must be attached)
- Appropriate/relevant prior learning

- Relevant experience
(in accordance with Recruitment & selection Policy)

7.POLICY REVIEW

this policy should be reviewed annually

8. ANNEXURE

List of critical positions to be updated administratively.



CONTRACT APPOINTMENT POLICY

Date Approved:	DD MM YYYY	Council Resolution (DC No):	DC ????/??/??
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1. Introduction

Garden Route District Municipality strives to attract and appoint the most suitable candidates, creating and maintaining a diverse workforce for all posts. Garden Route District Municipality recognise that staff is its most important asset in ensuring that effective, efficient services are delivered to the community it services in accordance with objectives and priorities as set out in its Integrated Development Plan (IDP).

This Policy is applicable for the contract appointment process as identified on the approved organizational structure.

Definitions

All definitions used in this policy are defined in the Main Collective Agreement of the South African Local Government Bargaining Council (SALGBC) of 1 July 2015 until 30 June 2020, unless stated otherwise with the relevant definition.

Words indicating the masculine gender shall include the feminine gender.

Black People (as per Employment Equity Act 55 of 1998) – “is a generic term which means Africans, Coloureds and Indians”

Candidate for the purposes of this policy is an applicant for a post

Competency for the purposes of this policy refers to knowledge, skills, *attitude or behavior* pertinent to the position

Council -“means Garden Route District Municipality”

Day – “means Monday to Friday, excluding public holidays, unless indicated otherwise by the context”

Designated group (as per Employment Equity Act 55 of 1998) - “means black people, women and people with disabilities”

Earnings threshold (as per Collective Agreement on Conditions of Service) – “means the top notch of the salary scale (T-grade) within which the Basic Conditions of Employment Act, 1997 earnings threshold determination falls, as amended from time to time”

Employee – “means any person, excluding an independent contractor who works for another person or for the State and who receives, or is entitled to receive, any remuneration” (*Main collective agreement definition*)

(as per Employment Equity Act 55 of 1998) – “(b) means any other person who in any manner assists in carrying on or conducting the business of an employer”

Employer -"means Garden Route District Municipality"

Essential job requirement for the purposes of this policy is the skills, knowledge or experience that are necessary to perform a job as defined in the Job Description

Fixed term contract employee for the purposes of this policy is a person who is employed on a contract that includes an agreement detailing the relationship between the employer and employee, which is determined by an objective condition that creates no false expectations of renewal of the contract, and is based on a specific duration or time frame with dates or the completing of a specific task, project or event, other than the normal agreed retirement age.

Headhunting for the purposes of this policy is the process of selecting individuals with a proven track record (reputation, work history, professional acquaintance and minimum academic qualification) within a particular **occupational category** field **relevant to the job description**, who can be evaluated to fill a vacant post.

IMATU – "means the Independent Municipal and Allied Trade Union"

Job Description (as defined in the Task Memorandum of Understanding) – "means a job description, as contemplated in section 66 of the MSA, describing the content, duties, reporting lines and other specifications of a position or job"

Medical Practitioners – "means all practitioners as defined by the Health Professions Council of South Africa (Medical and Dental Practitioners)"

Medical surveillance (as per Occupational Health and Safety Act 85 of 1993) – means a planned programme of periodic examination (which may include clinical examinations, biological monitoring or medical tests) of employees by an occupational health practitioner or, in prescribed cases, by an occupational medicine practitioner"

Medical testing (as per Employment Equity Act 55 of 1998) - "includes any test, question, inquiry or other means designed to ascertain, or which has the effect of enabling the employer to ascertain, whether an employee has any medical condition". (As per statutory requirement or validated by the Health Professional Council of SA and as per ruling of the Labour Court)

Municipality -"means Garden Route District Municipality"

Occupational Health (as per Occupational Health and Safety Act 85 of 1993) – includes occupational hygiene, occupational medicine and biological monitoring"

Occupational Health Practitioner (as per Occupational Health and Safety Act 85 of 1993) – means an occupational medicine practitioner or a person who holds a qualification in occupational health recognized as such by the South African Medical and Dental Council as referred to in the Medical, Dental and Supplementary Health Service

Professions Act, 1974 (Act 56 of 1974), or the South African Nursing Council as referred to in the Nursing Act, 1978 (Act 50 of 1978)

Occupational Qualification (as per Skills Development Act 97 of 1998) – means a qualification associated with a trade, occupation or profession resulting from work-based learning and consisting of knowledge unit standards, practical unit standards and work experience unit standards”

Occupational Qualification Framework (as per Skills Development Act 97 of 1998) – means the sub-framework for occupational qualifications which forms an integral part of the National Qualifications Framework”

Office Bearer – “means the elected president, deputy president, vice-president, chairperson, vice-chairperson, treasurer or secretary of the Trade Unions”

Official – “means a full-time employee of IMATU, SAMWU or SALGA”

People with disabilities (as per Employment Equity Act 55 of 1998) – “means people who have a long-term or recurring physical or mental impairment which substantially limits their prospects of entry into, or advancement in employment”

Reasonable accommodation (as per Employment Equity Act 55 of 1998) - "means any modification or adjustment to a job or to the working environment that will enable a person from a designated group to have access to or participate or advance in employment”

Recruitment for the purposes of this policy is the set of activities undertaken by the Corporate Services Department to attract sufficient job candidates who have the necessary potential and competencies needed to assist Garden Route District Municipality achieve its strategic objectives as defined in the Integrated Development Plan.

Reference check for the purposes of this policy *will be applicable for appointments longer than 1 month.*

Registered Medical Practitioner (as per Collective Agreement on Conditions of Service) – “means a person entitled to practice as a medical practitioner in terms of section 17 of the Medical Dental and Supplementary Health Services Professions Act, 1974 (Act 56 of 1974)”

Regulation of Non-Standard Employment and General Provisions (as per Labour Relations Amendment Act, 2014, Section 198 (b-d) -

Section 198B – Fixed term contracts with employees earning below earning threshold

Section 198C – Part-time employment of employees earning below earning threshold

Section 198D – General provisions applicable to sections 198A to 198C

Representative Trade Union – “means the registered Trade Unions *recognized by the South African Local Government Bargaining Council.*”

SALGA – “means the South African Local Government Association”

SAMWU – “means the South African Municipal Workers' Union”

Suitably qualified person (as per Employment Equity Act 55 of 1998) – “means a person contemplated in sections 20(3) and (4);

20 (3) a person may be suitably qualified for a job as a result of any one of, or any combination of that person's-

(a) formal qualifications;

(b) prior learning;

(c) relevant experience; or

(d) capacity to acquire, within a reasonable time, the ability to do the job.

20 (4) when determining whether a person is suitably qualified for a job, an employer must-

(a) review all the factors listed in subsection (3); and

(b) determine whether that person has the ability to do the job in terms of any one of, or any combination of those factors.”

Selection for the purposes of this policy is the process of making a choice from a list of candidates, the person or persons who best meet the selection criteria or the set performance standards for the position available

Temporary Employee – “means an employee appointed for a specified period of time or to complete a specified task in terms of his contract of employment and which includes a casual employee”

Workplace – “*Municipal office where official is stationed at*”

2. Purpose

The purpose of this policy is to provide principles for the recruitment and selection of temporary employees taking into account that the operational needs for temporary employment differs from filling vacancies on a longer term/permanent on the approved organizational structure.

3. Principles

3.1. The following principles will apply in the implementation of this policy:

- Transparency, confidentiality, objectivity, ethical and non-discriminatory.

3.2. The above-mentioned principles will be underpinned by the following:

- a) Align its human resources with the strategic and operational needs of Garden Route District Municipality.
- b) Each appointment must be rationally and objectively justifiable by reference to the strategic and operational needs of the Employer as reflected in the IDP.
- c) To determine the relevant reporting and managerial structures of the organization for the recruitment and selection process.
- d) All aspects of staffing, structuring, recruitment, selection, interviewing and appointment of employees will be non-discriminatory and will afford applicants equal opportunity to compete for vacant positions, except as provided in this policy with reference to affirmative action and employment equity.
- e) With reference to the Constitution of South Africa Act No 108 of 1996 as amended and the provisions of Chapter II of the Employment Equity Act No 55 of 1998, under no circumstances should any person be refused employment on any arbitrary or discriminatory basis, including but not limited to race, gender, sex, pregnancy, marital status, family responsibility, ethnic or social origin, colour, sexual orientation, age, disability, religion, HIV status, conscience, beliefs and/or opinion, taking into account the provision of Chapter III of the Employment Equity Act No 55 of 1998 as well as the Code of Good Practice on the Integration of Employment Equity into Human Resource Policies and Practices (Published on 04 August 2005).
- f) Garden Route District Municipality is a designated employer in terms of the Employment Equity Act, and as such preference will be given to suitably qualified candidates who are members of designated groups as defined in section 1 of the Employment Equity Act No 55 of 1998.
- g) Garden Route District Municipality recognizes the intentions of the South African Qualifications Authority Act No 58 of 1995, one of which is to provide for a national qualifications framework giving recognition to prior learning.
- h) Selection criteria shall be objective and related to the inherent requirements of the job and the realistic future needs of Garden Route District Municipality.

- i) The central guiding principle for selection shall be competence in relation to the inherent requirements of the job, provided that selection shall favour, as determined by the targets, suitably qualified applicants as defined in Section 20(3) of the Employment Equity Act.
- j) Unless statutory qualifications are clearly justified as essential for the job, relevant experience/performance, training (internal/external) as reflected and measured through competencies and potential for the prospective vacancy shall be an important criterion
- k) Canvassing, i.e attempting to solicit the influence of any person who could substantially influence the selection process by job applicants, or any other person on behalf of job applicants, for posts within the Council's service, is prohibited and evidence thereof will disqualify such person's application for that appointment.

The purpose of the policy is to provide principles for the recruitment and selection of temporary employees taking into account that the operational needs for temporary employment differs from filling vacancies on a longer term/permanent on the approved organizational structure.

4. Policy

The objective of this policy is the regulation of the appointment of Temporary Staff. Such temporary appointments are subject to the provisions of the Basic Conditions of Service Act and the Labour Relations Act as well as the regulations of this policy.

- 4.1. To ensure a fair process that ensures consistency in the recruitment and selection of temporary staff.
- 4.2. To recognize the operational requirements for the temporary employment contracts.
- 4.3. To ensure that unemployed low-skilled or semi-skilled members of the community have fair access to temporary employment as part of the municipality's contribution to job creation.
- 4.4. To ensure applicants are protected from both corruption and nepotism during the processes of accessing job opportunities.

- 4.5. Employment Equity principles – in terms of race, gender and disability must be strictly adhered to.
- 4.6. A database will be used for short term contract appointments less than three months.
- 4.7. If a contract period is longer than three (3) months the following justifiable reasons will be appropriate:(198B:4 Nine(9)Justifiable Reasons)
- a) *is replacing another employee who is temporarily absent from work;*
 - b) *is employed on account of a temporary increase in the volume of work which is not expected to endure beyond twelve (12) months;*
 - c) *is a student or recent graduate who is employed for the purpose of being trained or to gaining work experience in order to enter a job or profession;*
 - d) *is employed to work exclusively on a specific project that has a **limited or defined duration**;*
 - e) ***is a non-citizen who has been granted a work permit for defined period**;*
 - f) *is employed to perform seasonal work;*
 - g) *is employed on an official public work scheme or similar public Job creation scheme;*
 - h) *is employed in a position funded by an external source for a limited period;*
or
 - i) *as reached the normal or agreed retirement age applicable in the employer's business.*
- 4.8. In terms of the amendments to the Act, employees can only be engaged on a fixed-term contract or successive fixed-term contracts if;
- a) *"The employer can demonstrate "any other justifiable reason"*
- 4.9. Fixed term contracts with employees earning below the earnings threshold (section 198B) means;
- 4.9.1. Contract of employment that terminates on –
- a) the occurrence of a specified event;
 - b) the completion of a specified task or project; or
 - c) a fixed date, other than an employee's normal or agree retirement age subject to subsection (3)

This section does not apply to employees earning in excess of the threshold prescribed by the Minister in terms of section 6(3) of the Basic Conditions of Employment Act;

5. Policy Statement

Heads of Departments may request the appointment of temporary employees and must be motivated by the employer department in terms of operational needs. All temporary appointments will be effected on conditions that the Department: Finance verifies that funding is available.

A Temporary appointment may be effected where a permanent employee is on maternity leave or in instances where a permanent employee is/will be absent from work for a prolonged period due to for example medical boarding or an illness.

The temporary recruitment and selection policy is aimed at creating capacity to enhance effective and efficient service delivery.

Changes to the Basic Conditions of Employment Act, 75 of 1997 (as amended) may lead to changes of this policy and the policy must be revised annually.

6. Scope Of Policy

This policy applies to all unemployed job seekers appointed in the municipality on a temporary basis for contracts of less than (12) months and excludes employees from the Extended Public Works Program, specific job creation projects, or any other Provincial or National government driven projects.

7. Legislative Framework

- South African Labour Guide
- Employment Equity Act 55 of 1998
- Basic Conditions of Employment Act 75 of 1997 updated 2005 (BCEA)
- SALGBC Collective Agreement on Conditions of Service for the Western Cape Division
- Labour Relations Act No.6 of 2014: Government Gazette no. 37921. Implemented 1 January 2015

8. Process

8.1. FIXED TERM CONTRACT FOR LONGER THAN TWELVE (12) MONTHS

- a) Vacancy should be advertised on the municipalities website and social media platforms
- b) The vacancy must be advertised for seven (7) working days on the web site and the social media platforms of the municipality
- c) Longlist must be captured by the Recruitment and Selection section
- d) Shortlisting meeting should be conducted by the user department, trade unions and Recruitment official

- e) Shortlisting must be conducted in line with the municipality's EE Targets and the minimum requirements of the vacancy
- f) A maximum of three candidates should be shortlisted per vacancy
- g) Interviews should be conducted with the shortlisted candidates
- h) Appointment memo should be drafted for approval by the Municipal Manager

8.2 SHORT TERM CONTRACTS FROM ONE(1) MONTH UP TO TWELVE (12) MONTHS

- a) Appoint from unemployment database
- b) User department and trade unions and recruitment official must together go through the unemployment database and nominate person
- c) Nomination should be done in line with EE and in terms of top to bottom of the list of the database and specialized skills required
- d) A person can't be nominated more than once in an annual year
- e) Requirement for temporary appointment based on operational requirements and the availability of funds
- f) The persons in 8.2 shall make a recommendation to the Municipal Manager with the name of the nominated person
- g) User department write a memo to the Municipal Manager with the name of the nominated person for approval
- h) Signed memo to be submitted to contracts office for implementation
- i) Approval by the Executive Manager of Department or Municipal Manager

9. Interns/ WIL/ Students / Learnership / Apprenticeship

- a) Request training department to advertise opportunity on municipal website and social media for five (5) working days, Graduates shall submit their application letters from learning institutions for acceptance to do internships in the Municipality, attaching their curriculum vitae, copies of qualifications, and copies of their identity documents.
- b) In the event of interns/students referred from other governmental institutions (for example National or Provincial Treasury or any other institution/department), such requests can be considered by the Municipal Manager in the spirit of Intergovernmental Relations.
- c) Nominate preferred candidate who meets the minimum requirements and falls within the EE Targets
- d) Selection of candidate should be done with the following stakeholders (Relevant Department, HR, Unions, Skills Development facilitator)
- e) If there IS more than one candidate that meets the minimum requirements Priority shall be given to those graduates who are from disadvantaged groups and EE Targets preference should be given to candidates that resides in the Garden Route District.

- f) When there is more than one candidate interviews should be conducted and if there is only one candidate no interviews will be conducted
- g) The number of graduates selected for internships shall be determined by the Municipal Manager on an annual basis
- h) Relevant study area and good study record shall be among the selection criteria
- i) User department write a memo to the Municipal Manager with the name of the nominated person for approval
- j) Signed memo to be submitted to contracts office for implementation
- k) Approval by the Executive Manager of Department or Municipal Manager
- l) The Financial Assistance Policy makes provision under section 11 (11.4) for Students/ Interns that are financially assisted to do their practical training at the Garden Route District Municipality. The Municipal Manager may, where necessary, depending on organisational operational requirements offer bursary students, interns, apprentices and learners an opportunity to do experiential learning (i.e. shadowing, in-service training etc) within the scope of other related policies.

9.1. Placement of Interns / Students

- a) Human Resource Management shall be responsible for co-ordinating the placing of interns within the different departments.
- b) Interns shall be placed according to the relevant qualifications or field of studies relevant to the Municipality.
- c) Departmental Heads shall ensure that whenever interns are placed, they are not involved in handling sensitive and / or confidential information such as handling departmental funds, investigating labour relations cases, or fraud and corruption cases.
- d) Emphasis shall be placed on filling gaps or scarce skills that exist in the Municipality
- e) Transfer of interns across different functional areas shall be avoided to ensure continuity and adherence to the internship contract. In cases where there is a critical need to do transfers; Human Resources Management shall be informed of such changes.
- f) The working environment shall be made conducive for learning and development, i.e. an intern shall be engaged in both simple and complex projects.

9.2. Induction of interns / Students

- Induction of interns is the responsibility of line managers and supervisors within relevant departments.

9.3. Managing internship / student programme

- Internship programme shall be shaped and managed to reflect the particular work organisation within the Municipality. The responsibility for the interns is the function of relevant managers / supervisors / mentors, and Human Resource Management.

9.4. Human Resource Management

- a) Facilitate and co-ordinate internship programmes across the Municipality
- b) Develop contracts between the Municipality and the interns
- c) Provide orientation programmes for interns
- d) Put in place monitoring, assessment and evaluation methods for the internship programmes
- e) Align internship programmes with training and development plans
- f) Gather data regularly on intake of interns, their needs, priorities and perceptions about internship programmes in the Municipality in order to evaluate its effectiveness and to recommend improvements
- g) Compile written report to the relevant Manager and Municipal Manager on progress and challenges of the internship programmes

9.5. Mentors / managers / supervisors

- a) Enter into performance agreement with the intern.
- b) Oversee the training and mentoring of the intern.
- c) Mentor and provide a supportive environment around the intern by playing a facilitative and mediating role to ensure the intern's development.
- d) Conduct ongoing monitoring and assessment of the intern and submit performance reports.

9.6. Intern / Student

- a) Forge conceptual links between theoretical knowledge, acquired at the tertiary institution, and practical work.
- b) Give feedback between theory and practice in order to reinforce the alignment of the two.
- c) Supply the mentor with the feedback on the effectiveness of the internship programme and mentoring arrangements.
- d) Enter into performance agreement with the mentor.
- e) Abide by the rules, regulations and protocols of the Municipality.
- f) Demonstrate pro-activeness towards self-development and participate in the general activities of the department within which internship activities take place.

9.7. Financing and compensation

9.7.1. Financing

- Financing for internship, learnership, apprenticeships programmes shall be budgeted for by Finance Department and allocated to the Training Section.

9.7.2. Remuneration / compensation

- Human Resource Management shall recommend to the Municipal Manager the remuneration levels of interns, corresponding with levels and types of qualifications, and subject to the availability of funds, on an annual basis. All statutory obligations that go with remuneration shall be applied to interns' remuneration.

10. Finalization of process

10.1. HR ensure finalization of contract

10.2. Signing of contract between parties before employment

10.3. Implement on Payday (payroll) system

10.4. Attendance Registers must reach the salary section by the 10th of each month

10.5. New contracts must reach the HR department on the 5th of the month

10.6. Receive completed contracts from Finances (HR and finances) and send to registration for filing

11. APPLICABLE FORMS

Attached: Requisition form for temporary vacancy.
Acceptance of employment.



Amended: Oct 2018

REQUISITION FOR TEMPORARY/ CONTRACT**VACANCY**

1. Department:
2. Section:
3. Town:
4. Designation:
5. Grading: Existing/Proposed:
6. Is it an existing position/New Position: Existing / New
7. Period of contract:
8. Name of person who is vacating:
9. Specification of position (duties):
.....
.....
.....
10. Minimum educational qualifications required:.....
11. Experience, personal qualities and other selection criteria required:
.....
.....
.....
12. Experience required by position: (years/months)
13. Is drivers license required (specify code): Yes / No
14. Are funds available for salary
15. If yes, vote number applicable
16. Vote number for advertising cost
17. Internal / External advertise in publication/s:
18. Was the database considered? Yes No (If no, why not).....
19. Consultation with Unions: IMATU: SAMWU:
20. Authorized by:
Signature:

Designation:

Date:



Gewysig: Okt 2018

REKWISISIE VIR TYDELIKE/ KONTRAK VAKANTE POS

1. Departement:
2. Afdeling:
3. Dorp:
4. Posbenaming:
5. Gradering: Bestaande / Voorgestel:
6. Is dit 'n bestaande / nuwe pos: Bestaande / Nuwe
7. Kontraktydperk:
8. Naam van persoon wat uit diens tree:
9. Posspesifikasies (pligtestaat):
.....
.....
.....
10. Minimum opvoedkundige kwalifikasie vereis:
11. Ondervinding, persoonlike kwaliteite en ander seleksiekriteria vereis:
.....
.....
.....
12. Ondervinding vereis in pos: (jare/maande)
13. Word bestuurderslisensie vereis (spesifiseer kode): Ja..... / Nee
14. Is fondse vir salaris beskikbaar
15. Indien ja, posnommer
16. Posnommer vir advertensiekostes:
17. Intern of Ekstern adverteer in publikasie/s:

- 18. Was databases oorweeg? Ja Nee(Indien nie, hoekom).....
- 19. Konsultasie met vakbonde: IMATU: SAMWU:
- 20. Gemagtig deur:
- Handtekening:
- Posbenaming:
- Datum :



NAVRAE:

ENQUIRIES: N KLAAS
KONTAKNR
CONTACT NO 044 803 1307

VERW: SP
REF-
KANTOOR:

OFFICES: GEORGE
DATUM
DATE

Mr/Ms

Dear Sir / Madam

CONTRACT APPOINTMENT

It is my pleasure to confirm that you have been appointed on contract which will be issued shortly confirming the following details:

DESIGNATION:
COMMENCEMENT OF CONTRACT:
SALARY:

We will service you with a contract in due course.

Yours faithfully

**MG STRATU
MUNICIPAL MANAGER**

Hereby I, (Initial and surname) confirm that I have read the above-mentioned agreement, that I understand, accept and sign it willingly:

.....
SIGNATURE

.....
DATE

.....
WITNESS: INITIAL AND SURNAME

.....
SIGNATURE

.....
WITNESS: INITIAL AND SURNAME

.....
SIGNATURE



**RECRUITMENT & SELECTION POLICY FOR ALL
PERMANENT APPOINTED OFFICIALS EXCLUDING
SENIOR MANAGERS IN TERMS OF LOCAL
GOVERNMENT REGULATIONS OF 2014**

Latest Council Approved: **DC 1091/06/16**

Previous Policy Council Approved: **DC 744/12/14**

1. DEFINITIONS

- 1.1 All definitions used in this policy are defined in the Main Collective Agreement of the South African Local Government Bargaining Council (SALGBC) of 1 July 2015 until 30 June 2020, unless stated otherwise with the relevant definition.

Words indicating the masculine gender shall include the feminine gender.

