

## **EMPLOYEE ASSISTANCE POLICY 2021/22**

## Summary

Ngqushwa Local Municipality is committed to the health and well-being of its employees and recognizes that a variety of personal problems can disrupt their personal and work lives. Personal problems like alcoholism, drugs, gambling stress, emotional distress have devastating effects on the health and life of a person. Provision of professional advice to employees will go a long way towards improving the well-being of employees in the workplace. Ngqushwa Local Municipality further recognizes that EAP is a tertiary form of support to employees. It will be provided once a strong need has been established and when other HR Intervention remedies fall short of producing the desired results.

|  |   |
|--|---|
| <b>Publication Date</b>  |   |
| <b>Review Date</b>   | <b>September 2021</b>   |
| <b>Related Legislation/Applicable Section of Legislation</b>           | <ul style="list-style-type: none"> <li>• <b>SALGBC Collective Agreements</b></li> <li>• <b>Basic Conditions of Employment Act 75 of 1997;</b></li> <li>• <b>Hazardous Substances Act 15 of 1973;</b></li> <li>• <b>Labour Relations Act 66 of 1995;</b></li> <li>• <b>National Environmental Management Act 107 of 1998;</b></li> </ul> |
| <b>Related Policies, Procedures, Guidelines, Standards, Frameworks</b> |   |
| <b>Replaces/ Repeals (whichever is relevant, if any)</b>               |   |
| <b>Policy Officer (Name/Position)</b>                                  | <b>L. NQAWA</b>   |
| <b>Policy Officer (Phone)</b>  | <b>040-6733095</b>  |
| <b>Policy Sponsor (Name/Position)</b>                                  |   |
| <b>Department Responsible</b>  | <b>Corporate Services</b>   |
| <b>Unit responsible</b>  | <b>Human Resources</b>  |
| <b>Applies to</b>  | <b>All Municipal Employees</b>  |
| <b>Key Words</b>   | <b>Employee Assistance Policy</b>   |
| <b>Status</b>  | <b>Reviewal</b>   |

|                              |          |
|------------------------------|----------|
| <b>Council approval date</b> |          |
| <b>Version</b>               | <b>1</b> |

**REVISION RECORD**

| Date | Version | Revision Description |
|------|---------|----------------------|
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## **1. TITLE**

Employee Assistance Policy

## **2. PURPOSE**

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

## **3. SCOPE**

This policy will apply to all employees of the municipality

## **4. PROCEDURE DETAIL**

### **4.1 BASIC PRINCIPLES**

- Early intervention is desirable in dealing with any personal, family or work-related problems
- Management and Unions shall work co-operatively through the Employee Assistance Programme in order to help employees deal with personal problems
- In the event of informal referrals, the employer's concern with employee problems shall be limited to efforts to address deteriorating work performance
- The supervisor or manager shall be responsible for identifying the problem with the employee when job performance falls below standard
- The supervisor shall not be responsible for diagnosing the nature of a personal problem and the Employee Assistance Programme should be used to improve work performance.
- The Employee Assistance Programme shall apply equally to all employees and categories of persons mentioned in section 5
- The Employee Assistance Programme is designed to encourage employees to voluntarily seek help (self-referral) for personal problems
- The Employee Assistance Programme shall be strictly voluntary and not mandatory
- Confidentiality shall be the cornerstone of the Employee Assistance Programme
- Employees' access to the programme shall be unfettered and not be conditional on consent to release information to management
- Information shall not be released to anyone without the employee's written consent
- Information pertaining to an employee shall be legally confidential

- An employee's current job and opportunity for promotion or advancement shall not be jeopardized by using the services of the Employee Assistance Programme
- The Employee Assistance Programme shall constitute an additional form of assistance to employees upon realization of disadvantaging inadequacy of the available HR remedies or benefits
- The Employee Assistance Programme shall not after management's responsibility to maintain discipline or the employer's right to take disciplinary measures within the framework of the disciplinary procedure and code, nor shall it alter the union's prerogatives to seek any desirable remedies in terms of the law.
- The Employee Assistance Programme is not designed to assist in "conflict resolution" between employees and/or managers
- The Employee Assistance Programme may be used to help the employee deal with personal consequences of conflicts which may be work-related