- 1.2 **Black People (as per Employment Equity Act 55 of 1998)** – “is a generic term which means Africans, Coloureds and Indians”
- 1.3 **Candidate** for the purposes of this policy is an applicant for a post
- 1.4 **Categories of learners** – As defined in the attached Annexure A
- 1.5 **Competency** for the purposes of this policy refers to knowledge, skills, attitude or behavior pertinent to the advertised position
- 1.6 **Council** -"means Eden District Municipality"
- 1.7 **Confidentiality** – “means keeping information private and not telling others including co-workers, friends, family, etc.
- 1.8 **Conflict of Interest** – “means a situation in which an individual has competing interests or loyalties” see par 7.5
- 1.9 **Criminal Record**- means you have been charged with a crime and found guilty and/or sentenced
- 1.10 **Day** – “means Monday to Friday, excluding public holidays, unless indicated otherwise by the context”
- 1.11 **Designated group (as per Employment Equity Act 55 of 1998)** - "means black people, women and people with disabilities"
- 1.12 **Earnings threshold (as per Collective Agreement on Conditions of Service)** – “means the top notch of the salary scale (T-grade) within which the Basic Conditions of Employment Act, 1997 earnings threshold determination falls, as amended from time to time”
- 1.13 **Employee** – “means any person, excluding an independent contractor who works for another person or for the State and who receives, or is entitled to receive, any remuneration”
- 1.14 **(as per Employment Equity Act 55 of 1998)** – “(b) means any other person who in any manner assists in carrying on or conducting the business of an employer”
- 1.15 **Employer** -"means Garden Route District Municipality"

1.16 Essential job requirements for the purposes of this policy is the skills, knowledge or experience that are necessary to perform a job as defined in the Job Description

1.17 Fixed term contract employee

“for the purposes of this policy is a person who is employed on a contract that includes an agreement detailing the relationship between the employer and employee, which is determined by an objective condition that creates no false expectations of renewal of the contract, and is based on a specific duration or time frame with dates or the completing of a specific task, project or event, other than the normal agreed retirement age,” **In terms of Sec 198B of the LRA**

1.18 Headhunting for the purposes of this policy is the process of selecting individuals with a proven track record (reputation, work history, professional acquaintance and minimum academic qualification) within a particular field, who can be evaluated to fill a vacant post.

1.19 IMATU – “means the Independent Municipal and Allied Trade Union”

1.20 Job Description (as defined in the Task Memorandum of Understanding) – “means a job description, as contemplated in section 66 of the MSA, describing the content, duties, reporting lines and other specifications of a position or job”

1.21 Medical Practitioners – “means all practitioners as defined by the Health Professions Council of South Africa (Medical and Dental Practitioners)”

1.22 Medical surveillance (as per Occupational Health and Safety Act 85 of 1993) – means a planned programme of periodic examination (which may include clinical examinations, biological monitoring or medical tests) of employees by an occupational health practitioner or, in prescribed cases, by an occupational medicine practitioner”

1.23 Medical testing (as per Employment Equity Act 55 of 1998) - “includes any test, question, inquiry or other means designed to ascertain, or which has the effect of enabling the employer to ascertain, whether an employee has any medical condition”. (As per statutory requirement or validated by the Health Professional Council of SA and as per ruling of the Labour Court)

1.24 Municipality -”means Garden Route District Municipality”

1.25 Observer – “a person who have been designated by the Accounting Officer to be part of the Recruitment and Selection process with no participatory status in the process – meaning the person is not allowed to influence or advise during the process and/or outcome”

1.26 Occupational Health (as per Occupational Health and Safety Act 85 of 1993) – includes occupational hygiene, occupational medicine and biological monitoring”

- 1.27 Occupational Health Practitioner (as per Occupational Health and Safety Act 85 of 1993)** – means an occupational medicine practitioner or a person who holds a qualification in occupational health recognized as such by the South African Medical and Dental Council as referred to in the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act 56 of 1974), or the South African Nursing Council as referred to in the Nursing Act, 1978 (Act 50 of 1978)
- 1.28 Occupational Qualification (as per Skills Development Act 97 of 1998)** – means a qualification associated with a trade, occupation or profession resulting from work-based learning and consisting of knowledge unit standards, practical unit standards and work experience unit standards"
- 1.29 Occupational Qualification Framework (as per Skills Development Act 97 of 1998)** – means the sub-framework for occupational qualifications which forms an integral part of the National Qualifications Framework"
- 1.30 Office Bearer** (as per SALGBC Main Collective Agreement) – “means the elected president, deputy president, vice-president, chairperson, vice-chairperson, treasurer or secretary of the Trade Unions”
- 1.31 Official** (as per SALGBC Main Collective Agreement) – “means a full-time employee of IMATU, SAMWU or SALGA”
- 1.32 People with disabilities (as per Employment Equity Act 55 of 1998)** – “means people who have a long-term or recurring physical or mental impairment which substantially limits their prospects of entry into, or advancement in employment”
- 1.33 Placement (as per Skills Development Act 97 of 1998)** - “means placing an individual in a placement opportunity, with due regard to the Code of Good Practice on the Integration of Employment Equity in Human Resources Policies and Practices in terms of the Employment Equity Act, 1998 (Act 55 of 1998)”
- 1.34 Placement Opportunity (as per Skills Development Act 97 of 1998)** – means any opportunity for work or learning that could be offered to an individual and includes a vacancy for employment, an opportunity for self-employment, a learning programme and community service”
- 1.35 Position (as defined in the Task Memorandum of Understanding)** – “means an individual position on the staff establishment of a Municipality which is occupied by an individual employee”
- 1.36 Reasonable accommodation (as per Employment Equity Act 55 of 1998)** - "means any modification or adjustment to a job or to the working environment that will enable a person from a designated group to have access to or participate or advance in employment”
- 1.37 Recognition of Prior Learning (as defined by South African Qualifications Authority (SAQA)** – “is a process whereby people’s prior learning can be formally recognized in terms of registered qualifications and unit standards, regardless of where and how the learning was attained.

RPL acknowledges that people never stop learning, whether it takes place formally at an educational institution, or whether it happens informally"

- 1.38 Recruitment** for the purposes of this policy is the set of activities undertaken by the Corporate Services Department to attract sufficient job candidates who have the necessary potential and competencies needed to assist Eden District Municipality achieve its strategic objectives as defined in the Integrated Development Plan
- 1.39 Reference check** for the purposes of this policy is the process of gathering information about the candidate's past work history from people and/or institutions or organisations with whom such candidate/s have been associated
- 1.40 Registered Medical Practitioner (as per Collective Agreement on Conditions of Service)** – "means a person entitled to practice as a medical practitioner in terms of section 17 of the Medical Dental and Supplementary Health Services Professions Act, 1974 (Act 56 of 1974)"
- 1.41 Regulation of Non-Standard Employment and General Provisions (as per Labour Relations Amendment Act, 2014, Section 198 (b-d) –**
- Section 198B – Fixed term contracts with employees earning below earning threshold
 Section 198C – Part-time employment of employees earning below earning threshold
 Section 198D – General provisions applicable to sections 198A to 198C
- 1.42 Remuneration (as per Employment Equity Act 55 of 1998)** - "means any payment in money or in kind, or both in money and in kind, made or owing to any person in return for that person working for any other person, including the State"
- 1.43 Representative Trade Union** – "means the Trade Unions parties to this Policy, IMATU and SAMWU"
- 1.44 Roles and Responsibilities of a Municipal Manager** – "As head of Administration the Municipal Manager is responsible for the appointment of staff other than those referred to in section 56 (a), subject to the Employment Equity Act, 1998 (Act 55 of 1998);
- 1.45 SALGA** –"means the South African Local Government Association"
- 1.46 SAMWU** – "means the South African Municipal Workers' Union"
- 1.47 Seasonal Employee** – "means an employee who is employed to work a full season, of not less than a continuous period of six months and who should qualify for all benefits in terms of employment conditions, except housing and pension benefits"
- 1.48 Suitably qualified person (as per Employment Equity Act 55 of 1998)** – "means a person contemplated in sections 20(3), (4), (5) and (6);

- 1.48.1** 20 (3) a person may be suitably qualified for a job as a result of any one of, or any combination of that person's-
- (a) formal qualifications;
 - (b) prior learning;
 - (c) relevant experience; or
 - (d) capacity to acquire, within a reasonable time, the ability to do the job.
- 1.48.2** 20 (4) when determining whether a person is suitably qualified for a job, an employer must-
- (a) review all the factors listed in subsection (3); and
 - (b) determine whether that person has the ability to do the job in terms of any one of, or any combination of those factors."
- 1.48.3** 20 (5) "in making a determination under subsection (4), an employer may not unfairly discriminate against a person solely on the grounds of that person's lack of relevant experience".
- 1.48.4** 20 (6) "an employment equity plan may contain any other measures that are consistent with the purposes of this Act".
- 1.48.5** Suitably qualified applicants must meet the essential job requirements. (An essential job requirement is the skills, knowledge or experience that are necessary to perform a job).
- 1.49** **Senior Manager** (regulations on appointment and conditions of employment for senior managers) – "means a municipal manager or acting municipal manager, appointed in terms of section 54A of the Act, and includes a manager directly accountable to a municipal manager appointed in terms of section 56 of the Act; refer to local government regulations of 2014"
- 1.50** **Selection** for the purposes of this policy is the process of making a choice from a list of candidates, the person or persons who best meet the selection criteria or the set performance standards for the position available
- 1.51** **Shop Steward** – "means a Trade Union representative as defined in the Act"
- 1.52** **Temporary Employee** – "means an employee appointed full-time or part-time for a maximum period of twelve (12) months to undertake and complete a specified task;
- 1.53** **Trade Unions** – "means either IMATU and/or SAMWU" and trade unions means IMATU and/or SAMWU;
- 1.54** **Workplace** – "means the location at which an employee provides work for an employer as per employment letter"
- 1.55** **Upper Limits** – "these regulations are applicable to Section 54 and Section 56 appointees".

2 INTRODUCTION

- 2.1** Garden Route District Municipality recognises that staff is its most important asset in ensuring that effective, efficient services are delivered to the community it services in accordance with objectives and priorities as set out in its Integrated Development Plan (IDP). Therein Garden Route District Municipality strives to attract and appoint the most suitable candidates, creating and maintaining a diverse workforce for permanent posts.
- 2.2** This Policy is applicable on permanent appointments for filling of posts as identified on the approved organizational structure and excludes the fixed term contracts and section 54A and 56 appointments.
- 2.3** Contract appointments will be dealt with in accordance with a separate policy (Contract Appointment Policy).

3 PURPOSE

The purpose of this policy is to:

- 3.1** Establish fair and objective principles for the staffing for Garden Route District Municipality.
- 3.2** Provide guidelines for the recruitment, selection and appointment of staff for Garden Route Municipality.
- 3.3** Establish principles and procedures to ensure that the aims and objectives of the Employment Equity Plan of Garden Route District Municipality are attained.

4 PRINCIPLES

4.1 The following principles will apply in the implementation of this policy:

- 4.1.1** Transparency,
- 4.1.2** confidentiality,
- 4.1.3** objectivity,
- 4.1.4** ethical and
- 4.1.5** non-discriminatory.

4.2 The above-mentioned principles will be underpinned by the following:

- 4.2.1** Alignment of the human resources with the strategic and operational needs of the Garden Route District Municipality.
- 4.2.2** Each appointment must be rationally and objectively justifiable by reference to the strategic and operational needs of the Employer as reflected in the IDP.

- 4.2.3** To determine the relevant reporting and managerial structures of the organization for the recruitment and selection process.
- 4.2.4** All aspects of staffing, structuring, recruitment, selection, interviewing and appointment of employees will be non-discriminatory and will afford applicants equal opportunity to compete for vacant positions, except as provided in this policy with reference to affirmative action and employment equity.
- 4.2.5** With reference to the Constitution of South Africa Act No 108 of 1996 as amended and the provisions of Chapter II of the Employment Equity Act No 55 of 1998, under no circumstances should any person be refused employment on any arbitrary or discriminatory basis, including but not limited to race, gender, sex, pregnancy, marital status, family responsibility, ethnic or social origin, colour, sexual orientation, age, disability, religion, HIV status, conscience, beliefs and/or opinion, taking into account the provision of Chapter III of the Employment Equity Act No 55 of 1998 as well as the Code of Good Practice on the Integration of Employment Equity into Human Resource Policies and Practices (Published on 04 August 2005).
- 4.2.6** Garden Route District Municipality is a designated employer in terms of the Employment Equity Act, and as such preference will be given to suitably qualified candidates who are members of designated groups as defined in section 1 of the Employment Equity Act No 55 of 1998.
- 4.2.7** Garden Route District Municipality recognizes the intentions of the South African Qualifications Authority Act No 58 of 1995, one of which is to provide for a national qualifications framework giving recognition to prior learning.
- 4.2.8** Selection criteria shall be objective and related to the **essential** requirements of the job and the realistic future needs of Garden Route District Municipality.
- 4.2.9** The central guiding principle for selection shall be competence in relation to the **essential** requirements of the job, provided that selection shall favour, as determined by the targets, suitably qualified applicants as defined in Section 20(3) of the Employment Equity Act.
- 4.2.10** Unless statutory qualifications are clearly justified as essential for the job, relevant experience/performance, training (internal/external) as reflected and measured through competencies and potential for the prospective vacancy shall be an important criterion.

- 4.2.11** Canvassing, i.e attempting to solicit the influence of any person who could substantially influence the selection process by job applicants, or any other person on behalf of job applicants, for posts within the Council's service, is prohibited and evidence thereof will disqualify such person's application for that appointment.

5 RECRUITMENT AND SELECTION

5.1 Advertisement

- 5.1.1** Vacant posts shall be advertised in the medium communication language which is English. In the event of language or disability barrier the recruitment and selection office will assist explaining advert in Afrikaans and/or isiXhosa.
- 5.1.2** Advertisement shall be placed in bulk after the municipal budget has been approved in June and thereafter as and when a position become vacant.
- 5.1.3** Positions becoming vacant during the year shall be advertised during the notice period the official is serving.
- 5.1.4** The relevant Department shall complete a personnel requisition form on Collaborator and submit this to the Human Resource Section for the Recruitment and Selection Process to start, which includes the compilation of an advertisement. This Staffing Requisition form shall comprise of the criteria and requirements as contained in the signed and approved Job Description for the vacancy. The criteria and requirements will be informed by the approved job description of the post.
- 5.1.5** The Human Resource Section should compile the advertisement which should reflect the following:-
- 5.1.5.1** Name of post
 - 5.1.5.2** Department/section
 - 5.1.5.3** Core Duties
 - 5.1.5.4** Essential Requirements
 - 5.1.5.5** Salary details
 - 5.1.5.6** Closing Date
 - 5.1.5.7** Contact Details

5.1.5.8 The commitment of Garden Route District Municipality is to ascribe to the principles of the Employment Equity Act and that vacancies shall be filled in accordance with the official Employment Equity Plan of Garden Route District Municipality.

5.1.6 The following parties shall be consulted with the drafting of the advertisement:

5.1.6.1 Relevant user department

5.1.7 All posts, excluding Section 54 and 56 Managers, shall be advertised internally and externally simultaneously.

5.1.8 All external advertisements will also be placed on the Garden Route District Municipality website.

5.1.9 Advertisements for vacant positions will be advertised in the local or district media and/or provincial and or national media to attract eligible candidates. National advertising for Section 54 and Section 56 Managers **as per regulations**.

5.1.10 There may not be deviated from the **essential** requirements in the advertisement, as depicted in the job description and prevailing statutory requirements. The advertisement may only contain the **essential** requirements as depicted in the JD.

5.1.11 The choice of the media for recruitment purposes shall comply with the requirements of the Municipal Systems Act, 32 of 2000.

5.1.12 The role of the trade unions shall be that of monitoring the process (observer status).

5.1.13 **Vacant posts should only be advertised twice.** Where such posts cannot be filled after the **second** advertisement, the filling of such a post/s should be referred to the Municipal Manager and/or permission for head hunting must be obtained from the Municipal Manager.

5.2 HEADHUNTING

5.2.1 Headhunting is done for scarce skills or when a full recruitment process has been completed and no competent candidate could be found to fill the vacant post.

5.2.2 If a person is being headhunted he/she will still be subjected to an administrative and interview procedure.

5.2.3 HOD to be responsible to conduct the headhunting process, where after at least two names of the identified candidates will be supplied to HR to finalize the selection process.

6. APPLICATIONS

- 6.1 All applications (internal and external) must consist of a completed standard application form and curriculum vitae, curriculum vitae not compulsory for T-grades T3-T4.
- 6.2 **Incomplete Applications will be disqualified in the process.**
- 6.3 The Human Resource Section shall ensure that application forms are available in English at offices of Garden Route District Municipality. **In the event of a language or disability barrier the recruitment and selection office will assist person with completion of the application form.**
- 6.4 Applications shall be addressed to Registration & Archives, Garden Route District Municipality. Enquires must directed to the Recruitment & Selection Section, Human Resources.
- 6.5 Applications dated and/or received after the closing date will not be considered, however if an application was submitted at one of the GRDM satellite offices before the closing date as confirmed by the stamp but only received by the Head office after the closing date, that application will be considered provided that it is not received more than 5 working days after the date of closure.
- 6.6 The Human Resource Section shall be responsible for providing administrative support to the recruitment and selection process including, but not limited to, the admission of receipt and the compilation of a register of applications.
- 6.7 Applicants should confirm their employment history by submitting the following supporting certified documentation **not older than 3 months**:
- 6.1.1 Qualifications (Diploma/Degree must be attached)
 - 6.1.2 Identity Document (SA);
 - 6.1.3 Valid Drivers license / Valid PrDP (where applicable);
 - 6.1.4 Confirmation of current/previous employment;
 - 6.1.5 Any other applicable documentation required.
 - 6.1.6 In the absence of the above required documentation, the applicant will automatically be disqualified
- 6.8 **All applications will first be received by Registration and Archives, before they go through to the Recruitment and Selection office, to ensure application gets the official stamp and for record keeping purposes.**
- 6.9 **Applications can also be received via Electronic Submissions.**

7. **SHORT LISTING**

- 7.1** The Human Resource Section shall initiate a process to compile a shortlist of possible candidates. This should be done in conjunction with the relevant department. External subject matter experts, where required, may be invited to form part of the selection process.
- 7.2** The Municipal Manager appoints the panel.
- 7.3** Trade unions will have observer status in this process.
- 7.4** The shortlisting panel may consist of the following:
- 7.4.1** The Head of Department (**Chairperson**) or his/her nominee must be a senior official and in the case where the incumbent reports directly to the Head of Department, the Municipal Manager will appoint an additional HOD.
 - 7.4.2** Division head and Section head/direct supervisor
 - 7.4.3** A representative from the Human Resource Section (Advisor)
 - 7.4.4** A representative from Trade unions (Observer)
 - 7.4.5** Employment Equity Manager (Advisor) – Provide input EE target.
 - 7.4.6** Subject matter expert (Advisor) **as required**.
 - 7.4.7** The representatives from the department should remain the same for the interview process as well.
- 7.5** The quorum will be two official representatives of which one must be from the relevant department.
- 7.6** A maximum of four (4) candidates shall be shortlisted for one vacancy.
- 7.7** A member of the interview panel is required to withdraw from the panel should a conflict of interest arise vis-à-vis any of the applicant/s. This includes the panel member being a relative of the applicant, is part of the applicant's reference, the direct supervisor of the applicant or the panel member the author of your testimonial.
- 7.8** The Human Resource Section should provide the following documentation/information to the participants in the shortlisting process:
- 7.8.1** Agenda for shortlisting process
 - 7.8.2** Copy of Advertisement
 - 7.8.3** Copy of longlist of applicants
 - 7.8.4** Applications forms of applicants **and CV's**

- 7.8.5 Approved (signed) Job Description
- 7.8.6 EE Targets
- 7.8.7 Approved structure of the relevant department
- 7.9 Deviation from essential post requirements (As per the Employment Equity Act) will not be allowed.
- 7.10 A register should be kept of all applications that were received for a specific advertisement.
- 7.11 All parties to the recruitment and selection process should treat any information in the strictest confidentiality.
- 7.12 If there are no suitable candidates meeting the employment equity targets in the first round, then panel revert back to longlist and consider suitably qualified candidates in terms of the EE. In instances where after the first round of interviews and practical test and candidates did not pass the practical or interview than panel can refer back to long list and consider suitably qualified applicants in terms of EE.
- 7.13 The selection process will be recorded and proper minutes will be kept by Human Resources.
- 7.14 The weighting for the required minimum competency levels must be confirmed in writing by the selection panel at the shortlisting process.
- 7.15 For purposes of the shortlisting process "Suitably qualified" candidates shall include after the first round of shortlisting if there is no candidates that met the minimum requirements:
 - 7.15.1 Formal qualifications
 - 7.15.2 Appropriate/relevant prior learning
 - 7.15.3 Relevant experience
- 7.16 The relevant short listing panel will apply the Norms and Standards as provided by the relevant professional body pertaining to the psychometric/skills testing, medical/health fitness and other relevant testing. These tests will conform to the under mentioned criteria:
 - 7.16.1 Has been scientifically shown to be valid and conform to the Labour Relations Act
 - 7.16.2 Can be applied fairly and consistently to all employees and
 - 7.16.3 is not biased against any employee or group

8. REFERENCES

- 8.1 References which have been provided by the applicant (on the application form) can be contacted. (Any one of the applicant's references can be contacted preferably the current employer). Reference checks should be conducted before the appointment memo is approved by the Municipal Manager.
- 8.2 The purpose of reference checking shall be to:
- 8.2.1 Obtain information and not opinions.
- 8.2.2 Verify the information supplied on an application form.

9. INTERVIEW

- 9.1 All interviews must be conducted in accordance with Council's Language Policy.
- 9.2 The interview panel may comprise of :
- 9.2.1 The Head of Department or his/her nominee must be a senior official and in the case where the incumbent reports directly to the Head of Department, the Municipal Manager will appoint an additional HOD.
- 9.2.2 Division/Section head and direct supervisor
- 9.2.3 A representative from the Human Resource Section (Advisor)
- 9.2.4 A representative from Trade unions (Observer)
- 9.2.5 Employment Equity Manager (Advisor) – Provide input EE target.
- 9.2.6 Subject matter expert (Advisor).
- 9.3 The quorum will be two official representatives of which one must be from the relevant department.
- 9.4 The Human Resource Section should provide the following documentation/ information to the participants in the recruitment and selection process:
- 9.4.1 Date, time and venue of interview
- 9.4.2 Copy of Advertisement
- 9.4.3 Copy of interview schedule
- 9.4.4 Application forms of applicants
- 9.4.5 Approved (signed) Job Description

- 9.5 A reputable Registered Medical Practitioner(s) will be procured that is registered with the Health Professional Council of South Africa.
- 9.6 The recruiting Department shall prepare a standard script of written questions and possible answers which will be posed to all candidates applying for the same position.
- 9.7 The interview panel may structure the interview questions and practical assessment around the following format:
- 9.7.1 Job Requirements
 - 9.7.2 Job Knowledge
 - 9.7.3 Simulation
 - 9.7.4 Case study
- 9.8 Prior to the interview process the questions (interview/practical) will be assessed to determine whether it is fair, equitable and reasonable by the interview panel.
- 9.9 Physical test from T3 – T8 conducted for Roads vacancies. Re-Adjustments of the test shall be considered.
- 9.10 No practical test from T3 – T10 for vacancies at GRDM head office.
- 9.11 Practical Test optional from T11 – T13
- 9.12 Presentation or theoretical test required from T14 – T17.
- 9.13 Questions should be based on the essential requirements for the job.
- 9.14 HOD/representative from the relevant department will pose the prepared questions to the applicants.
- 9.15 The assessment process shall be competency based. The weighting for the required minimum competency levels must be confirmed by the selection panel at the shortlisting process.
- 9.16 Separate score cards must be completed by scoring panel members and final score to be calculated by HR representative and validated by the **Human Resource Manager**. The person with the highest score will be the preferred candidate.
- 9.17 A member of the interview panel is required to withdraw from panel should a conflict of interest arise vis-à-vis any of the applicant/s.
- 9.18 (Only the Recruitment and Selection electronic recording device) will be allowed during the interviewing process.

10 **NEPOTISM**

- 10.1 Family members and relatives of current employees or Councilors will be allowed to apply and will be considered for appointment in the same manner as any other applicant.

- 10.2** In order to act in a fair and transparent manner, any member of a selection panel (during the short listing and/or interview process) that is related to an applicant must recuse him/herself as soon as he or she becomes aware that a family member or relative has applied for a position. Such a person must not participate or be present during the short listing or interview process.
- 10.3** Where employees are appointed as in No 10.1 above, they are deemed to have been appointed on merit.

11 EXPENSES RELATING TO RECRUITMENT AND SELECTION PROCESS

11.1 Subsistence & Travel

- 11.1.1** Prior approval from the Executive Manager: Corporate/Strategic Services must be obtained for the payment of traveling costs for candidates attending interviews.
- 11.1.2** Subsistence and travel allowances for persons invited for interviews will be paid in accordance with the Travel and Subsistence Allowance Policy
- 11.1.3** The most cost effective transport (car/air travel) must be utilized and the cheapest form of transport (car/air travel) will be paid for.
- 11.1.4** Subsistence costs will be paid to an external candidate invited for an interview and traveling costs at 60% of the rate of Department of Transport may be paid if the candidate has to travel to attend the interview.

11.2 Accommodation/Subsistence

- 11.2.1** The cost of accommodation/subsistence will be dealt with in accordance with the approved Travel and Subsistence Policy.

11.3 Furniture Removal Expenses

- 11.3.1** The municipality will reimburse, subject to prior approval by the Municipal Manager, new external appointees from amongst the lowest of three quotations received in respect of removal of furniture and other household items, within one year of appointment. No storage fees will be paid by the municipality.

11.4 Internal Appointments

- 11.4.1** When an employee of Council voluntarily and at his/her own accord applies for position within Council service, and becomes successful in a position warranting travelling and moving to a different location within the boundaries of the municipality, such travelling and removal costs will be for his/her own account.

11.5 Internal Transfer/Placement of employees

- 11.5.1** Should Council transfer an employee for operational reasons within the boundaries of the municipality, and such post warranting travelling and moving to another area, Council shall bear the full costs of travelling up to one year and furniture removal subject to submission of the lowest quotation of the three, within one year of transfer/placement.

12 NON CONSENSUS (DISAGREEMENT)

- 12.1** In the event of the interview panel not attaining consensus (disagreement) the matter shall be referred to the Municipal Manager for a decision.

13 DISPUTE

- 13.1** Where a dispute may arise, this shall be referred to the relevant structures for internal resolution (grievance procedure).
- 13.2** All parties shall be heard in the dispute resolution process.
- 13.3** In the event of the dispute not being resolved internally, it shall be referred to the Bargaining Council.

14 APPOINTMENT

- 14.1** Before the appointment of the preferred candidate, the Human Resource Section shall perform a reference check, criminal record verification and vetting of the minimum requirements and any other related checks.
- 14.2** The Human Resource section should inform the preferred candidate and table an offer of employment, signed by Municipal Manager, in conjunction with 16.1.
- 14.3** The successful candidate accepts the appointment by way of signing the offer of employment.
- 14.4** The Human Resource section shall inform the unsuccessful short listed candidates of the outcome of the recruitment and selection process, in writing.
- 14.5** All enquiries from unsuccessful applicants should be dealt with by the Human Resource Section.
- 14.6** The Human Resource Section should provide, upon request, feedback to unsuccessful candidates for career development purposes.
- 14.7** The application forms of unsuccessful candidates shall be retained (as per stipulation of the Archives Act).

15 RE-APPOINTMENT OF FORMER EMPLOYEES

- 15.1** An employee with expert knowledge in a specialised field who has retired may be re-appointed if it is in the interest of Council and the official consents to his or her re-appointment. The official may be so retained from time to time, with the approval of the Municipal Manager.
- 15.2** A former employee who opted for early retirement may be re-appointed, where the original grounds for the termination of service do not militate against re-appointment.
- 15.3** A former employee who left the service due to ill-health may be re-appointed if he or she can provide recent and conclusive evidence of recovery by a certified medical practitioner.
- 15.4** A former employee who took a voluntary severance package will not be re-employed.
- 15.5** An employee whose services were terminated as a result of misconduct in terms of the Disciplinary Code of Conduct for staff members will be dealt with in accordance with the Labour Relations Act, 1995 and the Regulations on appointment and conditions of employment of Senior Managers and may not be re-employed.
- 15.6** An employee who left Council's services voluntarily, will not be considered for re-appointment within twenty four months.

16 APPOINTMENT OF CANDIDATES ON REMUNERATION ABOVE THE MINIMUM NOTCH OF THE SALARY RANGE (T-GRADE)

- 16.1** If there is a need to appoint a competent employee with exceptional expertise and skills and such an employee cannot be recruited at the salary level indicated by the job weight, the Municipal Manager may authorise the granting of a salary above the minimum notch, but not exceeding five notches of the salary level as indicated by the job weight. This will depend on the competencies of the candidate and the availability of funds. Internal candidates who are currently personal-to-incumbent will be offered one salary notch higher than their existing salary notch on the relevant T-grade of the position where their salary notch can be placed. Deviation from this must be approved by the MM.
Other exceptions with external candidates will be dealt with in the same way.

17 SCREENING OF CANDIDATES

- 17.1** Screening of candidates must take place after recommendation for appointment by;
- 17.1.1** Conducting the necessary reference checks;
- 17.1.2** Contacting a candidate's current or previous employer;

- 17.1.3 Determining the validity of a candidate's qualifications through vetting; and
- 17.1.4 Verifying whether a candidate has been dismissed previously for misconduct or poor performance by another employer;
- 17.1.5 Criminal record verification through vetting.

18 PROBATION PERIOD

18.1 The probation period for appointment for six (6) months and prior to confirmation a performance measurement, by using the job description as benchmark, will be conducted by the Supervisor/HOD starting from the third month and thereafter monthly. These performance results must be submitted to the Municipal Manager.

19 INDUCTION PROCESS

- 19.1 The Human Resource Section should devise an induction process for all new personnel of Eden District Municipality
- 19.2 Induction must be conducted within the same month of appointment or the following month.
- 19.3 Existing employees may be required to undergo a process of re-induction.
- 19.4 That induction manual is revised once a year.

This document was signed on the of 20...

.....
MUNICIPAL MANAGER

.....
UNION REPRESENTATIVE (SAMWU)

.....
UNION REPRESENTATIVE (IMATU)



EMPLOYMENT EQUITY POLICY

DATE 15 12 2017
APPROVED:

COUNCIL DC C.5
RESOLUTION
(DC NO):

Policy Number	
Policy Name	Employment Equity Policy
Policy Status	Draft
Version	No 2
Date Last Amended	15 December 2017
Date of Next Review	Annually
Purpose	To redress of the disparities of the past to achieve equity in the workplace; and to comply with the requirements of the Employment Equity Act No. 55 of 1998.
Policy Custodian	Executive Manager – Corporate Services
Related Policies and Legislation	Local Government Municipal Systems Act, Act No. 32 of 2000 Labour Relations Act, Act No. 66 of 1995, as amended Employment Equity Act, Act No 55 of 1998.
Approving Authority	Council
Applicability	This policy is applicable to Garden Route District Municipality
Stakeholders Consulted	MANCOM, Employment Equity Committee, HR Section, Unions, Local Labour Forum

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1. GARDEN ROUTE DM VISION

“Garden Route DM, the leading, enabling and inclusive district, characterised by equitable and sustainable development, high quality of life and equal opportunities for all.”

2. GARDEN ROUTE DM MISSION

In order to achieve its vision, the Garden Route District Council accepted the mission below. The Garden Route District Municipality as a category C local authority strives, to deliver on our mandate through:

1. Unlocking resources for equitable, prosperous and sustainable development.
2. Provide the platform for coordination of bulk infrastructure planning across the district.
3. Provide strategic leadership towards inclusive / radical / rigorous socio-economic transformation to address social, economic and spatial injustice.
4. Redress inequalities, access to ensure inclusive services, information and opportunities for all citizens of the district.
5. Initiate funding mobilisation initiatives/ programmes to ensure financial sustainability.
6. Coordinate and facilitate social development initiatives.

3. GARDEN ROUTE DM VALUES

In addition to our six values, Garden Route District Municipality also ascribe to the eight Batho Pele principles. Integrity, Excellence, Inspired, Caring (Ubuntu), Respect and Resourcefulness.

Garden Route DM Strategic goals

1. Healthy and socially stable communities.
2. Build a capacitated workforce and communities.
3. Conduct regional bulk infrastructure planning, implement projects, roads maintenance & public transport; manage & develop council fixed assets.
4. Promote sustainable environmental management & public safety.
5. Ensure financial viability of the Garden Route District Municipality.
6. Promote good governance.
7. Grow the district economy.

4. PURPOSE

Establish a framework for the redressing of the disparities of the past to achieve equity in the workplace; and to comply with the requirements of the Employment Equity Act no. 55 of 1998.

SCOPE

Applicable to all employees in the service of "Garden Route District Municipality" as well as applicants for employment, with special emphasis on designated groups (Africans, Coloureds, Indians, Women and People with Disabilities)

Although the policy does not specifically exclude the non-designated group, it acknowledges that this group is a vital element in the delivery of services. The non-designated group will continue to make a valuable contribution, especially due to the critical shortage of experienced scarce skills, and their representivity will be maintained according to the demographic targets of the Western Cape.

DURATION OF THE PLAN

In terms of section 20(2) of the employment equity act the employment equity plan for Garden Route district municipality must be for a period **of not shorter than one year or longer than five years** and thereafter successive plans must be submitted. The duration of the plan is based on the planning needs of Garden Route district municipality with specific reference to the need to set attainable numerical goals to be achieved over a reasonable period of time.

5. DEFINITIONS

Designated group - *"means black people, women and people with disabilities"*

Black people – *"is a generic term which means Africans, Coloured and Indians"*

Employee – *"means any person, excluding an independent contractor who works for another person or for the state and who receives, or is entitled to receive, any remuneration"*.

Temporary employee – *"means an employee appointed for a specified period of time or to complete a specified task in terms of his contract of employment and which includes a casual worker"*.

Fixed term contract employee - *is a person who is employed on a contract that includes an agreement detailing the relationship between the employer and employee, which is determined by an objective condition that creates no false expectations of renewal of the contract, and is based on a specific duration or time frame with dates or the completing of a specific task or happening or event.*

Seasonal employee – *"means an employee who is employed to work a full season, of not less than a continuous period of six months and who should qualify*

for all benefits in terms of employment conditions, except housing and pension benefits"

Labour relations act, amendment act, 2014, section 198 (B-D) - "regulation of non-standard employment and general provisions (section 198 B, C, D)".

Section 198B – fixed term contracts with employees earning below earning threshold

Section 198C – part-time employment of employees earning below earning threshold

Section 198D – general provisions applicable to sections 198a to 198c

Headhunting - is defined as the process of selecting individuals with a proven track record (reputation, work history, professional acquaintance and minimum academic qualification) within a particular field, who can be evaluated to fill a vacant post.

Medical testing - "includes any test, question, inquiry or other means designed to ascertain, or which has the effect of enabling the employer to ascertain, whether an employee has any medical condition"

People with disabilities – "means people who have a long-term or recurring physical or mental impairment which substantially limits their prospects of entry into, or advancement in employment"

Reasonable accommodation - "means any modification or adjustment to a job or to the working environment that will enable a person from a designated group to have access to or participate or advance in employment"

Remuneration - "means any payment in money or in kind, or both in money and in kind, made or owing to any person in return for that person working for any other person, including the state"

Suitably qualified – a person may be suitably qualified for a job as a result of any one of, or any combination of that person's-

(E) Formal qualifications;

(F) Prior learning;

(G) Relevant experience; or

(H) Capacity to acquire, within a reasonable time, the ability to do the job.

Recognition of prior learning - as defined by South African Qualifications Authority (SAQA) is a process whereby people's prior learning can be formally recognized in terms of registered qualifications and unit standards, regardless of where and how the learning was attained. RPL acknowledges that people never stop learning, whether it takes place formally at an educational institution, or whether it happens informally.

Candidate -" means an applicant for a post"

Employees on fixed term contracts earning below the earning threshold (LRA 198B)

“means a contract of employment that terminates on –

- The occurrence of a specific event;
- The completion of a specified task or project; or
- A fixed date, other than an employee's normal or agreed retirement age

Part – time employment of employees earning below the earnings threshold (LRA 198C)

“an employee who is remunerated wholly or partly by reference to the time that the employee works and who works less hours than a comparable full-time employee”

Protection of employees and persons seeking employment (applicant) - no. 66 of 1995: *Labour Relations Act, 1995.*

- (1) no person may discriminate against an employee for exercising any right conferred by this act.
- (2) without limiting the general protection conferred by subsection (1), no person may do, or threaten to do, any of the following-
 - (a) require an employee or a person seeking employment-
 - (i) not to be a member of a trade union or workplace forum;
 - (ii) not to become a member of a trade union or workplace, forum; or
 - (iii) to give up membership of a trade union or workplace forum;
 - (b) prevent an employee or a person seeking employment from exercising any right conferred by this act or from participating in any proceedings in terms of this act; or
 - (c) prejudice an employee or a person seeking employment because of past, present or anticipated-
 - (i) membership of a trade union or workplace forum;
 - (ii) participation in forming a trade union or federation of trade unions or establishing a workplace forum;
 - (iii) participation in the lawful activities of a trade union, federation of trade unions or workplace forum;
 - (iv) failure or refusal to do something that an employer may not lawfully permit or require an employee to do;
 - (v) disclosure of information that the employee is lawfully entitled or required to give to another person;

- (vi) exercise of any right conferred by this act; or
 - (vii) participation in any proceedings in terms of this act.
- (3) no person may advantage, or promise to advantage, an employee or a person seeking employment in exchange for that person not exercising any right conferred by this act or not participating in any proceedings in terms of this act. However, nothing in this section precludes the parties to a dispute from concluding an agreement to settle that dispute.
- (4) a provision in any contract, whether entered into before or after the commencement of this act, that directly or indirectly contradicts or limits any provision of section 4, or this section, is invalid, unless the contractual provision is permitted by this act.

6. LEGAL FRAMEWORK

6.1 Constitution

The South African constitution asserts that employment equity is necessary to ensure equality. Section 9(2) of the constitution provides that:

“Legislative and other measures designed to protect or advance persons or categories of persons, disadvantaged by unfair discrimination may be taken.”

6.2 Labour Relations Act - Schedule 7 of the Labour Relations Act No 66 of 1995 (LRA) stipulates that:

“An employer is not prevented from adopting or implementing employment policies and practices that are designed to achieve the adequate protection and advancement of persons or groups or categories of persons disadvantaged by unfair discrimination.”

6.3 Employment Equity Act

Sections 2 of the employment equity act no 55 of 1998 (EEA) sets out the purpose of the act are to achieve equity in workplace by:

“promoting equal opportunity and fair treatment in employment through the elimination of unfair discrimination; and implementing affirmative action measures to redress the disadvantages in employment experienced by designated groups in all occupational categories and levels of the workforce.”

6.4 Unfair Discrimination

Section 6 of the employment equity act no 55 of 1998 (EEA) states that no person may unfairly discriminate, directly or indirectly, against an employee in any employment policy or practice, on one or more grounds, including race gender, sex, pregnancy, marital status, family responsibility, ethnic or social origin, colour, sexual orientation, age, disability, religion, HIV status, conscientious belief, political opinion, language, birth or any other arbitrary ground.

(herewith some examples - unfair discrimination can take many forms. For example, where an employee is unnecessarily sidelined because he/she is disabled this could be unfair discrimination. If an employee is sexually harassed this is a form of unfair discrimination based on sex.

If a worker is paid less than his/her colleagues because he is male or she is female this would constitute prohibited gender discrimination. Age can also be grounds for unfair discrimination.

There are two forms of discrimination related to 'unfair discrimination', namely—

- _ Direct discrimination; and
- _ Indirect discrimination.

Direct discrimination is easily identifiable and involves overt differential treatment between employees and job applicants on the basis of arbitrary grounds. For example, an employer follows a policy of remunerating a female employee on a lower scale simply because she is a woman, whereas a male employee is remunerated at a much higher scale for doing the same work.

Indirect discrimination, on the other hand, is not as easily recognizable as it is a more subtle form of discrimination. It involves the application of policies and practices that are apparently neutral and do not explicitly distinguish between employees and job applicants but that, in reality, have a disproportionate and negative effect on certain individuals or groups.

The laws also emphasize that—

- _ Sexual harassment will be prohibited;
- _ Medical testing will not be allowed unless it is an inherent requirement of the job;
- _ Psychological testing or other assessment cannot be done unless such tests are validated and will not be biased;
- _ In addition, HIV testing can only be carried out if authorized by the labour court; and
- _ All these protections also apply to applicants for employment.

6.7 **Fair discrimination**

The law sets out four grounds on which discrimination is generally allowed—

- _ Discrimination based on affirmative action;
- _ Discrimination based on inherent requirements of a particular job;
- _ Compulsory discrimination by law; and
- _ Discrimination based on productivity.

6.8 Discrimination based on affirmative action

Affirmative action measures are designed to promote employment equity (fairness in favour of the designated groups — blacks, women and disabled persons).

Affirmative action aims to achieve equality at work without lowering standards and without unduly limiting the prospects of existing employees, for example by getting rid of discrimination in company policies, procedures and practices. Its main aim is generally to ensure that the previously disadvantaged groups are fairly represented in the workforce of a particular employer.

6.9 Discrimination based on inherent requirement of a job

Any discrimination based on the inherent requirement of the particular job does not constitute unfair discrimination. An inherent requirement of a job depends on the nature of the job and required qualifications. If such requirements can be shown, discrimination will be fair, for example a person with extremely poor eyesight cannot be employed as an airline pilot.

6.10 Fair compulsory discrimination by law

The law does not allow the employer to employ children under the age of 15 years, or pregnant women four weeks before confinement and six weeks after giving birth.

6.11 Discrimination based on productivity

It is also fair by law for the employer to discriminate on the basis of productivity when giving an increase, for example increases based on merit. This, of course, would be dependent on the fairness of the criteria utilized for assessing performance and productivity.

7. The broad objectives of Employment Equity are the following:

Addressing under-representation of designated groups in all occupational categories and levels in the workforce. Specifically, under-representation of black people, as defined in the Act and people with disabilities were identified during the numerical analysis as presenting special challenges, which Garden Route District Municipality has to address.

Identifying and developing strategies for the elimination of employment barriers in the Employment Policies and Practices of Garden Route District Municipality. A number of barriers were identified by Garden Route District Municipality and will be addressed in this policy.

Developing business-orientated strategies for the achievement of numerical goals and timetables for the implementation of affirmative action measures, taking into account the mission of Garden Route District Municipality.

Establishing procedures for the monitoring and enforcement of the implementation process.

Establishing procedures to address and resolve disputes regarding the implementation and enforcement of Employment Equity.

8. What is the role of the employment equity committee?

THE PURPOSE AND SCOPE OF THE EMPLOYMENT EQUITY COMMITTEE SHALL BE TO CONSULT ON:

- ❑ The conduct of an analysis of its employment policies, practices, procedures and the working environment, in order to identify employment barriers, which adversely affect people from designated groups.
- ❑ Preparing and implementing an employment equity plan, which will achieve reasonable progress towards employment equity in the company's workforce.
- ❑ The preparation and compilation of the report required to be submitted to the director-general of the department of labour.
- ❑ The internal procedures to resolve any dispute about the interpretation or implementation of the employment equity plan.

The committee shall at all times have regard to the provisions of the act, and any regulations, codes of good practice, directives and administrative guidelines published in terms of the act. The tenure of the committee shall be for a period of five years.

Functions

Such representatives shall represent their constituency in the employment equity committee in respect of those matters identified for consultation set out in these terms of reference.

The representatives shall, where possible,

- ❑ Obtain mandates from their respective constituencies on those matters identified for consultation;
- ❑ Report back to their constituencies on the progress of and matters discussed in the committee meetings, utilising the official committee meeting minutes as the basis for their report-backs;
- ❑ Perform all responsibilities, tasks, duties, investigations and surveys assigned to them from time to time by the committee, always acting in good faith and in the interests of "Garden Route District Municipality" to ensure the successful implementation of "Garden Route District Municipality's employment equity plan.

Representatives

The committee shall be comprised of the following member's representative of the following interests. Representatives shall be representative of all designated groups and represent a cross section of occupational levels and categories: -

Employment Equity Committee Representatives

- Senior officials and managers
- Professionals
- Technicians and associate professionals
- Clerks
- Service and sales workers
- Craft and related workers
- Plant and machine operators & assemblers
- Elementary occupations
- SAMWU
- IMATU
- Gender
 - Any representative who ceases to be representative of the constituency which he or she represents, or ceases to be an employee of "Garden Route District Municipality" if his or her appointment as a representative was conditional on him/her being an employee of "Garden Route District Municipality", shall cease to be a member of this committee. In such instances, the appropriate constituency shall nominate an alternative representative in the same manner in which the first representative was nominated as a representative.

Frequency

- The committee shall meet once every second month at its head office offices (Garden Route District Municipality), or other offices as advised by the employment equity manager. Special meetings may be called by the chairperson or requested by any representative by giving forty-eight (48) hours' notice to the employer representative. The representative requesting a special meeting shall set out the grounds and reasons for requesting such meeting.
- The committee shall biannually elect the chairperson of the committee. The committee shall be constituted by a quorum of 50% plus one.

- “Garden Route District Municipality” will be responsible for the implementation and monitoring of recommendations and suggestions of the committee.

Dispute procedures

- Where any representative has a dispute regarding any matter under consideration by the committee, such dispute shall be referred to the employment equity manager who shall establish a dispute meeting and mediate the dispute. Where formal dispute procedures have been consulted upon in terms of section 20(2) (g) of the employment equity act, all disputes relating to the interpretation or implementation of the employment equity plan shall be processed in terms of such dispute procedures.

Minutes and record keeping

- The employer representative shall be responsible for the recording of all meetings, resolutions and recommendations made by the committee.
- The employer representative shall prepare an agenda for discussion prior to each meeting and distribute to the representatives such agenda seven (7) days in advance of the meeting.
- The employer party shall arrange for the release of all representatives from their normal work duties for the purpose of:
 - ❑ Attending committee meetings;
 - ❑ Consulting with their constituencies;
 - ❑ Preparing for such meetings;
 - ❑ Providing feedback to their constituencies using the official minutes of the employment equity committee meeting.
- All meetings shall take place during normal working hours, and representatives shall be paid their usual pay for attending such committee meetings and related duties.
- The elected chairperson / deputy chairperson / employment equity manager or his / her nominee shall chair meetings.
- All representatives shall indicate their acceptance of or record their objections or additional comments to any resolutions made by the forum, including any dissenting opinions.
- Official minutes of all meetings shall be placed on company notice boards designated for such purpose in the employer's workplace(s).

Sub-committees

- The employer representative or the consultative forum may establish ad hoc or permanent sub-committees to conduct research and or investigations on behalf of the forum. The sub-committee may be comprised of members from outside the employer's workforce, subject to the prior approval of the

municipal manager. The sub-committee shall prepare its findings in writing and present such findings to the forum for consultation.

- **Expert advice**

- "Garden Route District Municipality" reserves the right to consult with and obtain advice from any person, body or association. The committee may invite resource people from various external associations and agencies to provide assistance and advice to the forum whenever required, subject to the approval of the municipal manager.