#### **4.2 ELIGIBILITY TO USE THE EMPLOYEE ASSISTANCE PROGRAMME**

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

- 4.2.1 Contract and permanent employees
- 4.2.2 Casuals or temporary employees with over six months of accumulated service
- 4.2.3 Any of the above who are on long-term disability
- 4.2.4 Other groups might be added, due to mobility of departments, with approval of the EAP committee
- 4.2.5 To be included in the category of family members for the purpose of inclusion in the Employee Assistance Programme are the following:-
  - Spouses (including common law spouse and significant others)
  - Dependent children, as defined under the benefits plan
  - Eligibility is subject to having anyone of the personal, social, family or work-related problems cited in section 6

#### **4.2 AREAS OF ASSISTANCE**

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

- Marital, family and relationship problems
- Substance abuse (alcohol, drugs, prescription medication) and other addictive behavior such as gambling
- HIV/AIDS Counselling and treatment
- Workplace Violence and Trauma Counselling and after care
- Workplace discrimination or victimization, for example, discrimination against people with disabilities or from designated groups
- Personal debt and financial management problems

- Stress (family, social, job)
- The EAP Committee to visit the person hospitalized on behalf of the municipality but to first consult her/him.
- Family violence
- Psychological problems
- Sexual harassment
- Injury
- Chronic illness
- Any other area of personal concern approved by the EAP advisory committee

#### **4.3 EMPLOYEE ASSISTANCE AND WELLNESS PROGRAMME OPERATION**

4.3.1 The EAP and EWP's shall operate by making an intake and concerns with the use of Internal capacity and resources on the basis of voluntary participation

4.3.2 Referrals will be made to specialized agencies and services in the community to provide ongoing appropriate and required assistance to employees

4.3.3 Whenever possible, public community services shall be used initially

4.3.4 Participation in the EAP shall not be used as an alternative to discipline nor shall it be used by management as a disciplinary measure

4.3.5 All referrals shall be based on voluntary participation in the Employee Assistance Programme;

4.3.6 Any employee shall be free to consult, on a confidential basis, with the Employee Assistance Programme Practitioner concerning access to the programme and general information

4.3.7 There shall be no cost for employees to consult with the Employee Assistance Programme Practitioner

4.3.8 If further counselling or any other assistance is necessary, the EAP Practitioner will outline community and private services available

4.3.9 Any costs associated with private or public services shall be borne by the Employer

4.3.10 Employer funding for any service is not automatic, shall be based on the merits of each case as determined by the EAP advisory committee



## **4.4 RIGHTS AND RESPONSIBILITIES OF DIFFERENT STAKEHOLDERS**

### **4.4.1 General norm**

4.4.1.1 Maintenance of acceptable job performance shall be shared responsibility of concerned stakeholders

4.4.1.2 Performance goals and targets shall be set by the manager/supervisor along with the employee and achievements measured against these goals

4.4.1.3 The employee shall after thorough coaching by the manager, respond by accepting responsibility for maintaining satisfactory job performance

4.4.1.4 Declining job performance shall be addressed from a perspective of monitoring performance standards

4.4.1.5 The municipality shall use appropriate policy and procedures to set standards for measuring performance and application of both incentives and disincentives

4.4.1.6 The municipality shall acknowledge exemplary performance by recognition of individuals and groups of employees for this type of performance in a special way

### **4.4.2 Employee rights and responsibilities**

4.4.2.1 Personal Information concerning employee participation in the EAP shall be maintained in a confidential manner

4.4.2.2 No information related to an employee's participation in the programme shall be entered into the personnel file

4.4.2.3 Access to employee's EAP Information shall be limited to EAP staff

4.4.2.4 An employee may review his or her EAP file at any reasonable time

4.4.2.5 The EAP file is destroyed after seven years following closure of the case, subject to compliance with the laws

4.4.2.6 Participation in the EAP shall not jeopardize an employee's job nor prejudice any opportunity for promotion or advancement or employment benefit

4.4.2.7 Extended leave of absence may be granted in accordance with the leave policy and/or terms and conditions of employment and such conditions which may be recommended by the EAP Committee and approved by the Municipal Manager for recovery, professional assessment counselling and treatment, and may not be rejected unreasonably

4.4.2.8 It shall be the responsibility of the employee to maintain satisfactory job performance

4.4.2.9 In the event that personal problems cause deterioration of work performance, the employee has a responsibility to obtain the necessary help to bring job performance up to an acceptable level