9. POLICY

9.1 AFFIRMATIVE ACTION MEASURES

The following affirmative action measures have been identified and developed to address the employment barriers and under-representation identified during the numerical analysis and the review of the Employment Policies and Practices of Garden Route District Municipality:

9.2 Increasing the pool of available candidates

A policy on recruitment has been adopted which provides for the internal and external recruitment of suitable candidates from designated groups. A concerted effort will further be made to increase the level of interest of potential candidates from designated groups in applying for vacancies.

9.3 Appointment of employees from designated groups

Existing policies have been scrutinized to identify employment barriers to members of designated groups, and appointment and selection policies should increase the possibility of appointing candidates from the designated groups in employment categories and levels where they are under-represented. Policies regarding selection criteria and selection panels will ensure that fair and non-discriminatory selection procedures be implemented. Such procedures will help contribute to the appointment of suitable candidates from designated groups. Further efforts will include:

- ◆ The redrafting of employment application forms and employment contracts so that all discriminatory or prejudicial provisions and clauses are removed.
- ◆ An increased awareness that psychometric tests and evaluation methods tend to be culturally biased and discriminatory and have low predictive validity of the true ability of candidates to perform in a work environment.

- ◆ The increased use of competency-based recruitment and selection methods, whereby the potential of the candidate and the ability to perform the job plays an increasingly prominent role.
- ◆ Compliance with numerical targets and annual benchmarks.
- ◆ The advancement of designated groups, but bearing in mind that Garden Route District Municipality will not resort to window-dressing, tokenism and favouritism, but will advance designated groups by providing the necessary guidance, training and development, and support.
- ◆ Recognising that the appointment of members of designated groups will help create a more diverse workforce, which holds social and economic benefits for Garden Route District Municipality.

9.4 **Training and development of people from designated groups**

Garden Route District Municipality recognises the obligations placed on it by the skills development act of 1998 to train and develop employees. Garden Route District municipality has adopted structured training programmes for employees. These programmes include:

- * Bursaries for secondary and tertiary education
- * Job-related training
- * Training in line functioning, management, and supervisory skills
- * Learnerships
- * Skills programmes (Accredited and credit bearing)

Strong emphasis is also placed on mentorship and coaching of new employees, since the development of employees is seen as long-term upliftment measure as against a temporary corrective measure. Career planning and development therefore, becomes an integral part of the development of the human resources, and is training only the first step in the process whereby attained abilities are eventually put into practice. This eventual goal can also be observed in the outcome-based nature of the training provided and the purpose of the training to accelerate the advancement of designated groups within Garden Route District Municipality.

Training and development for PwD: (Persons with disabilities)

Internal: Special emphasis will be placed on the training and developing of employees with disabilities so that they will be in a better position to compete for advertised posts on higher levels. The specialised training must be identified by the managers and recorded on the IDP and WSP (Work Skills Plan), upon which the

Training Unit must assist with the sourcing of specialised training interventions. External: Internships can be used as a method to target PwD to prepare them for the labour market and permanent employment.

Training and development for women in the MM (Middle Management):

In order to achieve the goal of 50% women in senior management, women in middle management will be targeted to attend leadership training interventions, mentoring or coaching, on-the-job training and they will be provided with the opportunity to participate in national and provincial development programmes for women. This will ensure that a bigger pool of suitably qualified women in the MM (Middle Management) will be available to apply for advertised Senior Management posts.

9.5 Retention of people from designated groups

Garden Route district municipality is committed to lowering the turnover rates and increasing the retention rates of designated members. Accordingly, Garden Route District Municipality conducted exit interviews in order to enable Garden Route District Municipality to develop further strategies regarding the retention of people from designated groups by determining the reasons why people from designated groups terminate their services with Garden Route District Municipality. The outcome of exit interviews and inter alia recommendations made by MANCOM be forwarded to the EE Committee for deliberations on a half yearly bases this will also enable Garden Route District Municipality to compete successfully with other employers in an effort to obtain and retain the services of people from designated groups. The outcome of exit interviews and inter alia recommendations made by MANCOM be forwarded to the EE Committee half yearly for deliberations.

It is important to bear in mind that salary (money) is not the most important retention tool. Other elements such as interpersonal working relationships, development and travelling opportunities, physical working environment, equipment and support systems are crucial in the retention of employees.

It is important to note that national policies force employees to be mobile, should they wish to be promoted to higher levels. Therefore, retention strategies will not prevent staff turnover and this will have an effect on the maintenance of representivity. Therefore, it is critical that succession planning should be incorporated by managers to ensure that potential employees, who are competent on their level, are developed and groomed for higher positions so that they are in possession of the necessary skills and competencies to apply for higher posts when it becomes vacant. Mentoring and coaching programmes can aid with the development and grooming of designated employees.

9.6 Reasonable accommodation for people with disabilities

Garden Route District Municipality subscribe to the principles in accommodating people with disabilities, with specific reference to adapt physical facilities that will be implemented. For this purposes funding will be made available to make the

grounds and buildings accessible to people with disabilities. Special attention will be given to the employment and career development of disabled people.

Employees with a disability and/or impairment must be assisted by the employer in the execution of their jobs, provided that they disclose their disability or impairment to the employer. It is acknowledged that there is no legal obligation for employees to disclose information about their disability, however, should the employer not be aware of the disability or the need to be accommodated, the employer is not obliged to provide reasonable accommodation, assistance or assistive devices.

9.7 Steps to ensure that members of designated groups are appointed in such positions that they are able to meaningfully participate in corporate decision-making processes

Garden Route District Municipality adopted policies with regard to appointment and promotion that should ensure that candidates from the designated groups have the opportunity to be appointed in positions where they will be able to participate meaningfully in the decision-making of Garden Route District Municipality. The appointment policy reflects the selection criteria of section 21 of the employment equity act by requiring candidates to be suitably qualified for positions into which they will be appointed.

9.8 Steps to ensure that the corporate culture of the past is transformed in a way that affirms diversity in the workplace and harnesses the potential of all employees

The consultation forum of Garden Route District Municipality includes employees from various different levels and seniority and is fully representative of all designated and non-designated groups at Garden Route District Municipality. Garden Route District Municipality also recognizes the importance of adopting an overall strategy, which highlights the importance of managing a diverse, multiracial and multicultural workforce, for the purposes of ensuring the maximum utilization of all employees. This includes reducing negative stereotyping and discrimination, creating an acceptable and welcome environment, and the integration of affirmative action programmes with general management practices and strategies.

9.9 CORRECTIVE MEASURES TO ELIMINATE BARRIERS IDENTIFIED DURING THE ANALYSIS

9.9.1 Employment policies and practices are continuously reviewed by Garden Route District Municipality in order to remove any possible discriminatory content and to eliminate employment barriers from the policies and practices.

9.9.2 The selection criteria at Garden Route District Municipality are continuously revised in order to allow for the definition of suitably qualified candidates as contained in the employment equity act to serve as standard for selection.

9.9.3 The affirmative action measures implemented at Garden Route District Municipality are designed to prevent the creation of absolute barriers for the appointment or promotion of persons from non-designated groups, and care is taken to ensure that the measures adopted does not discriminate in any way against persons from the non-designated groups.

10. NUMERICAL GOALS

10.1 A numerical analysis must be carried out to determine the representation of employees internally in every employment level and job category as well as externally to determine the external representation of the various groups on both a regional and provincial level. This analysis enables Garden Route District Municipality to set quantitative targets which are realistic and attainable given the particular circumstances of Garden District Municipality as an employer.

10.2 Numerical goals must be developed for the appointment and promotion of people from designated groups in order to address under-representation of the designated groups.

10.3 The following factors must be taken into consideration in developing the numerical goals:

- The degree of under-representation of designated employees in the various employment categories at Garden Route District Municipality as determined by the numerical analysis (as per the approved EE Plan).
- The labour turnover rate at Garden Route District Municipality as determined by terminations, and determined quarterly.
- Affirmative action measures as contained in paragraph 9 of the policy.
- **EE demographic targets of the Western Cape**
- **The EEA requires that Garden Route District Municipality establish areas of under-representation of designated groups and then take active measures to correct the under-representation.**
- **The demographic profile of the economically active population (EAP) of the Western Cape is used to determine the numerical targets (annually), numerical goal (five-year target) at the end of the five-year EE Plan as well as the monthly priorities for the filling of posts. The EAP profile of the Western Cape, as supplied**

by Statistics South Africa (Stats SA), is used to set the numerical targets in terms of race and gender for the Garden Route district municipality.

- *In the event that the EE Targets are met, the national demographics be used to promote under-representation of employees from designated groups in each occupational category and level of the Garden Route District Municipality employer's workforce.*
- The purpose of setting numerical goals and targets is to increase the representivity of the designated groups through preferential measures and should not unreasonably restrict access of the non-designated group to opportunity and advancement.

The revised targets are as follows:

NATIONAL TARGETS

- Women at senior management level 50% at SMS level
- Persons with disabilities (PwD"s) 4% at all levels
- Achievement of the numerical targets or goals
- In order to achieve one of the strategic objectives of having a demographically representative workforce, the following factors have to be taken into account:
 - Numerical targets or goal are calculated on the current post structure (permanent and funded posts) of the organisation (vacancies are included).
 - The degree of under-representation of designated groups in each occupational category and level.
 - Current and future economic and financial resources (budget for the filling of vacancies).
 - Labour-market supply and demand has an impact of the achievement of the numerical goals.
 - The population demographics of the Western Cape.

11. CONSENSUS

- 11.1** The representative unions as well as the management structures of Garden Route District Municipality must be involved in the consultation process surrounding the

numerical analysis, the review of employment systems and policies and the drafting of the employment equity plan. The parties must strive to reach a high degree of consensus in the consultation process.

11. Workshops, attended by representative trade unions and management, must be held quarterly which will be utilized as opportunities to consult, inform and educate all parties as to the process to be followed and the roles to be played by parties.

12. BUDGET

Garden Route district municipality is committed yearly to make the necessary funding available to address the short comings on implementing EE objectives and strategies such as buildings, grounds, awareness campaigns on diversity, gender etc. Budget to be compiled by chairperson of EE committee for presentation to EE committee and council.

12.1 DISBURSEMENTS AND EXPENSES

"Garden Route District Municipality" shall reimburse all representatives for all reasonable expenses or disbursements incurred by them provided: -

- ❑ Such expenses are directly related to the duties and tasks entrusted to the representatives; and

"Garden Route District municipality" regards as reasonable, the following expenses:-

- ❑ Reasonable travel and accommodation expenses.

All employment equity representatives will be required to undergo the following compulsory training courses: -

- ❑ Human rights training in terms of the bill of rights
- ❑ Employment equity training on legislative terms and concepts
- ❑ Diversity training
- ❑ Aids training

12.2 ASSIGNMENT OF RESPONSIBILITY

Garden Route District Municipality has nominated the Municipal Manager as Administrative Head in conjunction with the Employment Equity Manager to accept responsibility for the implementation and monitoring of the employment equity process. The Municipal Manager will remain functionally accountable for the implementation of the Employment Equity Process.

13. PROCESS

13.1 DISPUTE RESOLUTION

13.1.1 An employee or union which is dissatisfied with any aspect of the implementation of the Employment Equity process may refer a grievance in this regard to the human resources section at Garden Route District Municipality who then has to inform the person and/or persons responsible for the implementation and monitoring of the Employment Equity process as referred to in paragraph 13.

13.1.2 Once a grievance has been referred to the person and/or persons responsible

- for the implementation and monitoring of employment equity such person or persons must arrange a consultation with the aggrieved parties and the management within 14 days after the referral of the matter to such person or persons. The consultations may be joint consultations or separate consultations at which the person and/or persons responsible for the arrangement of the consultations as previously referred to must act as a mediator between the parties in an attempt to find a mutually acceptable resolution of the dispute

13.1.3 If a satisfactory resolution of a grievance as previously described cannot be found within 30 days after the referral of such dispute to the responsible person, the aggrieved party may refer the dispute to the relevant committee in terms of the relevant acts.

13.2 COMMUNICATION

13.2.1 A copy of all relevant employment equity documents must be kept at the section of human resources for perusal by employees of the municipality.

13.2.2 Circulars, messages and notices on notice boards will be utilized in order to inform all employees of the availability of the Employment Equity Documentation referred in above.

13.3 MONITORING AND EVALUATION

13.3.1 A report detailing the progress with the implementation of employment equity, with specific reference to achievement of numerical goals, has to be compiled every three (3) months by the person with the responsibility for implementation and monitoring.

13.3.2 The above-mentioned report must be made available to all consulting parties for perusal and comment.

13.3.3 That a quarterly report of the EE plan be submitted to the following structures:

- MANCOM;
- Employment Equity Committee;
- Labour Forum

13.3.4 That the following Sub-Committee be appointed:

- The Chairperson of the Employment Equity Committee;
- Executive Manager: Corporate Services; or designee
- HR Manager; or designee
- Chairpersons of the two Trade Unions; or designee's
- Designated Employment Equity Manager;

13.3.5 The following duties shall be assigned to the Sub-Committee mentioned in 13.3.4 above:

To peruse and approve the amended EE targets on a monthly basis. (The second week of the new month).

13.3.6 EE Targets applicable on the day of the closing of the advert will prevail until the appointment is concluded, **If the process (recruitment and selection) exceeds six months, the vacant position will be re-advertised.**

13.3.7 Before any deviation of EE actuals is approved for specific posts by the Municipal manager, it be consulted with the Chairpersons of the EE Committee, SAMWU and IMATU.

14. IMPLEMENTATION OF THE POLICY

The policy shall be implemented after consultation with the employment equity committee and the approval of the municipal manager.

THIS DOCUMENT WAS SIGNED ON THE _____ OF _____ 20__.

MUNICIPAL MANAGER

Union Representative (SAMWU)

Union Representative (IMATU)



DRAFT TRANSFER POLICY

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1. INTRODUCTION AND DEFINITIONS

1.1 Introduction

The Garden Route District Municipality recognizes that staff motivation, productivity and retention are dependent upon people jobs that are well suited to their interest and therefore develop the policy on employee transfer in order to manage the transfer of staff from one position to the other. Transfers are generally effected to build up a more satisfactory work team and to achieve productivity and to increase the effectiveness of the organization.

1.2 Definitions

Transfer is a horizontal or lateral movement of an employee from one job, section, department, shift or one position to another at the same or another place where the salary level, status and responsibility are the same. It can also be vertical or a complete diversification of duties and functions within the municipality. Transfer may be initiated by the employer or the employee.

Operational transfer is a transfer that is initiated by the employer and is aimed at meeting the requirements of the organization.

Versatility transfer is a transfer (also called) rotation is aimed at developing the skills of employees by moving them from one position to the other.

Remedial transfer

This is a transfer that is meant to rectify mistakes that were made during the selection and placement of employees and also aims to implement verdicts taken after an employee was found guilty of misconduct.

Cross transfer is a transfer that is initiated by two employees who are at the same level and who are in possession of relevant qualifications for the crossing positions.

2. PURPOSE AND SCOPE

- To increase versatility and competence of key positions
- To increase the effectiveness of the organization
- To correct incompatibilities in employee relations
- To correct erroneous placement
- To deal with fluctuations in work requirements
- To increase transparency at work
- To implement career-path for a specific staff member
- To groom a staff member for a higher position

The policy is applicable to all employees with the exception of the Municipal Manager, Directors and all employees on a fixed term contract.

3. REFERENCE DOCUMENTS

- 3.1 Labour Relations Act (Act 66 of 1995, as amended)
- 3.2 Basic Conditions of Employment Act (Act 75 of 1997, as amended)
- 3.3 Municipal Systems Act (Act 32 of 2000, as amended)
- 3.4 Municipal Finance Management Act (Act 56 of 2003, as amended)

4. PRINCIPLES

To provide a guideline to deal with transfers in a consistent way

5. CONTENT OF THE POLICY

5.1. TYPES OF TRANSFERS

The following types of transfers will be applicable:-

(a) Operational transfer

This transfer is initiated by the employer and is aimed at meeting the requirements of the organization. The employees who are not fully utilized but efficient, may be absorbed in other place where there is a need for more resources in order to stabilize employment

(b) Versatility transfer

This transfer (also called) rotation is aimed at developing the skills of employees by moving them from one position to the other. This result in the organization having a pool of skilled employees.

(c) Remedial transfer

This is a transfer that is meant to rectify mistakes that were made during the selection and placement of employees. It also serve to implement verdict that was taken after an employee was charged for a misconduct after disciplinary measures were taken against such an employee.

(d) Cross Transfer

This is a transfer that takes place where two staff members of equal rank and position employed at different departments agree to swap their respective employment placement stations.

5.2. CIRCUMSTANCES THAT LED TO TRANSFER OF EMPLOYEES

The following are the reasons that will dictate the transfer of staff from one job, section, department and or position to the other:-

(a) To address operational requirements in order to meet the strategic objectives of the municipality

(b) To implement the disciplinary outcomes that may require the transfer of an employee as a verdict

(c) To address misplacement of employees resulting from mismatch of skills and qualifications

(d) To capacitate employees' skills through the job rotation program in order to have a pool of skilled workers

(e) To avoid monotony in the work of an employee that may influence unethical behaviour

(f) To avoid excess dependency on particular employee, otherwise may affect the purpose of the hierarchy and lose control over subordinates

(g) To create transparency among the employees and their work

(h) To limit taking advantage and sole control over the position or section

5.3. PROCEDURES FOR TRANSFERRING AN EMPLOYEE

5.3.1. TRANSFER FOR OPERATIONAL REQUIREMENTS (Production transfer)

(a) The employer may embark on an employee transfer on the basis of addressing its operational requirements in order to achieve its strategic objectives

(b) Transfer shall not put the transferee in question in a worse situation nor be used as a means to upgrade certain employees

(c) The Head of Department may write to the Executive Manager: Corporate Services motivating that the employee concerned is not fully utilized.

(d) The Executive Manager: Corporate Services shall in consultation with the other directorates identify a department where the employee could be utilized.

(e) On approval by the Municipal Manager, the employee will be transferred to the identified department/division or position where he will be fully utilized.

5.3.2. TRANSFER FOR JOB ROTATION PURPOSES (Versatility transfer)

(a) Job rotation provides for permanent staff to work in different areas of the division/department in order to gain valuable insight in the diverse work of the division/department.

(b) Staff in the same department and on the same rank may desire to be transferred horizontally to another section. In this case managers and the respective staff members and in consultation with the Human Resources must agree, all be by consensus, to such an internal cross transfer arrangements.

(c) The Head of department shall approve the transfer of employees on a rotational program.

(d) The transfer of employees from one position to the other within a division/ department shall not affect their post levels as it aims at capacitating the employees with all the skills required for the department/division.

(e) Transfer in respect of versatile transfer shall be for a period of six months renewable to the maximum of twelve months.

(f) The divisional manager or supervisor shall mentor the transferred employee of the new role he/she has to play.

(g) A report shall be sent to the Head of of that Participating department.

(h) After the agreed period of job rotation has lapsed, the affected employees shall return to their normal duties.

5.3.3. TRANSFER FOR CORRECTION OF SELECTION AND PLACEMENT ERRORS (Remedial transfer)

(a) This transfer is meant to correct the errors in the selection and placement of employees.

(b) The Head of a department will write to the Executive Manager: Corporate Services and request for the investigation of the skills and competencies against those that are required of the job after an indication of poor performance by the employee.

(c) The Executive Manager: Corporate Services will verify the employee's skills, competencies and qualifications required against those that the employee possess and recommend transfer of the positions on the basis of mismatched skills.

(d) If evidence reflect a disparity, the affected employee will be transferred to the position that suits his/her qualification.

(e) At the same time, an employee possessing skills that are not relevant to the position he/she occupies, may agree with another employee who possesses the skills required for his/her current positions for a transfer.

5.3.4 TRANSFER FOR IMPLEMENTING DISCIPLINARY VERDICTS (Remedial transfer)

(a) An employee may be transferred from his/her initial position as a result of the outcome of the disciplinary verdict.

(b) After the processes of the disciplinary hearing, the Executive Manager: Corporate Services will implement the verdict.

(c) A letter will be written to the affected employee mentioning the verdict taken as well as the department and position which he is to occupy.

(d) A memo will also be written to the department which the employee is vacating and also to the new department which he being transferred to.

5.3.5 SWAPING OF POSITIONS (Cross transfer)

(a) A Cross transfer takes place where two staff members of equal rank and position employed at different departments agree to swap their respective

employment placement stations.

(b) This type of transfer does not in any way tamper with the terms and conditions of employment of the staff members and their salaries.

(c) The two staff members desiring to enter into a cross transfer must first agree to enter into this agreement in writing. Once agreed they must then submit their joint written application for a cross transfer to their respective immediate supervisors. The latter will then submit the applications to their Sectional Heads for the necessary approval.

(d) In submitting the written applications for the cross transfer to the Sectional Heads for the necessary approval, the supervisors must include their respective comments with regard to the following:-

(i) That the two staff members are on the same rank and they possess the same skills.

(ii) They must also indicate that the requested cross transfer is in the best interest of both the staff members concerned and if not, reasons must be provided.

(iii) They must also indicate the appropriate period that will be required for handing over and recommend the actual date of the transfer.

(iv) The two Sectional Heads will then submit the application together with their comments and recommendations to the Head of departments as the case may be, and the latter will then in an appropriate manner submit the application for final approval by the Municipal Manager.

5.3.6 **Transfer principles**

- The employee, supervisor, and departmental head to which transfer is envisaged shall consent to the transfer in writing and forward that to the Municipal Manager through Manager Human Resources.
 - Relevant departmental heads and Manager Human Resources shall work out all costs of transfer for the Municipality and the employee, as part of the request forwarded to the Municipal Manager.
 - Municipal Manager shall consider all expenses associated with the transfer envisaged and approve or decline the request on his / her sole discretion.
 - If approved, Manager Human Resources informs relevant departmental heads through memo and by attaching a Letter of Transfer for the employee transferred. The transfer letter shall state all conditions of the transfer, including expenses that the Municipality will cover.
- **IMPLEMENTATION DATE**
 -
 - This Policy will be implemented upon approval by Council.



POLICY NAME: SUBSTANCE ABUSE /DRUG MANAGEMENT POLICY

Date Approved:	DD MM YYYY	Council Resolution (DC No):	DC ????/??/??
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1. Introduction

A workplace substance abuse management policy may be defined as a formal set of principles, guidelines and rules governing the job-related behavior of employers, employees, volunteers with regard to the use, misuse and abuse of substances.

Workplace substance abuse management policies generally serve four goals:

- to increase productivity
- to reduce safety risks
- to improve employee health
- to reduce employer liability

Substance Abuse can impair work performance in two main ways:

- A raised blood substance level while at work will jeopardize both efficiency and safety-for example increased likelihood of mistakes, errors of judgment, increased accident proness. Impairment of skills begins with any significant amount of substances in the body.
- Persistent abuse of substances can lead to a range of social, psychological and medical problems, including dependence, and is associated with impaired work performance and attendance- for example, increased sickness absence. Dependence may be associated with abuse of substances at inappropriate times and places, deterioration of skills and interpersonal difficulties.

Most of these problems are manageable. A Workplace Substance Abuse Policy is a very important instrument for purposes of both preventing and managing such problems.

2. Definitions

- **Alcoholism** - A chronic illness and behavior disorder, characterized by the repeated drinking of alcoholic beverages to an extent that exceeds customary dietary use and/or ordinary compliance with the social drinking customs of the community and/or which interferes with the drinker's physical or emotional health, interpersonal relations or economic functioning (i.e. job performance).
- **Alcohol Related Problem** - For the purposes of this policy, any employee whose use of alcohol interferes with the efficient and safe performance of assigned job duties is considered to have an alcohol related problem. She/he may or may not yet be an acute or chronic alcoholic.

- **Client** - individual/group/family member utilizing the Employee Assistance Program due to personal and/or alcohol related problems.
- **Chemical dependency** – psychological and/or physical dependency from alcohol and/or other drugs
- **Co-dependent** - a relative, close friend or colleague of an alcohol or drug-dependent person, whose actions are defined by the term as tending to perpetuate that person's dependence and thereby retard the process of recovery.
- **Dependence** - A person is dependent on a drug or alcohol when it becomes very difficult or even impossible for him/her to stop taking the drug/alcohol without help after having taken it regularly for some time. Dependence may be physical or psychological or both.
- **Drug** - A drug is any chemical substance that produces physical, mental, emotional or behavioral change in the user.
- **Denial** - is a shorthand term for a wide range of psychological defenses and maneuvers which substance abusers unwittingly set up to protect themselves from the realization that they are, in fact, substance abusers
- **Fitness for Duty** - To report/ be available for duty in a manner suitable for the job. To determine "fitness", a medical evaluation may include drug and/or alcohol testing.
- **In-patient treatment** entails patients remaining in an institution for the duration of the treatment.
- **Intervention** – therapeutic and professional guidance to any employee in order to overcome his/her problem.
- **Intoxication** - refers to the acute effects of excessive amounts of alcohol or other drugs in the body.
- **Out-patient treatment** entails patients attending treatment sessions at a center at scheduled times. This enables patients to continue their normal daily routines.
- **Prevention** – It is appropriate action to counteract the emergency and/or development of unfavorable conditions in a given population/community.

- **Reasonable Cause/Reasonable Suspicion** - Supported by evidence strong enough to establish that a Policy violation has occurred.
- **Prohibited alcohol/drug-related activities** - include the manufacture, transportation, transfer, distribution, sale, purchase, possession, or unauthorized consumption or use of alcohol and other habit-forming drugs.
- **Registered treatment Centers** - A registered center is established, administered and managed by the private sector, for the treatment of drug dependents – mainly voluntary treatment admission. These centers may be private or partially subsidized by the State.
- **Substance abuse** - means the consumption of alcohol and/or other legal drugs, illegal drugs or controlled substances, by a person, which interferes with his/her work, performance or ability to do the work and/or his/her relationships at work.
- **Substance Dependence** - is a clinical diagnosis characterized by specific physiological and behavioral symptoms caused by a pattern of pathological substance use that lead to personal distress or significant impairment in social or occupational functioning.
- **Treatment** - is a process aimed at the promotion of the quality of life of the drug dependent and his/her system (husband/wife, family members and significant other persons in his/her life) with help of a multi-professional team.
- **Treatment center** - is established, maintained and managed by the State for the treatment of drug dependents: Admission can be voluntary or statutory.
- **Under the influence** - means the use of alcohol, drug, and/or a controlled substance to the extent that the individual:
 - is unable to perform their work in a safe, productive manner, or
 - is in a physical or mental condition that poses a risk to the safety/security and well-being of the individual, co-workers, customers, suppliers, the general public, the Garden Route District Municipality properties or
 - Has a level of such substance in his/her body, which corresponds with or exceeds accepted medical/legal standards.
- **Well-being**- a positive state of physical and emotional wellness
- **Work performance** - To conform to the reasonable expectation of management, including availability for work and levels of conduct and behavior.

3. Legal Framework

The Constitution of S.A. , Act 108 of 1996
 National Road Traffic Act No. 93 of 1996 (NRTA) L.S
 Prevention and treatment of Drug Dependency Amendment Act, Act no 14 of 1999,
 Prevention and Treatment of Drug Dependency Act 20 of 1992
 Criminal Procedure Act, 1977 (Act 51 of 1977)
 Hazardous Substance Act No. 15 of 1973 and Regulations
 The Mental Health Act
 Labour Relations Act, Act no 66 of 1995,
 Labour Relations Act, Act no 66 of 1995,
 Employment Equity Act, Act no 55 of 1998,
 Basic Conditions of Employment Act, Act no 75 of 1997,
 The Compensation for Occupational Injuries and Diseases Act, Act no 130 of 1993,
 The Occupational Health & Safety Act No 85 of 1993 and Regulations
 Drugs and drug trafficking Act No 140 of 1992

4. Purpose of this Policy

The purpose of this policy is to balance the respect for individual's rights with the need to maintain a safe, productive and drug-free environment.

The intent of this policy is to offer a helping hand to those who need it while sending a clear message that the abuse of substances is incompatible with expected behavior of an employee of the GARDEN ROUTE DISTRICT MUNICIPALITY.

- The objective of this Policy is to identify and remove the adverse effects of substance abuse on job performance, and to protect the health and safety of our employees by providing education and treatment.
- To define corporate responses to violations of the policy, including progressive discipline procedures and a treatment option in some instances.
- To define employer and employee responsibilities with regard to prevention of substance abuse problems.
- By defining standards of behavior and by providing educational programs to create an awareness of alcohol-related problem.
- To prepare individuals to act responsible.

4.1 Aim of this policy

The aim of this substance abuse management policy and comprehensive alcohol programmed is:

- to promote the sensible and appropriate use of alcohol and other substances among employees, as it relates to the workplace;

- to encourage and assist employees who suspect or know that they have a problem with alcohol or other substances to seek help, in confidence, at an early stage;
- to encourage senior staff and supervisors to offer referral to the **GARDEN ROUTE DISTRICT MUNICIPALITY**'s Employee Assistance Program section for specialist help to those members of staff who request support, or whose work performance may be affected by the inappropriate use of alcohol and/or substances;
- to protect **GARDEN ROUTE DISTRICT MUNICIPALITY** employees and the public from the potential adverse effects of inappropriate use of alcohol and/or substances;
- to provide mechanisms for the early detection and treatment of persons who may have an alcohol or other substance problem;
- Procedures for defining the role and responsibilities of management when dealing with alcohol or substance abuse problems at work.

4.2 Scope of this Policy

This policy applies to all employees in the Garden Route District Municipality.

This policy regulates the effects of alcohol and other substances in the workplace and accordingly is restricted to employees of the **GARDEN ROUTE DISTRICT MUNICIPALITY**. This policy is aimed at ensuring that employees at all levels who may be struggling with alcohol or substance abuse have an opportunity to obtain professional assistance and that random testing may be performed by the employer.

5. POLICY STATEMENT

Garden Route District Municipality is committed to providing a safe work environment and to fostering the well-being and health of its employees. That commitment is jeopardized when any Garden Route District Municipality employees come to work under the influence of alcohol or other substances or abuses alcohol on the job.

5.1 POLICY PRINCIPLES

- The Garden Route District Municipality shall implement a comprehensive drug and alcohol abuse education program. As part of that program, information will be provided on the availability of Employee Assistance Program services to assist employees.
- Alcoholism and other drug addictions are recognized as diseases responsive to proper treatment, and this will be an option as long as the employee cooperates. Regard an alcohol and substance abuse problem as a health problem rather than being an immediate cause for discipline or dismissal.

- Being under the influence of alcohol or substance abuse in the workplace is prohibited.
- Ensure managers receive appropriate training to implement the policy.
- Where a staff member, having been encouraged to seek assistance for an alcohol or other drug problem, fails to do so, that staff member should understand that normal disciplinary procedures will be applied to redress the problem of impaired work performance.
- Employees who may seek assessment or treatment for an alcohol or substance abuse problem should be encouraged to follow through with treatment.
- In doing so:
 - they will not jeopardize job security, promotional opportunities and the conditions of service,
 - As with other illnesses, their medical records will be treated in confidence.

5.2 EMPLOYEE ASSISTANCE PROGRAMME (EAP)

The Human Resources Section maintains an Employee Assistance Program to assist employees with personal problems, including those related to alcohol and substance abuse/dependence, which has an impact on workplace performance.

Hence the EAP policy provision and procedure is applicable in the identification, referral and treatment of employees with substance abuse / dependency problems.

The EAP will provide employees and their families with confidential, professional assessment and referral for assistance in resolving or accessing treatment for addiction to, dependence on, or problems with alcohol, drugs, or other personal problems adversely affecting their job performance.

Confidential assessment and referral services will be provided without cost to the employee or family member. The cost of treatment, counseling or rehabilitation resulting from EAP referral will be the responsibility of the employer or the employee's medical aid.

When documented job impairment has been observed and identified, a supervisor may recommend participation in the EAP. Any action taken by the supervisor, however, will be based on job performance. Supervisor referrals to the EAP will include employee's release of information consent form to be returned to the company supervisor by the EAP. Refusal to participate in, or failure to complete the EAP-directed program, will be documented. Should job performance not improve after a reasonable amount of time, the employee is subject to progressive corrective action up to and including termination of employment.

Self-referral by employees or family members is strongly encouraged. The earlier a problem is addressed, the easier it is to deal with and the higher the success rate. While self-referral in itself does not preclude use of corrective actions, participation in an EAP-

directed program may enable the supervisor to allow time for completion of such program before initiating or determining additional corrective actions.

EAP-related activities, such as referral appointments, will be treated on the same basis as other personal business or health matters with regards to use of sick leave.

Confidentiality is assured. NO information regarding the nature of the personal problem will be made available to supervisors, nor will it be included in the permanent personnel file.

Participation in the EAP will not affect an employee's career advancement or employment, nor will it protect an employee from disciplinary action if substandard job performance continues. The EAP is a process used in conjunction with discipline, not a substitute for discipline. An employee through self-referral or through referral by a supervisor can access EAP. Information will be distributed about the EAP to employees for their confidential use.

5.3 REFERRAL OUTCOMES

- Employees referred under these procedures accept and are accepted by Garden Route District Municipality as having had performance problems because of the misuse of alcohol or other substance abuse. Any disciplinary action that might have been pending as a result of alcohol or substance abuse problems will be held in abeyance pending the outcome of the referral program.
- If, as a result of the referral program, the employee is able to sustain a return to working at an acceptable level of performance, references to pending disciplinary action will be deleted. The period of sustained evidence of a successful outcome of the referral program will normally be two years.
- Employees who embark on, but refuse to follow, the referral program will be dealt with under the normal disciplinary procedure.
- Employees who return to working at an acceptable standard but whose performance again deteriorates as a result of alcohol or substance abuse-related problems may, if appropriate, be given further opportunities under the referral procedures. It should be noted, however, that the opportunities to deal with problems created by alcohol misuse or substance abuse under the referral procedures would not be unlimited. If an employee appears incapable of dealing with the problem, the Garden Route District Municipality may/will take steps to terminate the employment on the grounds of capability and/or disciplinary procedures.

5.4 INFORMATION, EDUCATION AND TRAINING

In actualizing the Substance Abuse Management Policy, the employer should introduce alcohol and drug awareness education and training for the workforce as a whole. It should also provide training for management and supervisors in particular with the skills to

identify and address employees with the problem themselves or suffering due to some other employees drug and alcohol misuse.

Garden Route District Municipality will provide drug and alcohol awareness information to all employees. This will include the Garden Route Municipality policy on SUBSTANCE ABUSE MANAGEMENT, information on the magnitude and dangers of drug and alcohol abuse, and the availability of counseling and treatment through the Employee Assistance Program.

5.5 DISPLAYS

During the training, a display stand that can be available, with posters, leaflets and handouts giving information on:

- The nature and effects of alcohol.
- The health and safety implications of drinking at work.
- Sensible drinking guidelines.
- Where to go for further information and support for an alcohol and substance abuse-related problems.

5.6 IMPLEMENTING A SUBSTANCE ABUSE MANAGEMENT POLICY - A TRAINING PROGRAMME

A Training Program will be implemented for staff and may include the following aspects:

- Exploring and understanding the effects of alcohol or substance abuse in the workplace.
- Exploring and understanding attitudes to alcohol or substance abuse.
- Identifying alcohol or substance abuse problems in the workplace - signs and symptoms
- Implementing the substance abuse management policy
- Putting procedures into practice
- Confidentiality
- Identifying support
- Referrals

5.7 ALCOHOL AND SUBSTANCE AWARENESS

A commitment to providing employees with employee assistance program information during induction and on-going awareness program

6. DRUG AND ALCOHOL TESTING

6.1.1 Employee Testing:

All employees may be required to submit to testing under the specific guidelines described in this Policy.

6.1.2 Post-Accident Testing:

Drug and/or alcohol testing, concurrent with treatment for injury or as soon as practicable after non-injury property damage, will be required if the employee:

(1) Has sustained a personal injury or caused a co-worker or any other person to be injured or

(2) Has caused a work-related accident or was operating or helping to operate machinery, equipment, or a vehicle involved in a work-related accident or in damage to property.

6.1.3 Reasonable Suspicion Testing:

Drug and/or alcohol testing may be required if an employer has a "reasonable suspicion, and the act must be imminent" based on specific facts and rational inferences from those facts, that an employee:

(1) Is under the influence of drugs or alcohol or

(2) Has violated the Garden Route DM's written work rules against the use, possession, sale, or transfer of drugs, alcohol, or inhalants.

6.1.4 Random Testing:

At the discretion of Garden Route DM management, employees may be required to participate in random, spot-check drug screens.

Drug tests are unannounced and every employee has an equal chance of being selected for testing.

6.1.5 Testing Procedures:

- a. Testing of employees will be conducted either during the employee's workday or immediately thereafter. Employees will be compensated for this time at their regular rate of pay.
- b. The Garden Route DM may use Breathalyzers or any other testing procedures to detect alcohol use or influence by employees while on duty. If alcohol use or impairment is suspected, an employee should be treated in the same fashion as other employees subject to for-cause investigations.

- c. All applicants and employees who are requested to submit to testing will be directed to report to a laboratory OR Medical practitioner selected by the GRDM for the purpose of testing including, without limitation, providing a urine, blood, or hair specimen for testing.
- d. Specimen collection will be performed by the laboratory's personnel and will be conducted in accordance with state, and local requirements to guard the integrity of the specimens, maintain the chain of custody, and ensure the tests are treated as confidential and distribution limited to those having a "need to know."
- e. Testing of the specimen will be performed by a certified laboratory. The method of initial testing used will be EMIT immunoassay. In the event the initial test results are positive, the laboratory will perform a second test on the same specimen to confirm the test results. The confirmation test method used will be GC/MS (gas chromatography/mass spectrometry). Except as otherwise provided in this policy, all initial and confirmation tests will be performed at the expense of the Garden Route District Municipality.
- f. Positive test results will be reviewed by the laboratory's or medical practitioner who will interpret and evaluate the test results together with the individual's medical history and any other relevant information. Applicants and employees will have the right to provide the MRO with any information the applicant or employee believes may affect the outcome of the test.

6.2 TESTING METHODS

The Garden Route District Municipality reserves the right to test for the presence of the following drugs and alcohol at the levels indicated on the following chart:

DRUG CLASS	URINE- NG/ML	HAIR - NG/GM
Alcohol	0.04%	-
Amphetamine/Methamphetamine	1,000	500
Barbiturates	200	-
Benzodiazepines	200	-
Cocaine Metabolite	300	500
Marijuana Metabolite	50	5
Methadone	300	-
Methaqualone	300	-
Opiates	300	500
Phencyclidine ("PCP")	25	300

- 6.2.1 Any individual whose test result indicates the presence of alcohol or drugs at or above the levels shown in any of the classes of drugs listed above will be considered to have a positive test.
- 6.2.2 No prescribed drug shall be brought on Garden Route DM premises by any person other than the person for whom the drug is currently prescribed by a licensed medical practitioner and shall be used only in the manner, combination, and quantity prescribed.

6.2.3 Garden Route DM will not tolerate on-premises or on-duty use, possession, or distribution of illegal drugs or alcohol or the abuse of inhalants. Employees who use these substances off duty and report for work under their influence may be to disciplinary proceedings.

6.2.4 The illegal use, sale, trade, or delivery of a drug or controlled substance or the illegal possession of same on or off duty is cause for proceedings.

6.2.5 At the request of the Garden Route DM, based on reasonable suspicion or evidence of illegal sale, possession, or use of controlled substances, employees must submit to a search of items within the employee's work area and any personal vehicle brought on Garden Route DM premises or worksites or used on Garden Route DM business.

7. ROLES AND RESPONSIBILITIES

Every employee must take on some responsibility in making this policy work. The roles defined below are intended as guidelines.

7.1 ROLE OF STAFF IN A MANAGERIAL OR SUPERVISORY CAPACITY

- To set a good example to their subordinates and students and others;
- To be familiar with policies and procedures;
- To ensure that their subordinates and students understand the policy and their own responsibilities;
- To be alert to, and monitor changes in work or study performance, attendance, sickness and accident patterns;
- To take an objective and non-judgmental approach when counseling or interviewing employees or students;
- Reviewing employees' or students' progress who are in a programme of assistance;
- To refer employees or students for assistance as appropriate;
- To identify any aspects of the environment which could lead to substance abuse and, if possible, change them;
- To intervene early where there are signs of problems.

7.2 ROLE OF EMPLOYEES

- To find out about drugs, alcohol and other misuse able substances and their social, health and employment effects;
- To avoid covering up or colluding with colleagues;
- To encourage colleagues to seek help if they have problems arising from substance misuse or refer the matter to a supervisor;

- To seek help if they themselves have problems with substance abuse;
- To be familiar with the policy and procedures;

8. POLICY REVIEW

The policy will be reviewed annually

9. LEGISLATION REFERENCES

- 9.1 **Labour Relations Act**, Act no 66 of 1995, **the Code of Good Practice: Dismissal**, where advice must be given to troubled employees on obligation regarding counseling prior to dismissal.
- 9.2 **Labour Relations Act**, Act no 66 of 1995, Incapacity: ill health or injury, dismissal depends on the degree of incapacity and alternative position should be considered in case of incapacity to perform normal job. Dismissal on grounds of misconduct, Dismissal on grounds of poor work performance, Dismissal on grounds of incapacity
- 9.3 **In terms of the Labour Relations Act**, Act no 66 of 1995 in Section 89(2), An employer is not required to disclose information:
- That is legally privileged;
 - that the employer cannot disclose without contravening a prohibition imposed on the employer by any law or order of any court;
 - that is confidential and, if disclosed, may cause substantial harm to an employee or the employer; or
 - that is private personal information relating to an employee, unless that employee consents to the disclosure of that information.
- 9.4 **Employment Equity Act**, Act no 55 of 1998, promotes equal opportunity and fair treatment through the elimination of unfair discrimination. Testing of employees for drugs is prohibited. This act also addresses the issue of disclosure of information and enhancement of confidentiality.
- 9.5 The **Basic Conditions of Employment Act**, Act no 75 of 1997, ensure working conditions of unorganized and vulnerable workers meet minimum standards. It removes rigidities and inefficiencies from regulation of minimum conditions of employment and promotes flexibility.
- 9.6 The **Compensation for Occupational Injuries and Diseases Act**, Act no 130 of 1993, provides for compensation for disablement caused by occupational injuries or diseases sustained or contracted in course of employment or death. Advice must be given to traumatized clients regarding claims.

9.7 **The Occupational Health & Safety Act No 85 of 1993 and Regulations** (OHSACT)

- In terms of section 10(1) of OHSACT, An employer is not permitted to allow any person who is or who appears to be under the influence of intoxicating liquor or drugs, to enter or to remain at the workplace.
- In terms of section 8(1) of OHSACT, Every employer shall provide and maintain a working environment that is safe and without risk to the health of his/her employees..

This act places a duty on employers to ensure the health, safety and welfare of their employees. They must ensure that employees do not injure themselves or endanger the public or colleagues. This has particularly relevance to alcohol and substance use and the use of machinery or vehicles.

Employees should also take reasonable care of themselves and others who could be affected by their actions whilst at work. Experiences of industrial tribunals show that dismissal of employees with an alcohol problem without appropriate investigation or where policies are unclear can be ruled as unfair.

9.8 **The Occupational Health & Safety Act No 85 of 1993 and Regulations** (Regulations)

According to the regulations, employers may use alcohol breathalyzer tests to conclude whether employees are under the influence; and employees should comply with such request from their employers:

Section 14: "General Duties of Employees at work" states:

Every employee shall at work –

"(b) as regards any duty or requirement imposed on his/her employer or any other person by this Act, co-operate with such employer or person to enable that duty or requirements to be performed or complied with.

And in (c): - every employee shall at work - carry out any lawful order given to him/her and obey the health and safety rules and procedures laid down by his/her employer."

BREATHALYZER

A 'breathalyzer' measures the level of alcohol in the breath. This is convenient and inexpensive.

9.9 **The Constitution of S.A. 108 of 1996**

The use of "breathalyzer tests" in the workplace Although it may be seen as if using a breathalyzer at work is a contravention of the right to privacy provided in the Constitution, it is justified in terms of section 33(1) In terms of section 33(1) of the Constitution, rights can be limited.

Such limitation shall be permissible only to the extent that it is -

- (i) reasonable; and
- (ii) justifiable in an open and democratic society based on freedom and equality.

In this case the law of general application is the Occupational Health and Safety Act. It is reasonable and justifiable to use breathalyzer test in a non-discriminatory way in order to protect employees from the abuse of alcohol and intoxicating substances.

Furthermore, the Constitution stipulates that the right to "Life", which embraces the need to be safe. The same principle applies here.

9.10 National Road Traffic Act No. 93 of 1996 (NRTA)

In terms of the NRTA, Any person driving, or attempting to drive, a motor vehicle whilst unfit to drive through alcohol use can be prosecuted under this act. This includes driving as part of work duties.

9.11 The **Prevention and treatment of Drug Dependency Amendment Act**, Act no 14 of 1999, outlines the services to be rendered to assist persons who are dependent and addicted to drugs and alcohol.

9.12 Prevention and Treatment of Drug Dependency Act 20 of 1992 Statutory Treatment:

The programme implies that the drug-dependency treatment must be implemented as stipulated in the Act. Section 21(1) gives a description of the typical person who is identified for treatment, namely, someone who:

"is dependent on drugs and in consequence thereof squanders his means or injures his health or endangers the peace or in any other manner does harm to his own welfare or the welfare of his family or fails to provide for his own support or for that of any dependent who he is legally liable to maintain."

9.13 Criminal Procedure Act, 1977 (Act 51 of 1977)

A person may also be referred to a treatment center in terms of section 296 of the Criminal Procedure Act, 1977 (Act 51 of 1977) if the court concludes from evidence or any other information placed before it that such a person as defined in section 21(1) of the Prevention and Treatment of Drug Dependency Act, 1992 (Act 20 of 1992

9.14 Hazardous Substance Act No. 15 of 1973 and Regulations

9.15 The Mental Health Act

10. Acknowledgement & Approval

MM Approval:

Date:

Council Approval:

Date:

11. Annexures

None



**FUNERAL/MEMORIAL SERVICE
POLICY (AMENDED)**

CONTENTS

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- Definitions 3
- Policy 3
- Process 4
- Implementation and monitoring 4
- Consulted and approved 5

1. PURPOSE

The purpose of this policy is to set guidelines to take time-off for attending memorial services and funerals in the case of death of councillors and colleagues, excluding "family responsibility leave".

2. DEFINITIONS

- 2.1 Words indicating the masculine gender shall include the feminine gender.
- 2.2 All references to days shall be working days.
- 2.3 Time-Off refers to the service and travel time to and from the funeral/memorial service.
- 2.4 Memorial service is a ceremony remembering and honouring a colleague/councillor that has passed away.
- 2.5 Funeral service is a ceremony that takes place prior to the burial or cremation of the body of a colleague/councillor that has passed away and it may include the actual burial service.

Day – **"means Monday to Friday, excluding public holidays, unless indicated otherwise by the context"**

Employee – **"means any person, excluding an independent contractor who works for another person or for the state and who receives, or is entitled to receive, any remuneration" (as per employment equity act 55 of 1998) – "(b) means any other person who in any manner assists in carrying on or conducting the business of an employer"**

employer - **"means Garden Route District Municipality"**

workplace - **"means the employer"**

3. POLICY

Employees will be granted two (2) hours time-off to attend a memorial service or funeral of a councillor/colleague on condition that limited numbers of employees leave the office

and uninterrupted services are still available to the public.