4.4.2.10 The EAP shall offer means to obtain this help

### **4.4.3 Manager/supervisor's responsibility**

The Manager/Supervisor shall:-

- Address work performance problems through normal supervisory procedures
- Be consistent and treat employees fairly

- Make employees aware of the EAP in instances where declining job performance has been determined, if appropriate
- Not attempt to diagnose personal problems of the employee or offer a personal opinion
- Provide a follow-up and support to employees upon return to work, if appropriate
- Not require the employee to divulge the nature of the problem when requesting leave for an appointment with the service providers under the EAP
- Verify attendance of the employee through the EAP practitioner
- Maintain a strict level of confidentiality with all cases

#### **4.4.4 Unions responsibilities**

- The union shall keep abreast with the programme and its referral procedure
- The union shall encourage members of the EAP, if appropriate
- The union shall maintain a strict level of confidentiality in all EAP cases

#### **4.4.5 Employee Assistance Programme Practitioner's responsibilities**

The practitioner shall be responsible for:-

- Overseeing the EAP to ensure effective and consistent application of the policy and procedure
- Providing information sessions to management, councilors, unions and staff regarding the EAP
- Promoting the EAP in the workplace
- Developing and maintaining an accurate, current data base on "helping" resources and services in the community including a brief description of services available and the cost, if any, of the service
- Liaising with service providers to assure service standards are acceptable and meet the requirements of clients
- Conducting screening and preliminary assessment of persons contacting the EAP for assistance
- Providing full information to employees regarding participation in the programme
- Making referrals to a professional counselor or/and service agencies for detailed assistance, assessment and treatment as appropriate
- Making follow-ups as may be desirable with the individual to assure assistance was beneficial
- Making follow-ups as may be desirable with the individual to assure assistance was beneficial
- Assisting the employee in his or her return to the work environment as appropriate
- Providing consultation to managers regarding the EAP services

- Organizing and/or facilitating, on an ongoing basis, educational programs for employees about the EAP services
- Maintaining all information on employees participating in the Employee Assistance Programme in a confidential and secure manner
- Providing feedback to management on areas where special attention or training is required
- Providing feedback to management on areas where special attention or training is required
- Providing statistics of participation in the programme without identifying the personal details of participants

#### **4.4.6 Establishment and responsibilities of the EAP Advisory Committee**

- There shall be an inter-departmental EAP Advisory Committee composed of one staff member from each department, two members from both SAMWU and IMATU and the Practitioner shall be an ex-officio member of the committee
- The committee shall:-
  - Review established policy to ensure agreement and understanding of procedures and practices
- Develop and recommend changes in programme policy as necessary after receiving input from interested parties
- Develop strategies in conjunction with the EAP Practitioner to ensure that employees are aware of the EAP
- Develop strategies in conjunction with the EAP Practitioner to ensure that employees are aware of the EAP
- Oversee an evaluation of the programme

#### **4.5. ACCESS, REFERRAL AND OFFERS OF ASSISTANCE**

4.5.1 Participation in the EAP shall either be self-initiated or employer initiated

4.5.2 The decision to seek assistance through the EAP shall be always voluntary

4.5.3 When an offer of assistance is made by the employer, it shall not be mandatory for the employee to accept the offer

4.5.4 The contact details of the designated EAP Practitioner and Committee members may be obtained from the Executive Manager: Corporate Services

#### **4.6 SELF INITIATED EAP PARTICIPATION**

4.6.1 An employee who recognizes that a problem exists and seeks assistance shall call the EAP Practitioner directly

4.6.2 The realization of the problem may have resulted from a process of self-realization or from a family member, friend, co-worker or supervisor sharing concern for the employee and informally suggesting the use of the EAP

4.6.3 The self-referrals shall be treated with confidentiality

4.6.4 The employee's supervisor shall not necessarily be informed of the nature of the problem unless the employee requests this to happen

4.6.5 The employee shall be responsible for obtaining approval for any required time off associated with the use of the EAP.