Leave or overtime due must be submitted for time-off exceeding the (2) two hours time – off for attending the memorial service or funeral. Prior approval must be obtained for such time-off.

4. PROCESS

Two (2) hours will be granted to employees attending a memorial service or funeral. Annual leave or overtime due must be submitted and approved for time-off exceeding two (2) hours.

The relevant ESS (Employee Self Service) transaction must be submitted prior to taking the time-off and also the application for leave or overtime due should the time-off exceed two hours.

The following policy guidelines are proposed in the event of the death of a councillor/employee.

- (i) The initiative to hold a memorial service is initiated and arranged by the relevant Head of Department or assignee;
- (ii) Employees from the particular section would be permitted to attend the memorial service;
- (iii) Employees from other sections or departments must obtain permission timorously from their relevant Head of Department to attend;
- (iv) The relevant Head of Department should ensure that sufficient staff members remain on duty to ensure a full uninterrupted service is rendered. Special care must be taken that essential services are not interrupted;
- (v) **Municipal transport will only be provided during normal working hours to the memorial service that is facilitated by the relevant department.**
- (vi) **A municipal hall will be provided for the memorial service, at Council's expenses, only during office hours.**
- (vii) **The arrangements of any memorial or funeral should be aligned with any applicable legislation or directive issued by National Government, meaning all protocols in regard to COVID-19 Funeral Regulations/Rules must be adhered to.**
- (viii) **The employer (Garden Route District Municipality) shall not be held liable for any act/damage/loss or omission to an employee or third party as a result of any non-adherence of employees to the COVID-19 Funeral Regulations/Rules. Employees attending funerals/memorials will do so at their own risk.**

5. IMPLEMENTATION AND MONITORING

This policy will be implemented and effective once recommended by the Local Labour Forum and approved by Council.

5.1 COMMUNICATION

This policy will be communicated to all Municipal employees using the full range of communication methods available to the Municipality.

5.2 POLICY REVIEW

This policy will be reviewed annually and revised as necessary.

5.3 BUDGET AND RESOURCES

The financial and resource implication/s related to the implementation of this policy should be qualified and quantified.

5.4 ROLES AND RESPONSIBILITIES

The Municipal Manager or his/her delegate accepts overall responsibility for the implementation and monitoring of the policy.

5.5 PENALTIES

Non-compliance to any of the stipulations contained in this policy will be regarded as misconduct, which will be dealt with in terms of the Disciplinary Code.

5.6 DISPUTE RESOLUTION

Any dispute arising from this policy due to ambiguous wording or phrasing must be referred to the Local Labour Forum for adjudication. Resolutions from the Local Labour Forum must be incorporated into the policy.

This document was signed on the _____ of _____ 20__.

Municipal Manager

Union Representative (SAMWU)

Union Representative (IMATU)



DRAFT GENDER MAINSTREAMING POLICY

Date Approved:	DD MM YYYY	Council Resolution (DC No):	DC ?/?/?/?/?/?/?/?
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1. Policy Statement

This Gender Mainstreaming Policy of Garden Route District Municipality (GRDM), as a Local Government Institution, serves the purpose of establishing guidelines, best practices and a clear path to follow for transforming the workforce through redressing past injustices and current inequalities. Furthermore, it specifically relates to creating an environment where employees are sensitive to gender equality. Lastly, the contents of this document align to the prescripts of the Constitution of South Africa and the Bill of Rights.

2. Introduction and Background

The lack of gender mainstreaming in the workplace, be it in the public or private sector, is a major shortcoming and concern for South Africans. It is therefore of vital importance to pen down the municipality's views and approach to implementing specific and measurable actions to follow in order to achieve a gender-transformed workforce. The outcome of the success of this policy will require the participation, commitment and contribution of every single employee of GRDM.

Gender equality and equity, as two strategies, are both intended to produce fairness. Equity in terms of a gender approach means to provide opportunities for people to become successful, while equality is treating everyone the same.

When discussing gender, it is important to take into account the physiological (a person's understanding of the meaning to his or her own life of being male or female) and biological (male, female, hermaphrodite, female pseudohermaphrodites and male pseudohermaphrodites) attributes assigned by nature.

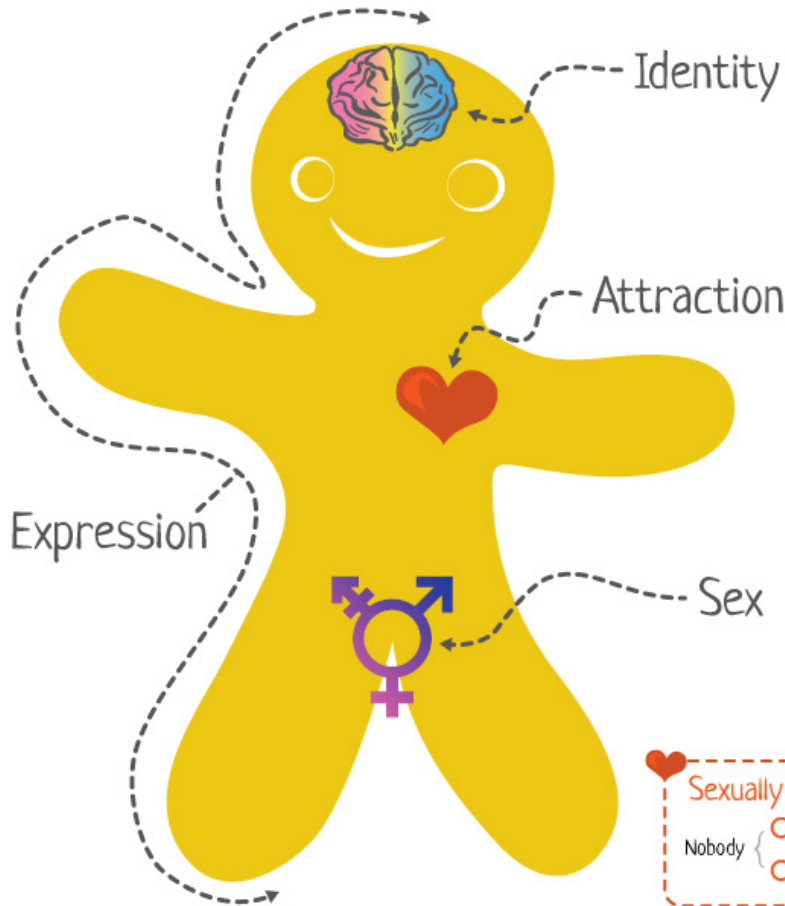
A visual representation of what gender is has already been produced. Find it below:

The Genderbread Person

Gender is one of those things everyone thinks they understand, but most people don't. Like *Inception*. Gender isn't binary. It's not either/or. In many cases it's both/and. A bit of this, a dash of that. This tasty little guide is meant to be an appetizer for gender understanding. It's okay if you're hungry for more. In fact, that's the idea.

Plot a point on both continua in each category to represent your identity; combine all ingredients to form your Genderbread

4 (of infinite) possible plot and label combos



Gender Identity

Indicates a lack of what's on the right.

Woman-ness

Man-ness

How you, in your head, define your gender, based on how much you align (or don't align) with what you understand to be the options for gender.

Labels: "woman", "man", "two-spirit", "genderqueer"

Gender Expression

Feminine

Masculine

The ways you present gender, through your actions, dress, and demeanor, and how those presentations are interpreted based on gender norms.

Labels: "butch", "femme", "androgynous", "gender neutral"

Biological Sex

Female-ness

Male-ness

The physical sex characteristics you're born with and develop, including genitalia, body shape, voice pitch, body hair, hormones, chromosomes, etc.

Labels: "male", "female", "intersex", "MtF Female"

Sexually Attracted to

Nobody

Women/Females/Femininity

Men/Males/Masculinity

Romantically Attracted to

Nobody

Women/Females/Femininity

Men/Males/Masculinity

In each grouping, circle all that apply to you and plot a point, depicting the aspects of gender toward which you experience attraction.

Although South Africa's definition of goals towards achieving "gender equality" is guided by a vision of human rights which incorporates acceptance of equal inalienable rights of all women and men, it does not go into much detail about sexual expression, orientation or identity – categories of gender equally important to biological sex.

The above well-known figure known as the "gender-bread person", explains, in short, the following:

Gender Identity – How you, in your head, define your gender, based on how much you align or don't align with what you understand to be options of gender.

Gender Expression – The ways you present gender, through your actions, dress, and demeanour, and how those presentations are interpreted based on gender norms.

Biological sex – The physical sex characteristics you are born with and develop, including genitalia, body shape, voice pitch, body hair, hormones, chromosomes, etc.

Sexual orientation – Romantically attracted to men, masculinity or women, femininity. Sexually attracted to men, masculinity, or men, masculinity.

3. Legal Framework

The policy acknowledges the following legal documents, policies, and gender development plans of South Africa.

- Constitution of the Republic of South Africa (Act No 108 of 1996)
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) ratified by SA in 1995.
- Beijing Declaration and Platform for Action (1995)
- SADC Declaration on Gender Development and Addendum on Violence against Women
- Labour Relations Act (1996)
- International Labour Organisation (ILO)
- The Basic Conditions of Employment Act (1998)
- Employment Equity Act (1999)
- Skills Development Act (1999)
- The White Paper on Local Government (1998)
- Local Government Municipal Systems Act (Act No 32 of 2000)
- South African's National Policy Framework for Women's Empowerment and Gender Equality (2002)

4. Scope of this Policy

This policy applies to all Garden Route District Municipality's employees, permanent employees, prospective employees, contract employees and political office bearers.

5. Policy Goals and Objectives

Goals and objectives are interrelated. The goals are the final results, whereas the objectives are specific results that will help the organisation to achieve its goals.

Goal	Objective
Equal treatment and a workplace free of discrimination against gender	<ul style="list-style-type: none"> • Equal Pay for equal work • Equal access to training opportunities • 4% of workplace placements
Eradicate all forms of harassment	<ul style="list-style-type: none"> • Sexual Harassment Policy • Employment Equity Policy • Gender Transformation Policy • Disability Policy
Create a gender-sensitive environment and organisational culture	<ul style="list-style-type: none"> • Provide Gender Education • Provide Gender Awareness
Balance gender appointments in straight male-dominated professions and positions with all gender categories	<ul style="list-style-type: none"> • Provide Mentorship opportunities / acting • Access Training Opportunities
Implement Employment Equity Targets with a future-planning-based approach	<ul style="list-style-type: none"> • Make use of age categories in terms of EE planning (18 – 30, 31 – 39, 40 – 50, 51 – 65) • Implement succession planning in for EE • Represent managers at all age group levels according to race and gender, in line with EE targets • Include sexual orientation and age groups in the EE targets
Roll-out successful succession planning to the rest of the organisation	<ul style="list-style-type: none"> • Assigning employees with the necessary potential and attributes the opportunity to form part of a mentor under a mentorship programmes

Goal	Objective
	<ul style="list-style-type: none"> • Appoint various gender-minorities in acting or understudy capacity. • Determine key positions according to reporting lines, Level 1 = Executive Management, Level 2 = Sections, level 3 = sub-sections, etc.

6. Policy Principles

The policy is constructed on the following guiding principles:

- a. The Constitution of South Africa should be used as a guiding document to ensure equality of all persons regardless of race, age, sex, sexual orientation, gender expression, sexual identity.
 - b. Rights of women, disabled and LGBTI people must receive the attention and respect it requires.
 - c. Economic Empowerment of women, disabled and LGBTI people must be upheld.
 - d. Gender justice and sensitivity must be included as a principle that guides employee succession.
 - e. Fairness of treatment of all genders, including equal opportunities to training and resources, must be promoted.
 - f. Fairness in the treatment of different categories of gender.
-

7. Implementation Strategy

This Implementation strategy will be rolled out at the Garden Route District Municipality and we wish to achieve a more Gender responsive and gender sensitive workplace for the 2020/2021 financial year. This Implementation plan will make use of the 8 Principles of Gender equality, whereas principle 1 will be rolled out before the end of June 2020.

Implementation Strategy to Operationalise Gender Mainstreaming			
Principle 1	Recommended Actions, Tools & methodologies to implement principle 1	Time Frame	Implementation
Transformation for non-sexism	<p>Step 1: Appointment of a Gender focal person to run the action plan (adjust the HR Practitioner: EAP job description or appoint a Gender Officer)</p> <p>Step 2: A Gender policy should be drafted for approval by Management, LLF and Council.</p> <p>Step 3: Gender related objectives should be reflected in the IDP and SDBIP</p> <p>Step 4: Explain gender compliance requirements to employees</p> <p>Step 5: Identify all municipal policies that need to be adjusted</p>	Before end June 2020	<p>Objectives of the activities:</p> <p>Buy-in from Councillors, Management and Supervisors; Unions</p> <p>Behavioural change</p> <p>Responsibility: HR and Senior Management</p> <p>Resource requirements:</p> <p>Budget</p> <p>Human capital</p> <p>Equipment</p>

	<p>to include matters of gender-sensitivity</p> <p>Step 6: A budget for gender programmes should be created;</p>		
Principle 2	Recommended Actions, Tools & methodologies to implement principle 2	Time-frame	Implementation
<p>Establishing a Policy environment and standard operating procedures for gender equality and women empowerment</p>	<p>Step 1: Appoint an assistant Employee Assistance Practitioner</p> <p>Step 2: Refreshment session of gender-sensitivity issues</p> <p>Step 3: Roll out awareness material to employees, including more articles in newsletters</p> <p>Step 4: Involve the EE and EAP Committee to assist with Gender awareness/education within their different departments</p>	<p>July 2020 – December 2020</p>	<p>Objectives of the activities: Women and men Sensitized</p> <p>Responsibility: Gender focal person</p> <p>Resource requirements: Pamphlets, posters, venues for information sessions; budget</p>

Principle 3 Meeting equity targets (January – June 2022)

Principle 4 Creating an enabling environment (July – December 2021)

Principle 5 Establish Gender Mainstreaming as a strategy to achieve Gender equality (January – June 2022)

Principle 6 Utilize empowerment strategies to advance women and gender equality (July – December 2022)

Principle 7 Providing adequate resources (Continuous) **Principle 8** Accountability, monitoring and evaluation (Continuous)

8. Policy Evaluation and Review

Monitoring and Evaluation are essential in determining on a regular basis how a project is progressing. The monitoring and evaluation will assist in reaching the objectives as set out in this policy. This policy will be monitored by the Gender Focal person within the Human Resource Management Department. The Gender Mainstreaming policy will be reviewed every three years for improvement if it is concluded that this policy is not achieving the desired results. However if it is not necessary to review the policy, evidence of such a decision should be documented.

9. Budget and Resources

The financial and resource implication/s related to the implementation of this policy should be qualified and quantified.

10. References

Basic Conditions of Employment Act (1998), www.gov.za

Beijing Declaration and Platform for Action (1995). Beijing Declaration and Platform for Action. www.un.org.

Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1995. <https://www.unwomen.org>

Garden Route District Municipality Gender Empowerment Policy, 28 July 2015. www.gardenroute.gov.za

Garden Route District Municipality IDP (2019), Garden Route District Municipality's Integrated Development Plan 2019/2020. www.gardenroute.gov.za

Garden Route District Municipality Employment Equity Policy (2017) www.gardenroute.gov.za

National Development Plan 2030, www.gov.za

National Gender Policy Framework, www.environment.gov.za

National School of Government 2016, Learner Guide: Mainstreaming Gender in the Public Service. NSG: Pretoria

South African's National Policy Framework for Women's Empowerment and Gender Equality (2002)

White Paper on Local Government, 1998. Republic of South Africa.

11. Procedure for non-compliance

Non-compliance to any of the terms contained in this policy will be regarded as misconduct, which will be dealt with in terms of legislation, appropriate collective agreements and policies.

12. Dispute Resolution

The dispute resolution procedures as provided for in terms of the SALGBC dispute resolution procedures, must be followed, where disputes arises in terms of this policy

13.1 Glossary of Terms

"Discrimination" is the direct or indirect unjust or prejudicial treatment of different categories of people, especially on the grounds of race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.

"Expression" refers to Feminine, Androgynous, and Masculine

"Gender" refers to the comparative relational or differential roles and responsibilities of men and women that are created in our families, society and cultures. Gender is not the same as sex.

"Gender mainstreaming" refers to a globally accepted strategy for promoting gender equality. Mainstreaming is not an end in itself but a strategy, an approach, a means to achieve the goal of gender equality. Mainstreaming involves ensuring that gender perspectives and attention to the goal of gender equality are central to all activities - policy development, research, advocacy/ dialogue, legislation, resource allocation, and planning, implementation and monitoring of programmes and projects.

"Identity" refers to woman, gender-queer or man

"LGBTQIA+" is the Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual and other sectors of society

"Orientation" refers to Heterosexual, Bisexual, and Homosexual

"Sex" refers to male, female or intersex

“Succession Planning” means making the necessary arrangements to ensure that suitably qualified people are available to fill posts which will arise within any specific department over forthcoming years.

13.2 Acronyms

GRDM	Garden Route District Municipality
HR	Human Resources
IDP	Integrated Development Plan
KPI	Key Performance Indicator
LLF	Local Labour Forum
LGBTQIA+	Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual and other sectors of society

14 Conclusion

This policy provides an outline of the actions that should be taken with respect to gender development in the Municipality. These actions should be driven by the Municipality through:

- Gender focal persons in the employment of the Municipality
- Portfolio Councillors
- Through the involvement of other gender development structures and partners

Funding for the different projects should be sourced from:

- Council
- Provincial Development of Social Development
- COGTA
- Related Governmental Departments
- Other related structures

This document was signed on _____ of _____ 2020.

Municipal Manager

Union Representative: IMATU

Union Representative: SAMWU



**WORK FROM HOME CORONA
VIRUS (COVID 19) POLICY
(DRAFT)**

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1. Policy brief, purpose and background

Garden Route District Municipality will from 27 March 2020, adopt a risk based, balanced response concerning return-to-office (RTO).

We anticipate that a full return to normal operations will be achieved by 01st June 2020 or at a later date as announced to ease the lockdown restrictions. These measures have been taken to safeguard employee's health and wellbeing.

A balance between the Health & Safety of employees and the operation of the business must be maintained; therefore all employees are reminded that they are expected to be available and engaged in work, during operating business hours.

This document provides guiding principles that must be employed at Garden Route DM to ensure a safe Return To Office (RTO) following the COVID-19 South African lockdown. The guiding principles address means to minimize possible exposure and spreading of the virus on all Garden Route DM facilities, isolation and quarantine protocols; in addition it addresses other applicable Garden Route DM processes necessary to minimize business interruption.

This policy includes measurements to mitigate the spread of corona virus. All employees are requested to follow all the rules diligently, to sustain a healthy and safe workplace in this unique environment. It's important that all respond responsibly and transparently to these health precautions, Garden Route DM assures that it will strive to always treat employees private health and personal data with high confidentiality and sensitivity.

This corona virus (COVID-19) work from home policy is susceptible to changes with the introduction of additional governmental guidelines.

2. Scope

The policy applies to all of employees who physically work in Garden Route DM office(s).

3. Definitions

Home working is about using the employee's home as a base for work instead of the employee coming into a workplace.

Working at home is not an employee right or benefit and may be discontinued by the municipality for any business reason, at any time. Employees will be permitted to work at home at the discretion of the municipality.

Work-At-Home Criteria

To be eligible to work at home, employees must, among other things: (1) have portable job duties; (2) have a work site and equipment (telephone, Internet, supplies, etc.) suitable for working at home; and (3) be able to work independently and productively.

Some positions, responsibilities and projects are more suitable for working from home than others and may be appropriate to maintain the operations continuity in the event of an emergency, or as part of a flexible work arrangement. Also, responsibilities that do not require face-to-face interaction, require minimal supervision, involve the extensive use of computers and/or telephones, and have clearly defined and easily measurable tasks are more appropriate for a work-at-home arrangement.

Appointing authorities (Head of Departments/Line Managers/Supervisors) must examine the distinct activities, functions and tasks to determine whether a work-at-home arrangement is appropriate.

4. Policy elements

Below are the required actions that employees should take to protect themselves and their co-workers from a potential corona virus infection.

Sick leave arrangements:

- If an employee has cold symptoms, such as cough/sneezing/fever, or feels poorly, request sick leave or work from home.
- If an employee has a positive COVID-19 diagnosis, such an employee can return to the office *only after* fully recovered, with a doctor's note confirming recovery.

Quarantine & Isolation under medical instructions

- Officials that must be under quarantine or isolation due to COVID-19 will be dealt in terms of clause 5.5 of the Collective Agreement on Conditions of Services for the Western Cape Division of the SALGBC, which stipulates that such officials will be granted paid special leave provided that a medical certificate is submitted and also details the period of absence and the reason thereof.

Work from home requests/arrangements:

- If an employee is feeling ill, but is able to work, he/she can request to work from home.
 - Older employees and those that present with co-morbidities are expected to submit evidential documentation to the employer.
 - The decision to allow remote working, must take due consideration of the service delivery needs of the department and organisation.
 - Employees working from home may from time to time required to attend the workplace, among others, receive instructions, documentation, access to office infrastructure and to submit completed tasks.
-

- Work from home strategy is adopted and in line with the Risk Adjusted strategy and Risk Assessment Policy.
- If an employee has recently returned from areas with a high number of COVID-19 cases (based on [CDC](#) announcements), that employee will be asked to work from home for 14 calendar days, and return to the office only if they are fully asymptomatic. The employee will also be asked not to come into physical contact with any colleagues during this time.
- If an employee has been in close contact with someone infected by COVID-19, with high chances of being infected themselves, such an employee should request to work from home. They will also be asked not to come into physical contact with any colleagues during this time.
- If an employee is a parent and has to stay at home with children, they may request to work from home, the final decision will rest with the relevant Managers and Head of departments.
- If an employee needs to provide care to a family member infected by COVID-19, they may request to work from home and approval may be granted in line with the Department of Health regulations and guidelines.
- **Phased and staggered approach to be followed –**

Departmental Heads must develop a phased and staggered approach to returning to office for areas they are responsible for which takes into account the following considerations:

- ✓ Working from home of non-core employees and those who can work from home must be extended as far as possible (until Lock Down is completely lifted and even beyond Lock Down).
- ✓ Returning to office in batches of 1/3
- ✓ Shift systems (even for office workers)
- ✓ Reduce the number of days in the office
- ✓ Employees who are required to be at the workplace must be issued with the requisite permit authorizing travel for work purposes.
- ✓ Limit the number of employees arriving; leaving or working at the same time, the HOD's must consider amending working times to minimize the risk associated with the simultaneous arrival and departure of employees.

Workers should be encouraged to stay at home when ill or when having to care for children without fear of reprisal.

Travelling/commuting measures:

- All work trips and events – both domestic and international – will be cancelled/postponed until further notice.
- In-person meetings should be done virtually where possible, especially with non-company parties (e.g. candidate interviews and partners, disciplinary hearings

etc).

- If an employee normally commutes to the office by public transportation and it is not available due to COVID -19 that employee can request to work from home as a precaution and the decision will be made by the relevant Managers and Head of departments.
- If an employee is planning to travel voluntarily to a high-risk country with increased COVID-19 cases, they will be asked to work from home for 14 calendar days. Employees will also be asked not to come into physical contact with any colleagues during this time

This document was signed on the _____ of _____ 20____.

Municipal Manager

Union Representative (SAMWU)

Union Representative (IMATU)



REMUNERATION AND CONDITIONS OF SERVICE POLICY

Date
Approved: **DD MM YYYY**

Council
Resolution (DC
No):

DC ?/?/?/?/?/?/?/?

1. DEFINITIONS

All definitions used in this policy are defined in the Main Collective Agreement of the South African Local Government Bargaining Council (SALGBC), unless stated otherwise with the relevant definition.

Words indicating the masculine gender shall include the feminine gender.

Council - "means Garden Route District Municipality"

Day – "means Monday to Friday, excluding public holidays, unless indicated otherwise by the context"

Earnings threshold (as per Collective Agreement on Conditions of Service) – "means the top notch of the salary scale (T-grade) within which the Basic Conditions of Employment Act, 1997 earnings threshold determination falls, as amended from time to time"

Employee – "means any person, excluding an independent contractor who works for another person or for the State and who receives, or is entitled to receive, any remuneration"

(as per Employment Equity Act 55 of 1998) – "(b) means any other person who in any manner assists in carrying on or conducting the business of an employer"

Employer -"means Garden Route District Municipality"

Essential job requirement for the purposes of this policy is the skills, knowledge or experience that are necessary to perform a job as defined in the Job Description

Expanded Public Works Programme (EPWP) – "means a programme to provide public or community assets or services through a labour intensive programme initiated by government and funded from public resources"

Fixed term contract employee for the purposes of this policy is a person who is employed on a contract that includes an agreement detailing the relationship between the employer and employee, which is determined by an objective condition that creates no false expectations of renewal of the contract, and is based on a specific duration or time frame with dates or the completing of a specific task, project or event, other than the normal agreed retirement age.

Full-time Councillor – "means a councillor who has been elected or appointed to an office which has been designated as full-time in terms of Section 18(4) of the Structures Act"

IMATU – means "the Independent Municipal and Allied Trade Union"

Job Description (as defined in the Task Memorandum of Understanding) – "means a job description, as contemplated in section 66 of the MSA, describing the content, duties, reporting lines and other specifications of a position or job"

Municipality – "means Garden Route District Municipality"

Office Bearer – “means the elected president, deputy president, vice-president, chairperson, vice-chairperson, treasurer or secretary of the Trade Unions”

Official – “means a full-time employee of IMATU, SAMWU or SALGA”

Part-time Councillor – “means a councillor other than a full-time councillor”

People with disabilities/special needs (as per Employment Equity Act 55 of 1998) – “means people who have a long-term or recurring physical or mental impairment which substantially limits their prospects of entry into, or advancement in employment”

Placement (as per Skills Development Act 97 of 1998) - “means placing an individual in a placement opportunity, with due regard to the Code of Good Practice on the Integration of Employment Equity in Human Resources Policies and Practices in terms of the Employment Equity Act, 1998 (Act 55 of 1998)”

Placement Opportunity (as per Skills Development Act 97 of 1998) – means any opportunity for work or learning that could be offered to an individual and includes a vacancy for employment, an opportunity for self-employment, a learning programme and community service”

Position (as defined in the Task Memorandum of Understanding) – “means an individual position on the staff establishment of a Municipality which is occupied by an individual employee”

Reasonable accommodation (as per Employment Equity Act 55 of 1998) - “means any modification or adjustment to a job or to the working environment that will enable a person from a designated group to have access to or participate or advance in employment”

Recognition of Prior Learning (as defined by South African Qualifications Authority (SAQA) – “is a process whereby people’s prior learning can be formally recognized in terms of registered qualifications and unit standards, regardless of where and how the learning was attained. RPL acknowledges that people never stop learning, whether it takes place formally at an educational institution, or whether it happens informally”

Registered Medical Practitioner (as per Collective Agreement on Conditions of Service) – “means a person entitled to practice as a medical practitioner in terms of section 17 of the Medical Dental and Supplementary Health Services Professions Act, 1974 (Act 56 of 1974)”

Regulation of Non-Standard Employment and General Provisions (as per Labour Relations Amendment Act, 2014, Section 198 (b-d) -

Section 198B – Fixed term contracts with employees earning below earning threshold

Section 198C – Part-time employment of employees earning below earning threshold

Section 198D – General provisions applicable to sections 198A to 198C

Remuneration (as per Employment Equity Act 55 of 1998) - "means any payment in money or in kind, or both in money and in kind, made or owing to any person in return for that person working for any other person, including the State"

Representative Trade Union – "means the Trade Unions parties to this Policy, IMATU and SAMWU"

SALGA – "means the South African Local Government Association"

SAMWU – "means the South African Municipal Workers' Union"

Section 79 Committee – "means a committee of the municipal council established in terms of Section 79 of the Structures Act"

Seasonal Employee – "means an employee who is employed to work a full season, of not less than a continuous period of six months and who should qualify for all benefits in terms of employment conditions, except housing and pension benefits"

Suitably qualified person (as per Employment Equity Act 55 of 1998) – "means a person contemplated in sections 20(3) and (4);

20 (3) a person may be suitably qualified for a job as a result of any one of, or any combination of that person's-

(i) formal qualifications;

(j) prior learning;

(k) relevant experience; or

(l) capacity to acquire, within a reasonable time, the ability to do the job.

20 (4) when determining whether a person is suitably qualified for a job, an employer must-

(a) review all the factors listed in subsection (3); and

(b) determine whether that person has the ability to do the job in terms of any one of, or any combination of those factors."

Senior Management – "shall be those employees employed as head of department, deputy head of department and director or such post as determined by the relevant Division of the Council; and excludes Section 56 and Section 57 Managers"

Shop Steward – "means a Trade Union representative as defined in the Act"

TASK – "means shall mean Tuned Assessment of Skills and Knowledge"

Temporary Employee – "means an employee appointed for a specified period of time or to complete a specified task in terms of his contract of employment and which includes a casual employee"

Trade Unions – "means either IMATU and/or SAMWU" - refers to a trade union or employee association recognized by Eden District Municipality

Upper Limits – "means the applicable total remuneration package as contained in a Government Notice"

Workplace – "means the employer"

1. LEGAL AND POLICY FRAMEWORK

Municipal Systems Act, Act 32 of 2000
 Municipal Structures Act, 1998 (Act 117 of 1998)
 Municipal Finance Management Act
 Labour Relations Act, 1995
 Basic Conditions of Employment Act, 1997
 Employment Equity Act, 1998
 The Bill of Rights in the Constitution
 The Promotion of Access to Information Act, Act no 2 of 2000
 The Protection of Personal Information Act, Act no 4 of 2013
 Main Collective Agreement
 Collective Agreement on Conditions of Service
 Salary and Wage Collective Agreement
 Leave Policy
 Task Job Evaluation Policy
 Policy on Awards (Gifts) for long Service and Retirement
 Recruitment and Selection Policy
 Overtime Policy
 Perk Motor Scheme Policy
 Essential User Motor Scheme Policy
 Subsistence & Travel Policy
 Remuneration of Public Office Bearers Act, 1998 (Act 20 of 1998)
 Remuneration of Non-official members: Commissions & Committees of Inquiry, and
 Audit Committees: Treasury Regulations 20.2.2
 Ministerial Determination 4: EPWP: Government Gazette No.9745
 EPWP Policy
 Guidelines for Implementation of Municipal Finance Management Internship
 Programme (MFMIIP)
 Regulations on appointment and Conditions of employment of Senior Managers

2. INTRODUCTION

Remuneration involves financial compensation granted by Garden Route District Municipality to its Permanent-, Contract-, Expanded Public Works Programme employees, Councillors, Commissions & Committees of Inquiry and Audit Committees for execution of designated duties and predetermined performance targets. This includes the basic salary and any bonus or other economic benefits receive during employment. Remuneration plays a critical role in attracting, motivating & retaining high calibre Employees, Councillors, Commissions & Committees of Inquiry and Audit Committees; and strives to reinforce, encourage and promote superior and exceptional performance necessary for the fulfilment of the municipal mandate.

Garden Route District Municipality is committed to ensuring that equitable remuneration is paid to all. In order to attract and retain scarce and critical skills as well as facilitating the development and growth of an engaged workforce, it is the municipality's aim to maintain fair and competitive remuneration consistent with sector practices and all applicable regulations and collective agreements governing compensation of Permanent-, Contract-, Expanded Public Works Programme employees, Councillors, Commissions & Committees of Inquiry and

Audit Committees, Interns and Students in the local government sector.

Garden Route District municipality apply remuneration in accordance with the intrinsic value of employees' work in terms of capabilities and performance, which reflects the dynamics of the labour market and the context and environment in which our professional workforce operate. It aligns at all times to the strategic direction and specific value drivers of the Garden Route District.

Specific processes are involved to manage the conditions of service, benefits, employee risk claims and Collective Agreements of the Municipality.

Uniformity is essential for a variety of sector processes such as wage bargaining, comparative understanding of workforce establishment levels and organisational form.

The alignment of the organisational structure, Internal Task Job Evaluation processes and implementation of annual salary and wage adjustments is also part of the conditions of service.

4. OBJECTIVES

- Ensuring compliance with labour legislation by providing clear guidelines and transparency of remuneration granted to all different types of employees, councillors and audit committee members whom are accountable for good governance, as well as efficient & remarkable service delivery to the broader Garden Route District.
- Ensure imperative financial compensation of all different types of employees, councillors and audit committee members for the fulfilment of their employment obligations.
- Maintain a transparent payroll recording system to comply with the requirements of the Auditor General; in order to effectively contribute to the accountable administering of government grants and funds, as well as the prevention of fruitless and wasteful expenses.
- Constructive planning & time management to ensure the execution of the basic conditions of service by ensuring timely monthly salary and interim payments to all different types of employees, councillors and audit committee members.
- Ensure that the Payroll system is maintained and continuously updated with latest system formulas as well as formulas and tables to accurately calculate the different benefits and allowances.
- Provide authentic remuneration and accounting service to all different types of employees, councillors and audit committee members and ensure the discretion of confidential & sensitive information and documentation relating to individual salaries to maintain a mutual trustworthy and approachable, but professional relationship.
- Remuneration policy and practices must support the vision, mission, strategies and objectives of the municipality.
- Remuneration is an important factor that influence employee behaviour and must therefore be managed in such a way that it contributes to a motivating work climate.
- Ensure accurate balancing and timely monthly payment of third parties deductions; especially PAYE, UIF & Skills contributions as per SARS regulations and legislation in order to create & submit accurate EMP'501 reconciliation statement of council to SARS, as well as create and provide accurate Tax certificates/IRP5's to all different types of employees, councillors and audit committee members at the

SARS Tax year-end.

- Manage & implement annual salary and wage increase adjustment on the payroll system after the calculation and processing of different salary scales & upper limits. Provide adjusted/latest salary scales to the different sections of Human Resources.
- Implement and apply the relevant Collective Agreements, Policies, Government gazette, Treasury regulation and MFMA; pertaining to the conditions of service and benefits of remuneration to all different types of employees, councillors and audit committee members.
- Manage and implement the seamless integration of Phoenix and Payday systems in order to comply with MSCOA requirements.
- implementation and compliance with legislation, collective agreements and policies;
- implement and coordinate a reward system aligned with the municipal culture, operating procedures, values and objectives.
- Advise management, staff, trade unions and external stake holders on relevant Legislation, Collective Agreements on Conditions of Service and Benefits and Policies.
- Advising management, staff, trade unions and external stake holders on Legislation, Collective Agreements and Policy aspects.
- Formulate and maintain policies related to Legislation and Collective Agreements in line with Council's goals and objectives.
- Ensure the Policies are in compliance with all relevant Legislation, Guidelines, Collective Agreements and framework of Council.
- Implement the relevant Collective Agreements and policies pertaining to Conditions of Service and Benefits.
- Ensure that these policies are reviewed regularly.
- Ensure that the implementation objectives of relevant policies and collective agreements are met through continuous monitoring and evaluation.

5. **APPLICATION OF THIS POLICY**

All Permanent-, Contract-, Expanded Public Works Programme employees, Councillors, Commissions & Committees of Inquiry and Audit Committees, Interns and Students of Garden Route District Municipality are subject to the provisions of this policy.

6. **INTERNAL EQUITY**

Remuneration practices support internal equity, taking cognizance of individual employee contribution. Individual remuneration levels shall be based on the 'worth' of an employee's role to the municipality. The 'worth' referred to is determined by the size and complexity of the employee's role in the municipality and the demonstrated competency to perform the role. Employees of a similar worth (i.e. positions with similar size and complexity, performed at a similar level) should therefore be remunerated a similar rate, regardless of non-value adding measures such as tenure, association etc.

The size and complexity of a position is determined through a valid Job Evaluation System – TASK in the case of Garden Route District Municipality, providing that remuneration differentiation between employees should be based on criteria that are fair and objective. Performance for Senior Managers is measured through the established and approved Performance Management system and policy.

7. INTITUTIONAL ARRANGEMENTS

7.1 *Salary scale – Permanent employees, Temporary contract- and Fixed Term contract employees*

The Category of the municipality, currently a Category 4, is determined by SALGA and is linked to the salary scales.

Annual salary increases are confirmed by SALGA with the Salary and Wage Collective Agreement.

7.2 *Upper Limits in terms of the Grade for Eden District Municipality's Councillors, Municipal Manager and Senior Managers*

Garden Route District Council is currently deemed to be a Grade 5 municipality as determined per Government Gazette. Remuneration levels of Councillors and Senior Managers are aligned with this determination.

7.3 *Salary Payment Date*

Payment will take place the 25th of every month or the preceding Friday, should the 25th falls over a weekend or on a Monday.

In the event of a public holiday occurring on a Monday, but the 25th falls on the following Tuesday, payment will take place on the preceding Friday.

December salary payments will be on the date in accordance with Council's decision annually.

All approved documentation and claims must be submitted to the Remuneration office on or before the 10th of each month, to allow proper verification and ensure timely salary payments.

7.4 *Overpayment / Repayment*

Garden Route District Municipality reserves the right to recover from the employee's or councillor's remuneration any overpayment owed by the employee or councillor. The recovery will take effect after consultation with the employee or councillor including:-

- 7.4.1 The following of a fair procedure during which the employee or councillor is given reasonable opportunity to show reason why the recovery should take place;
- 7.4.2 The total amount of the recovery does not exceed the actual amount overpaid;
- 7.4.3 No single deduction from the employee's or councillor's monthly remuneration will exceed one quarter of the cash portion of an employee's or councillor's monthly remuneration, provided that if an employee or councillor has resigned or an employee has retired, then the full amount overpaid will be recovered.

7.5 Deductions

7.5.1 Statutory Deductions

7.5.1.1 Garnishee orders

Garden Route District Municipality will make garnishee order deductions from an employee's or a councillor's monthly remuneration in compliance with the legal requirements relating to garnishee orders. The court orders for garnishees will be delivered by a messenger of the court or by registered postage to the *Employee Assistance Programme Practitioner* whom will inform the employee or the councillor about such deductions and will submit the court orders to the Remuneration office for implementation.

No cancellation of garnishee orders, which are already implemented, will be made without a court order. The court order for the cancellation will be delivered to the Employee Assistance Programme Practitioner for submission to the Remuneration office for execution.

7.5.1.2 Agent Appointment (AA88) - Outstanding monies due by Taxpayer

Garden Route District Municipality will make Agent Appointment deductions from an employee's and a councillor's monthly remuneration in compliance with the legal requirements of the Tax Administration Act. The Receiver of Revenue will issue AA88's via Easyfile system to Garden Route District Municipality for the Remuneration office to execute the deduction, online completion, - submission and payment thereof.

Remuneration office will inform employees and councillors about the AA88 deduction and encourage these taxpayers to resolve their tax affairs with the Receiver of Revenue Services, to prevent further AA88 deductions.

7.5.1.3 Tax Directives and IT88L (Outstanding Assessed- and Provisional Tax & Administrative Penalties)

Garden Route District Municipality will make Tax Directive and IT88L (Assessed- and Provisional Tax & Administrative Penalties) deductions from an employee's resignation, retirement, early retirement, severance package and settlement agreement lump sum payments in compliance with legal requirements of the Income Tax Act. The Remuneration office will apply for a Tax Directive from SARS via Easyfile and E-filing for deduction, online completion, -submission and payment thereof. An IT88L, an instruction to withhold and pay over an additional amount for outstanding Assessed- and Provisional Tax & Administrative Penalties; after the 'Tax amount' on the Tax Directive was deducted, will be attached to the Tax Directives.

7.5.1.4 Debt Counselling / Under Administration

Garden Route District Municipality will make deductions for Debt Counselling and Under Administration from an employee's monthly remuneration in compliance

with the legal requirements relating to Debt Counselling and Under Administration, but reserves the right not to effect any deductions unless mutually approved as agreed upon between the employee and the Legal Institution. The written instruction will be delivered by registered mail to the *Employee Assistance Programme Practitioner* whom will inform the employees about such deductions and will submit the written instructions to the Remuneration office for implementation.

In the case of the settlement of employee's accounts/financial affairs, written instructions for cancellation from the Legal Institution, is delivered by registered mail to the *Employee Assistance Programme Practitioner* whom will submit the written instructions to the Remuneration office for execution.

7.5.2 Non-Statutory Deductions

7.5.2.1 Home loans from Pension Funds

Garden Route District Municipality will make home loan deductions from an employee's monthly remuneration, but reserves the right not to effect any deductions unless approved as mutually agreed upon between the employee and the Pension Fund. The Conditions of Service Sub-Section processes the applications for the home loans. The deductions are implemented by the Remuneration office in accordance with the listings as received from the applicable Banking Institutions on a monthly basis.

7.5.2.2 Insurance Premiums (Old Mutual, Sanlam Sky, Metropolitan etc.)

Garden Route District Municipality will make Insurance Premium deductions from an employee's monthly remuneration, but reserves the right not to effect any deductions unless approved as mutually agreed upon between the employee or councillor and the Insurance institution. The written instructions for deductions will be delivered to the Conditions of Service Sub-Section who will submit it to the Remuneration office for implementation.

In the case of cancellations of insurance contracts, the instructions for cancellation of deductions will be submitted to the Conditions of Service Sub-Section who will submit it to the Remuneration office for execution.

7.5.2.3 Additional deductions for Funds (Medical Aid / Pension / Retirement)

Garden Route District Municipality will make additional medical aid-, pension- or retirement fund deductions from an employee's monthly remuneration, but reserves the right not to effect any deductions unless approved as mutually agreed upon between the employee and applicable Fund.

The Conditions of Service Sub-Section co-ordinates the process of additional deductions for submission to the Remuneration office for implementation in accordance with the discrepancy reports as received from the applicable Funds on a monthly basis.

7.5.2.4 Bond- & Rental instalments and Municipal services deductions

Garden Route District Municipality will make bond- & rental instalment and municipal services deductions from an employee's monthly remuneration, but reserves the right not to effect any deductions unless approved as mutually agreed upon between the employee or councillor and the bond- or rental institution or the applicable municipality. The application for such deductions will be submitted to the Conditions of Service Sub-Section for acknowledgement, who will submit it to the Remuneration office for implementation, provided that the banking details of the applicable institution is suitable for electronic payments.

In the case of cancellations, the application for cancellation will be submitted to the Conditions of Service Sub-Section who will submit it to the Remuneration office for implementation.

7.5.2.5 Telephone / Cell phone calls and Printing & Faxes

Garden Route District Municipality will make deductions for telephone- & cell phone calls and printing & faxes from an employee's monthly remuneration as per management's decision. The applicable deduction lists will be submitted by the responsible section /department to the Remuneration office for implementation.

7.5.2.6 Car port fees & Sport club fees

Garden Route District Municipality will make deductions for Car port- and Sport club fees from an employee's monthly remuneration, but reserves the right not to effect any deductions unless approved as mutually agreed upon between the employee and Registration office and Sport club committee. The instruction for the deductions will be submitted to the Registration office and Sport club committee who will submit it to the Remuneration office for implementation. In the case of cancellations, the instruction will be submitted to the Registration office or the Sport Club Committee for acknowledgement, who will submit it to Remuneration office for execution.

7.5.2.7 Political Party Membership Fees & Women's League Fees

Garden Route District Municipality will make Political Party membership fees and Women's League fees deductions from a councillor's monthly remuneration in compliance with the legal requirements relating to Political Party membership fees and Women's League fees, but reserves the right not to effect any deductions unless approved as mutually agreed upon between the councillor and the Political Party/Institution.

The Political Party/Institution will submit the instruction for the deductions to the Political administration office, for acknowledgement who will submit it to the Remuneration office for implementation. In the case of cancellations, the instruction will be submitted to the Political administration office for acknowledgement, who will submit it to Remuneration office for execution.

7.5.2.8 Any other deductions

Any other deductions are not allowed; it is for the employee's or councillor's own account.

7.6 Cession

The employee or councillor does not have the right to cede or to transfer his or her remuneration either in part or in full, to a third party.

7.7 Working Hours

7.7.1 Normal Working Hours

In accordance with the Main Collective Agreement and per Council Resolution of May 2017:

"That Council takes note that the working hours of Eden District Municipality changed from 01 May 2017 as follows:

- Mondays to Thursdays: 07:30 to 16:30 with thirty (30) minutes lunchtime between 12:00 and 13:00.
- Fridays: 07:30 to 13:30 with "no lunchtime."

7.7.2 Shifts for employees at the Resorts-, EPWP-, Fire & Rescue and Disaster Management Sections

It is required from employees at the Resorts-, EPWP-, Fire & Rescue- and Disaster Management Sections to work shifts. Employees whom work shifts will work according to the shift roster provided by their Supervisor.

7.8 Job Evaluation System (TUNED ASSESSMENT OF SKILLS AND KNOWLEDGE)

TASK is the recognized Job Evaluation System within the local government sector as approved by the National Executive Committee (NEC) of SALGA from 1 July 2010.

The purpose of the TASK Job Evaluation System within the Local Government Sector is to achieve uniform norms and standards in the description of similar jobs and their grading and to underpin job comparison and to provide for the necessary structures, institutional arrangements and procedures for the evaluation of jobs.

The implementation of the TASK Job Evaluation results will be forwarded as a recommendation to the Accounting Officer of the Municipality. The final decision for implementation rests with the Accounting Officer; taking into account the organisational needs and affordability.

7.9 Payment of last remuneration on Service Exit & in Case of Death

Service termination is deemed as one calendar month (1st until last day of month) written notice by the employee to Council, in the case of resignation. An

employee's service term ends upon reaching the retirement age of 65 years. In the instance of a severance package application, as offered and approved according to the applicable council resolution.

Final remuneration, in the case of retirement, severance package and resignation, will be paid on the 25th of the month via EFT. Final remuneration, in the case of death/passing of an employee, will be paid on the 25th of the month via EFT, or on another date, as request by the deceased's family / relatives. Final remuneration, in the case of dismissals, settlement agreements and retrenchments will be paid via EFT, on the date as agreed upon by the concerned parties.

All applicable outstanding earnings, such as leave balance, pro-rata bonus, -long service, -14th cheque and approved severance package, will be calculated and paid according to SARS Tax Directive process, also via EFT; as soon as confirmation is received from the user department on all outstanding matters.

7.10 Earnings Threshold

In accordance with the Collective Agreement on Conditions of Service attached as **Annexure E**, the Earnings Threshold shall mean the top notch of the salary scale (T-grade) within which the Basic Conditions of Employment Act, 1997 earnings threshold determination falls, as amended from time to time.

In accordance with the Collective Agreement on Conditions of Service the Remuneration section amends the increased earning threshold on the Payroll system as submitted by Human Resources from time to time.

7.11 Implement and Change of Banking details

Permanent employees, Contract employees, Expanded Public Works Programme employees, Councillors, Commissions & Committees of Inquiry and Audit Committees must submit their stamped banking details, as well as a letter from the bank confirming that their bank accounts are active, to Human Resources before the 10th of the month for implementation.

The providing and capturing of the correct and authentic banking details is of vital importance to the Remuneration section, in order to ensure accurate payments into the appropriate, active bank accounts.