#### **4.7 EMPLOYER INITIATED PARTICIPATION**

4.7.1 The manager shall be responsible for addressing the employee's deteriorating work performance and providing guidance to help the employee improve work performance

4.7.2 An employee shall accept responsibility for keeping job performance at a pre-established acceptable level

4.7.3 If job performance does not improve or shows continuing deterioration, then the manager shall initiate a formal offer of assistance and it shall not be mandatory/obligatory for the employee to accept this offer

4.7.4 Prior to initiating a formal offer of assistance, the supervisor/manager shall consult with the EAP Practitioner concerning the appropriateness of the offer

#### **4.8 INFORMAL OFFER OF ASSISTANCE**

4.8.1 The supervisor/manager shall ensure that the employee receives an informal offer of assistance prior to initiating a formal offer of assistance

4.8.2 Such offers shall be documented

4.8.3 Certain workplace behavior could result in an employer-initiated formal offer of assistance without there being previous informal offers

#### **4.9 FORMAL OFFER OF ASSISTANCE**

4.9.1 The formal employer-initiated offer of assistance shall be in writing on the prescribed form (Appendix 1)

4.9.2 The employee shall reserve the right to refuse the offer

4.9.3 A formal offer of assistance shall be delivered confidentially to the employee, with a confidential copy to the EAP Practitioner and a copy retained in a confidential HR master personnel file

## **4.10 REFERRAL BY THE EMPLOYEE ASSISTANCE PROGRAMME PRACTITIONER**

### **4.10.1 Assessment**

- The employee shall be responsible for making contact with the EAP Practitioner
- During the initial contact, the EAP Practitioner shall explain the EAP, including confidentiality of the programme and the exceptions, the employee's rights and responsibilities and full information about participation in the programme
- The EAP Practitioner and the employee will conduct a preliminary assessment of the problem
- The Practitioner shall provide information and, if appropriate, encourage the employee to accept referral for counselling and treatment
- Upon completion of the preliminary assessment, the Practitioner and the employee shall discuss the options which appear to be most realistic and attainable for the employee in resolving the problem
- The employee shall choose the treatment service and a referral will be facilitated by the EAP Practitioner
- The EAP Practitioner shall conduct a preliminary assessment of the problem with the employee

### **4.10.2 EAP Qualification**

The EAP Practitioner shall be knowledgeable about the appropriate services in the community and will assist the employee with making referral arrangements.

## **4.11 CO-ORDINATION AND FOLLOW UP**

- 4.11.1 The EAP Practitioner shall maintain an informal but planned follow-up procedure
- 4.11.2 The EAP shall work with the employee to ensure appropriate services are received in a timely manner
- 4.11.3 Contact with any service agency or the employer, shall only be at the request of the employee

## **4.12 CONFIDENTIALITY**

- 4.12.1 Maintenance of discipline and confidentiality shall be the primary principles of participation in the EAP
- 4.12.2 Failure to maintain confidentiality by the EAP Committee member, the member will be dealt with in terms of disciplinary procedures
- 4.12.3 The EAP interaction shall be a matter of privacy

4.12.4 An EAP Practitioner who is subpoenaed to surrender records or to testify in court shall not be in breach of his or her confidentiality obligation

4.12.5 An EAP Practitioner shall not be in breach of confidentiality obligations by complying with the mandatory reporting provisions of the child abuse legislation or the obligation to warn the intended victims of violence

4.12.6 The EAP staff shall maintain the minimum amount of information required to assist the employee

4.12.7 Access to files for review by the employee shall be made at any reasonable time

4.12.8 The EAP Practitioner shall issue identity codes to participating employees for the purpose of enhancing confidentiality

4.12.9 Notwithstanding clause 4.12.8 personal particulars may be required for legal identification purpose

4.12.10 All persons employed within the EAP shall be bound by conditions of strict confidentiality

#### **4.13 SUMMARY**

4.13.1 The EAP shall be for the benefit of eligible persons

4.13.2 Employees shall obtain help with personal problems which may be affecting their wellbeing, family life or work performance

4.13.3 The employer shall benefit from the implementation of the programme by boosting the morale and retaining employees with valuable skills and knowledge

4.13.4 Early use of the programme shall contribute to the prevention of serious problems for the individual employee, family and employer

#### **4.14 COMMUNICATION**

Circulars, messages and notices on notice boards will be utilized in order to inform all employees of the availability of the policy. Copies of the policy will also be distributed to the parties that took part in the consultation process

## 5. ROLES AND RESPONSIBILITIES

| Role   | Authority                   |
|--|-----------------------------|
| <ul style="list-style-type: none"> <li>• Create, evaluate, review and adopt the Employee Assistance Policy</li> </ul>  | Council                     |
| <ul style="list-style-type: none"> <li>• Implement and enforce this policy</li> <li>• Establish and control the administration necessary to fulfil this policy, and report efficiently and regularly to the Committee in this regard.</li> </ul>   | Municipal Manager           |
| <ul style="list-style-type: none"> <li>• Ensure that there is compliance with the Employee Assistance Policy</li> <li>• It will be the responsibility of the Corporate Services Department to consider the provisions of this policy on annual basis.</li> <li>• The Corporate Services Department shall request all Departments to submit their proposed changes for submission to Council for approval.</li> </ul> | Director Corporate Services |

## 6 MONITORING, EVALUATION AND REVIEW

A report detailing the progress with the Employee Assistance Policy with specific reference to achievement of this policy has to be compiled every year by the person with the responsibility for implementation and monitoring. The policy must be made available to all consulting parties for perusal and comment and must be circulated to all staff members by means of circulars, notices and notice boards.

## 7. DEFINITIONS AND ABBREVIATIONS

| Term              | Meaning   |
|-------------------|---|
| <b>Alcoholism</b> | means the chronic abuse of alcohol, where the employee is unable to control the condition by his/her own ability to resist such abuse |

|                           |   |
|---------------------------|---|
| <b>Chronic illness</b>    | means illness that is of an ongoing nature and where there is no prognosis for a complete cure  |
| <b>Confidentiality</b>    | means obligation to refrain from willingly disclosing information that has been received in confidence and not to situations in which a court or statute compels a person to disclose information   |
| <b>Family violence</b>    | means any physical or psychological abuse that occurs within the family environment   |
| <b>Inadequacy</b>         | means that the normal employee benefits as provided for in the HR Policies and Procedure falls short of the requirements to meet the employee's needs   |
| <b>Referral</b>           | is any means by which an employee is encouraged to seek professional intervention and includes self-referral and informal referral  |
| <b>Significant others</b> | means boy/girlfriends, sexual partners or people in a relationship with the employee who might have a direct influence on the condition of the employee   |
| <b>Sexual harassment</b>  | means unwanted sexual attention or any unwanted pressure involving one's sexuality and/or unwanted, unsolicited and unreciprocated conduct of a sexual nature which substantially interferes with an employee's work performance, and/or has a detrimental effect on the terms and conditions of employment, and/or creates an intimidating, hostile or offensive work environment. |

## **8. SUPPORTING DOCUMENTS**

None

## **9. REFERENCES**

None

## **10. APPENDIX**

APPENDIX 1 - Confidential formal offer of assistance

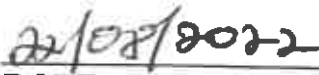
APPENDIX 2 - Confidential request for assistance




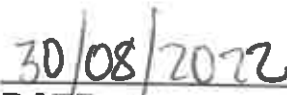
**11. ADOPTION AND APPROVAL OF THE POLICY BY COUNCIL**

This policy is adopted and approved by the full Ngqushwa Local Municipality Council for Implementation

  
MUNICIPAL MANAGER

  
DATE

  
MAYOR

  
DATE

**APPENDIX 1**

**FORM 1**



**CONFIDENTIAL FORMAL OFFER OF ASSISTANCE**

TO : \_\_\_\_\_

DATE : \_\_\_\_\_

On \_\_\_\_\_ we discussed your job performance and the opportunities available with the EMPLOYEE ASSISTANCE PROGRAMME.

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

\_\_\_\_\_  
**Signature of Supervisor**

\_\_\_\_\_  
**DATE**

Read and understood

\_\_\_\_\_  
**Signature of Employee**

This is not a mandatory referral and the employee is not obliged to attend. A copy of this form is to be delivered to the departmental master personnel maintained in a separate, confidential manner by the HR Manager

**APPENDIX 2**

**FORM 2**



**CONFIDENTIAL REQUEST FOR ASSISTANCE**

TO : Employee Assistance Programme Coordinator

DATE : \_\_\_\_\_

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

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

\_\_\_\_\_  
**Signature of Employee**

\_\_\_\_\_  
**Department**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Supervisor's Name**

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