7.12 Implement or change of Income Tax numbers

Permanent- and Contract employees, Expanded Public Works Programme employees, Councillors, Commissions & Committees of Inquiry and Audit Committees must submit their verified Income tax numbers from SARS, to Human Resources, before the 10th of the month in order for the Income Tax numbers to be implemented or updated on the HR system.

7.13 Payroll-, Easyfile- E-filing Systems

7.13.1 Payroll System

HR is responsible to inform the Remuneration section about all formula setting changes on the **Payday Payroll system** for implementation; according to PAYDAY,

SALGA and Auditor General's regulations.

The Remuneration section is responsible to ensure that the **Payroll system** is maintained and continuously updated with the latest releases as received from PAYDAY Systems from time to time.

Generate financial reports regarding payroll information such as audit trials, statistics as well as other financial reports regarding personnel information, as requested from user departments from time to time.

7.13.2 E@syfile Employer System

The Remuneration section must always ensure the latest version of E@syfile is being used, as any information using previous versions, will not be accepted by SARS.

E@syfile Employer allows remuneration section to:-

- Complete, submit & revise the Monthly Employer Declaration: EMP201
- Complete, submit & revise the Employer Reconciliation Declaration: EMP501
- Manage the Employer Account
- Manage Third Party Appointments (AA88's)
- Register employees using the Income Tax Registration (ITREG)
- Application / Completion / Submission / Cancellation of the different Tax Directives - IRP3(A) and IRP3(S).

7.13.3 E-filing System

The Remuneration section must always ensure the latest version of **SARS E-filing**, an online program, for the submission of tax returns and related functions; allows registration, submissions, PAYE-, UIF- and SDL payments and other interactions with SARS in a secure online environment. Remuneration must be up to date with any amendments and changes on E-filing system in order to ensure accuracy of data as SARS do extensive validations against the electronic employees' tax certificates (IRP5's).

7.14 Advance on salary requests

An advance on an employee's salary will only be granted in the case of serious illness or death of a family member. The employee must submit a written request for consideration by the Head of the relevant Department and the Municipal Manager. Proof must be submitted. The full advance will be deducted from the employee's next salary.

As per Policy Governing Salary Advances

8. ALLOWANCES & BENEFITS

8.1 Thirteenth Cheque (Bonus)

A bonus (13th cheque) is due annually to all staff in the service of Council as at the **30 November**. The bonus is calculated pro rata as from date of appointment. In case of service exit before bonus month, a pro rata bonus shall be due to staff who leave Council's service during the course of the year.

Former Klein Karoo District Council employees reserve their choice regarding their bonus month (December/birthday month). _____

Former South Cape District Council employees receive their bonus in November month.
All new employees receive their bonus in November month.

Fixed term contract employees, Section 57 employees and political appointments are entitled to the option to make provision for bonuses, when executing the structuring of their total cost-to-company packages.

8.2 Fourteenth Cheque

A fourteenth cheque is due to permanent employees in the service of the Council who reach 30 (thirty) years of continuous employment. Such employees will qualify every 5 (five) years thereafter for a fourteenth cheque.

8.3 Notch increment Date

The notch increase date is the same as the appointment date. Permanent employees receive their notch increase annually on their notch increase date. The notch increase date will remain unchanged when an employee is appointed in a higher position, including higher T-grade implementations, to the date of employment in that higher position.

8.4 Long Service Payment

Long Service payment is an encashment of additional leave for continuous employment of 10 (ten) years and every 5 (five) years thereafter.

As per Leave Policy and The Collective Agreement on Conditions of Service.

8.5 Housing Allowance

As per Main Collective Agreement and the Salary and Wage Collective Agreement.

The following requirements are applicable for housing subsidy:

- o Occupation of the house by employee
- o It being a completed building (no subsidy on vacant stands)
- o The bond must be registered in the employee or employee and spouse's name
- o Bond must be with a registered financial banking institution
- o Only one subsidy paid to co-habiting partners/married couples who both work for Council.

8.6 Rental Allowance

A rental allowance of R250.00 per month is paid in accordance with the former Act on Remuneration of Town Clerks (Act no 115 of 1984, circular 4/87). The employee must submit a signed rental agreement and obtain approval from relevant Manager of Department to implement rental allowance.

8.7 Non-Pensionable Allowance Payments

As per Salary & Wage Collective Agreement.

8.8 Essential Users Motor Scheme

As per Essential Users Motor Scheme Policy.

8.9 Perk Motor Scheme

As per Perk Motor Scheme Policy.

8.10 Cell phone Packages / Cell phone Allowances

As per Cell Phone Policy.

8.11 Overtime Payment

As per Overtime Policy.

8.12 Night-shift work Payment

Night-shift work is applied and calculated for payment in accordance with the Collective Agreement on Conditions of Service.

The Head of Department is responsible to ensure the verifying and approval of the authentic and correctly calculated amount of Night-shift hours claimed for the preceding month.

8.13 Standby Payment

Standby is applied and calculated for payment in accordance with the Collective Agreement on Conditions of Service and per Standby Policy.

8.14 Shift -work Payment

Shift-work is applied and calculated for payment in accordance with the Collective Agreement on Conditions of Service.

The Head of Department is responsible to ensure the verifying and approval of the authentic and correctly calculated amount of Shift-work hours claimed for the preceding month.

8.15 Acting Allowance

Acting Allowance is applied and calculated for payment in accordance with the Collective Agreement on Conditions of Service and Acting Policy.

The Head of Department is responsible to ensure the verifying and approval of the authentic and correctly calculated Acting days claimed for the preceding month.

8.16 Relocation Allowance

Council resolved as follow with regard to the Relocation Allowance being increased from R60 000.00 to R75 000.00 on the 23rd of November 2015 **(DC959/11/15):**

1. *That the Relocation Allowance to an amount of R75 000.00 be applicable for the 2015/2016 financial year subject to proof of expenditure.*
2. *That the Relocation Allowance escalates annually based on the percentage of the annual salary increases as from 1 July.*
3. *That the Relocation Allowance of R75 000.00 be considered with the adjustment budget."*

On the 23rd of June 2016, Council **(DC1087/06/16)** resolved that the Relocation Allowance will be approved, subject to proof of expenditure:

1. *That the content of the report be noted.*
2. *That the actual costs of relocation will be approved / paid subject to proof of expenditure.*
3. *That the following criteria will be applicable to relocation:*
 - *School expenditure (maximum of 2 children)*
 - *Curtains (maximum amount of R6000.00)*
 - *Bond costs (old and new and cancellation cost)*
 - *Transport cost (removal costs)*

Council decided to rescind the decision above of the proof of expenditure on 31 July 2017 **(DC192/07/17)**:

1. *That the revised Placement Policy be approved.*
2. *That the previous Council resolution DC 1087/06/16 dated 23 June 2016, regarding relocation allowance as reflected in paragraph 11.4 of the Policy, be rescinded."*

8.17 Furniture Removal

The municipality will reimburse, subject to prior approval by the Municipal Manager or his assignee, new external appointees from amongst the lowest of three quotations received in respect of removal of furniture and other household items, including all-inclusive insurance, within one year of appointment. No storage fees will be paid by the municipality.

3. Internal Appointments

4. When an employee of Council voluntarily and at his/her own accord applies for position within Council service, and became successful in a position warranting travelling and moving to a different location within the boundaries of the municipality, such travelling and removal costs will be for his/her own account.

5. Internal Transfer/Placement of employees

6. *Should Council transfer an employee for operational reasons within the boundaries of the municipality, and such post warranting travelling and moving to another area, Council shall bear the full costs of travelling up to one year and*

furniture removal subject to submission of the lowest quotation of the three, within one year of transfer/placement." Other transfers is subjected to the Transfer Policy.

8.18 Service Exit Gift

When employees with more than five years' service, leave Council's services with retirement, resignation, death, severance package or medically boarded, they qualify for a service exit gift in accordance with the Policy on Awards (Gifts) for long Service and Retirement.

8.19 Retirement fund Contributions & Benefits

Consolidated Retirement Fund (CRF) membership is compulsory for all permanent employees. Council's contribution towards the CRF Fund is 18% of an employee's salary and an employee's contribution is 9% of his/her salary.

In accordance with the Main Collective Agreement and the Salary and Wage Collective Agreement.

8.20 Annuities

Tax deductible annuities may also be implemented on employees' salaries by Remuneration section, when submitted in writing to the Human Resources' Conditions of Service Sub-Section before the 10th of the month.

8.21 Medical Aid Fund Contributions & Benefits

Medical Aid membership is optional for all employees. The employer subsidises the contribution up to the maximum threshold in accordance with the South African Local Government Bargaining Council Collective Agreements towards one of the following accredited medical aid funds: BONITAS, LA HEALTH, HOSMED, KEYHEALTH and SAMWUMED.

Subsidized continued medical aid membership will be applicable to staff at 30% and Council 70% subsidy in case of retirement (from the age of 50 years), medically boarded or in the case of death of the staff member. In the case of death of a staff member who at that stage belonged to a medical aid fund, a registered medical aid dependant becomes the principle member – such as the spouse/life partner or child dependant, should there not be a spouse/life partner and the dependent child is registered as the principle member. This subsidy will remain until passing of that continued member, where after the subsidy benefit seize. In the case of a child who becomes the principle member, the subsidy will seize when reaching the age of 21 years.

In accordance with the Main Collective Agreement and the Salary and Wage Collective Agreement.

8.22 Group Life Insurance Fund Contributions & Benefits

The Group Life Insurance is implemented through a tender process, valid for three years. Council contributes towards the Group Life Insurance Fund for employees for death- and disability cover at 2.5 x their annual salary. Additional cover or spouse cover is also available at employee's own cost.

8.23 SARS – Employees' Income Tax : PAYE (Pay-As-You-Earn)

PAYE deductions are implemented in accordance with the South African Revenue Service Act 34 of 1997, Employment Tax Incentives Act of 2013, Tax Administration Act 28 of 2011 and the Income Tax Act of 1962.

The PAYE deduction is determined in accordance with SARS Tax tables, according to an employee's or a councillor's monthly taxable earnings. Monthly completion and the submission of an EMP201 is executed via E-filing- and Easyfile online system for payments thereof.

The purpose of PAYE is to ensure that an employee's income tax liability calculated on remuneration is settled at the same time that the remuneration is earned. The PAYE deducted from all different employees, councillors and audit committee members must be paid over to SARS within seven (7) days after the end of the month during which such deduction was made.

Income Tax (PAYE) on 13th Cheque (bonus) are divided and deducted on a twelve month basis, which may be exercised by permanent employees by choice, at the beginning of every new tax year at 1st March. These permanent employees will receive the 13th Cheque (Bonus) in full as the Income Tax (PAYE) is already deducted during the preceding 12 (twelve) months.

Agent Appointment (AA88) is an instruction issued to Eden District Municipality by SARS on a monthly basis, to accept responsibility to deduct and pay over to SARS any outstanding amounts due by all taxpayers.

Tax Directives are requested from SARS in instances of resignation, retirement, early retirement / severance package and settlement agreement, in order to determine the total PAYE deductible and payable to SARS on the lump sum amount. An IT88L is an instruction by SARS to withhold and pay over an additional amount for outstanding Assessed- and Provisional Tax & Administrative Penalties; after the Tax Directive amount was deducted, if applicable.

8.24 Bargaining Council Levy

In accordance with the Main Collective Agreement.

8.25 Unemployment insurance fund (UIF)

The UIF deduction is regulated and applied in accordance with Chapter 2 of the Unemployment Insurance Contributions Act, no. 4 of 2002:

“DUTY TO CONTRIBUTE AND RECOVERY OF CONTRIBUTIONS”

1. Duty to contribute to Fund

- (1) Every employer and every employee to whom this Act applies must, on a monthly basis, contribute to the Unemployment Insurance Fund.
- (2) The contributions must be paid by the employer either to the Commissioner in terms of section 8 or to the Unemployment Insurance Commissioner in terms of section 9, whichever is applicable to the particular employer.

2. Determination of contribution

- (1) Subject to subsection (2), the amount of the contribution payable in terms of section 5-
 - (a) by an employee, must be one per cent of the remuneration paid or payable to that employee by his or her employer during any month; and
 - (b) by an employer in respect of any one of its employees, must be equal to one per cent of the remuneration paid or payable by that employer to that employee during any month.
- (2) Subsection (1) does not apply to so much of the remuneration paid or payable by an employer to an employee during any month as exceeds an amount determined from time to time by the Minister of Finance by notice in the Gazette, after consultation with the Minister of Labour and Unemployment Insurance Commissioner.

3. Employer must deduct employees' contribution

- (1) Subject to subsection (2), an employer must, on a monthly basis, deduct or withhold the amount of the employees contribution contemplated in section 6(1)(a) from the remuneration paid or payable to that employee during that month.
 - (2) Where the remuneration of the employee is paid at intervals other than on a monthly basis, the employer must deduct the amount of the employee's contributions on such other basis as coincides with the intervals of payment of remuneration by the employer to the employee.
 - (3) When making a deduction in terms of subsection (1) or (2), an employer may not-
 - (a) deduct amounts that are in excess of the amount of the contribution due by the employee;
 - (b) seek or receive a fee from the employee for complying with this Act; or
 - (c) deduct arrear contributions from the employee after the end of the financial year during which it was payable.
 - (4) Subject to subsection (3)(c), where the employer fails to deduct the contribution as contemplated in subsection (1) or (2), the employer is liable for
-

such contributions.

- (5) *If any payment made by the employer to the Commissioner or the Unemployment Insurance Commissioner in terms of section 8 or 9, as the case may be, includes an amount which was deducted or withheld in terms of subsection (1) or (2), and it subsequently becomes known to the employer that the payment made by the employer was not due or payable in terms of this Act, or was in excess of the amount due or payable, the employer must refund to the employee such amount or excess amount, as the case may be, as has been deducted or withheld and overpaid by the employer, despite the amount not having been refunded to the employer by the Commissioner or the Unemployment Insurance Commissioner, as the case may be."*

8.26 Trade Union Deductions and Contributions

Trade union deduction and contribution is regulated and applied in accordance with the Main Collective Agreement.

9. COMMENCING REMUNERATION

Newly appointed employees, and employees that have been promoted, will be placed at the entry level of the pay scale/notch for that particular job / task grade.

Where there is a justifiable reason for a higher notch, the Head of Department will motivate for approval by the Municipal Manager.

10. ANNUAL SALARY & WAGE ADJUSTMENTS

Salary adjustments are confirmed by SALGA with the Salary and Wage Collective Agreement and implemented by the Remuneration section.

The Remuneration section calculate, process and verify the regulated salary scales to integrate with the various companies on the Payday system. The Remuneration section manage, implement, reconcile and verify the newly calculated scales.

11. REMUNERATION OF PERMANENT EMPLOYEES

The remuneration of permanent employees within the Bargaining Unit, shall be governed by Collective Agreements negotiated centrally with the South African Local Government Bargaining Council (SALGBC); in accordance with the Grade and the Salary Scales of Garden Route District Municipality as determined by SALGBC.

All permanent employees shall be remunerated on the basis of a basic salary plus benefits and shall be composed of:-

- Basic Salary
 - 13th Cheque (Bonus)
 - 14th Cheque (reward for 30 years of service and beyond)
-

- Long Service Leave Payment
- Council's Contribution towards an approved Retirement Fund
- Council's Contribution towards an approved Medical Aid Fund
- Council's Contribution towards an approved Group Life Insurance Fund
- Council's Contribution towards the Unemployment Insurance Fund
- Council's Contribution towards Skills Levy
- Council's Contribution towards Bargaining Council Levy
- Housing Subsidy, provided that the qualifying criteria are met
- Rental Subsidy, provided that the qualifying criteria are met
- Allowances, such as Perk Motor Scheme, Essential Motor Scheme, Cell phone, provided that the qualifying criteria are met – in accordance with the applicable and approved policies.

Permanent employees are remunerated in accordance with their employment contracts. An approved and audited internal TASK job evaluation's process may result in approved amendments on an employee's remuneration.

Any additional earnings pertaining to approved and verified claims, such as travel logs, subsistence & travel, overtime, standby, nightshift, acting allowance etc, are paid in accordance of the applicable and approved policies.

12. REMUNERATION OF TEMPORARY CONTRACT- AND FIXED TERM CONTRACT EMPLOYEES

The total cost-to-company package payable to temporary contract- and fixed term contract employees is determined by the head of the applicable department in accordance with requirements of the vacancy, according to Garden Route District Municipality's Salary Scales as confirmed by SALGA.

The regulations and structuring of cost-to-company packages are stipulated in the applicable contracts. An approved and signed temporary- or fixed term contract must be in place before all different contract employees commence with employment.

Temporary contract- and fixed term contract employees are paid for Subsistence and Travel claims in accordance with Garden Route District Municipality's Subsistence & Travel policy.

13. REMUNERATION OF MUNICIPAL MANAGERS & MANAGERS DIRECTLY ACCOUNTABLE TO MUNICIPAL MANAGERS

The upper limits of the total cost-to-company packages payable to municipal managers and managers directly accountable to municipal managers is determined by the Minister for Cooperative Governance in terms of Regulation 35 of the Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers, issued in terms of Government Notice No.21 as published under Government Gazette No. 37245.

The categorisation of the Garden Route District Municipality's municipal council is category 5, which determines the total remuneration package of Senior Managers.

Flexible remuneration options are available to Senior Managers who qualify in terms of their positions and according to the requirements of the South African Revenue Services. Senior Managers are paid for Subsistence and Travel claims in accordance with Garden Route District Municipality's Subsistence & Travel policy.

It is the responsibility of Senior Managers to ensure that all different claims and documentation be verified for correctness and authenticity, before the approval thereof.

14. REMUNERATION OF COUNCILLORS

The upper limits of the total remuneration packages of councillors is determined by the Minister for Cooperative Governance and Traditional Affairs, under the powers vested in him/her by sections 7(1), 8(5)(a) and 9(5)(a) of the Remuneration of Public Office-bearers Act, 1998 (Act No. 20 Of 1998).

The salary and allowances of a councillor is determined by that municipal council in consultation with the member of the Executive Council responsible for local government in each province, having regard to the upper limits as set out in the published Government Gazette, the financial year and affordability of the municipality, including the austerity measures as approved by national Cabinet.

Flexible remuneration options are available to councillors who qualify in terms of their positions and according to the requirements of the South African Revenue Services.

The Remuneration section implements and manage the adjustments of upper limits after council has consulted with MEC for Local Government in the Western Cape about its council resolution of a supporting vote of a majority of its members.

Councillors not residing in the George area are reimbursed for kilometres travelled between their home and George to attend meetings; in accordance with Garden Route District Municipality's Travelling policy.

Councillors are remunerated for Subsistence and Travel claims in accordance with Garden Route District Municipality's Subsistence & Travel policy.

15. REMUNERATION OF NON-OFFICIAL MEMBERS: COMMISSIONS & COMMITTEES OF INQUIRY AND AUDIT COMMITTEES

With reference to Treasury Regulation 3.1.6 the remuneration applicable to Committees of Inquiry is applicable to members of Audit Committees appointed from outside the public service.

The Minister of Finance, in terms of Treasury Regulation 20.2.2, grants annually approval to amend the maximum remuneration payable per day to non-official members of Commissions and Committees of Inquiry.

Employees of Government serving on Commissions or Committees of Inquiry or Audit Committees are not entitled to additional remuneration. The rates are sitting fees and exclusive of payments in respect of preparation, research & travelling (to and from meeting venues) time.

Audit Committee members not residing in George, are reimbursed for kilometres travelled between their home and George, in accordance with Garden Route District Municipality's Travel policy.

16. REMUNERATION OF EXPANDED PUBLIC WORKS PROGRAMME (EPWP)

EPWP is a key initiative by government to create jobs and alleviate poverty within our societies.

Workers on an EPWP are employed on a temporary basis or contract basis. A worker may not be paid less than the minimum EPWP wage rate per day or per task.

This will be adjusted annually on the 1st of November in-line with inflation (available CPI as provided by Stats SA six (6) weeks before implementation). No money must be deducted from a worker's payment unless the deduction is required in terms of a law.

A task-rated worker will only be paid for tasks that have been completed. A time-rated worker will be paid at the end of each month. Payment must be made by direct deposit into a bank account designated by the worker. The Internal EPWP Steering Committee is responsible to draft the wage determination for EPWP sectors and submit to Municipal Manager for approval.

In accordance with the Ministerial Determination 4: EPWP:- Government Gazette No. 9745 of 4 May 2012.

17. REMUNERATION OF STUDENT INTERN, GRADUATE INTERN, FINANCIAL GRADUATE INTERN & VOLUNTEERS

STUDENT INTERN

The salary / stipend for a Student Intern, a person who is enrolled at a tertiary education institution for a SAQA registered qualification and is required to obtain practical experience as part of their study programme.

Student Interns are remunerated for Subsistence and Travel claims in accordance with Garden Route DM's Subsistence & Travel policy.

GRADUATE INTERN

The salary / stipend for a Graduate Intern, a person who has completed a qualification but has been unemployed and needs workplace exposure to enhance chances of future employment.

Graduate Interns are remunerated for Subsistence and Travel claims in accordance with Garden Route DM's Subsistence & Travel policy.

FINANCIAL GRADUATE INTERN

The Municipal Finance Management Internship Programme (MFMIP), is enrolled and funded by National Treasury.

The salary / stipend for a Financial Graduate Intern, an unemployed graduate in Accounting, Economics, Finance, Risk management & Internal audit, who needs workplace exposure to enhance chances of future employment, is in accordance with the Guidelines for implementation of Municipal Finance Management Internship Programme (MFMIP).

If Garden Route DM wishes to pay more than the recommended stipend, then the excess must be sourced from its own MTREF budget.

Financial Graduate Interns are paid for Subsistence and Travel claims in accordance with Garden Route DM's Subsistence & Travel policy.

VOLUNTEERS

These persons are not regarded as employees of Garden Route DM and as such may not be remunerated in any way.

18. INTEREM PAYMENTS

Interem payments for Subsistence & Travel, as well as advances approved by the Municipal Manager, will be paid out on the two consecutive weeks on Fridays which follow after the Salary payment date. Complete requests must be submitted to the Remuneration office before or at 10h00 on the preceding Wednesday to allow proper verification and to ensure timely payments.

Interem payments consist of the following payments:-

- Travel claims for the previous month within the Garden Route District region,
- Camping allowances within the Garden Route District region,
- Subsistence & Travel claims for out of the Garden Route District region,
- Salaries of contracts that expire at the end of the month,
- Leave payments of expired contracts,
- Acting allowances for the previous months,
- Overtime- and standby claims for the previous month which was not submitted on time for the salary run, as requested and approved by the Head of Department.
- Advances on remuneration for funeral arrangements, medical bills as well as other humanity reasons, with the discretion as well as approved by the Municipal Manager.

The Head of Department is responsible to ensure that S&T claims be deducted from employees who cancel their meeting / workshop /course attendance.

19. ORGANISATION STRUCTURE ALIGNMENT

In terms of section 68(1) of the Municipal Systems Act, Act 32 of 2000, a municipality must develop its human resource capacity to a level that enables it to perform its functions and exercise its powers in an economical, effective, efficient and accountable way.

The organisational structure is reviewed in accordance with the Regulations on the Local Government Municipal Systems Act (Act no 32 of 2000) on appointments and Conditions of Employment of Senior Managers (Government Gazette 37245) dated 17 January 2014, Chapter 2, and Clause 4.

20. DISPUTE RESOLUTION

- 20.1 Where a dispute may arise, this should be referred to the relevant structures for internal resolution (grievance procedure).
- 20.2 All parties shall be heard in the dispute resolution process.
- 20.3 In the event of the dispute not being resolved internally, it should be referred to SALGA.

21. IMPLEMENTATION DATE

This Policy will be implemented upon approval by Council.

[BACK TO AGENDA](#)
