

CORPORATE SERVICES DEPARTMENT SEXUAL HARRASSMENT POLICY	Doc Nr	
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SEXUAL HARRASSMENT POLICY

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The signatories hereof, confirm acceptance of the contents, recommendation, and adoption hereof.

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INDEX

1.	DEFINITIONS AND ACRONYMS	4
2.	PREAMBLE	5
3.	PURPOSE	5
4.	OBJECTIVES	6
5.	SCOPE	6
6.	APPLICATION OF THE POLICY	7
7.	FORMS OF SEXUAL HARRASSMENT	7
8.	REPORTING SEXUAL HARASSMENT	8
9.	CRIMINAL AND CIVIL CHARGES	9
11.	DETERMINATIONS OF SEXUAL HARASSMENT	9
12.	CRIMINAL AND CIVIL CLAIM CHARGES	10
13.	LEGISLATIVE AND REGULATORY FRAMEWORK	10
14.	STAKEHOLDER ENGAGEMENT (if applicable)	10
15.	IMPLEMENTATION	10
16.	MONITORING AND EVALUATION	11
17.	CONCLUSION	11
18.	REVISION DATE	11
19.	ANNEXURES	11

1. DEFINITIONS AND ACRONYMS

1.1 Statutory and Regulatory

This Procedure applies to the following meanings and interpretations:

#	TERM	DESCRIPTION
1.1	Employees	Employers, Managers, Supervisors, Employees, Job Applicants.
1.2	Municipality	Thulamela Local Municipality
1.3	Sexual Harassment	Is defined as any conduct of a sexual nature that is unwanted or unwelcome and exclude behaviour that is mutual or welcome.
1.4	Other forms of Harassment	Are defined as unwanted behaviour of any other nature, which may include physical, verbal or non-verbal conduct. The CCMA had developed 'information sheets' [1] which state that 'harassment' in the workplace also extend to- Bullying; Spreading malicious rumours; Insulting persons; Degrading, or picking on, another; Exclusion or victimisation; Unfair treatment; Unwelcome sexual advances and/or gestures; Making unsubstantiated threats about job security; Undermining a competent worker by means of overloading or constant criticism; or Intentional blocking of promotion or training opportunities

1.2 ACRONYMS

#	TERM	DESCRIPTION
2.1	ER	Employee Relations
2.2	HR	Human Resource

2. PREAMBLE

- 2.1 Thulamela Local Municipality has developed this policy which will provide a broad framework to sensitize against sexual harassment and manage sexual harassment cases if and when such an unacceptable practice occurs. From the onset it must be emphasized that any form of sexual harassment in the work environment is condemned and will not be tolerated.
- 2.2 Thulamela Local Municipality is focused organization with an intention protecting and empowering its employees and citizens without any discrimination. The municipality strives to attract the best people with diverse backgrounds, empower them to learn, lead and live a shared purpose in a workplace that values and embraces diversity, which will be achieved through an inclusive organizational culture where everyone belongs.
- 2.3 The municipality understands that harassment in the workplace, manifests itself in a form of unfair discrimination and can limit or counter the objectives and goals of building inclusive workplaces where everyone is valued. As such, harassment in the workplace will not be tolerated and should be prevented or rooted out. To this end, the municipality is committed to ensure that employees are not subjected to any form of harassment.

3. PURPOSE

- 3.1 This policy is designed to eradicate sexual harassment and other forms of harassment within all Thulamela Municipality workplaces. It aims to promote a work environment that is free of sexual harassment; where human dignity is respected and equal rights flourishes. It also provides guidelines on how to manage and deal with incidents of sexual harassment.
- 3.2 To ensure that all employees, management and councilor are aware of and can thus avoid any behavior that may constitute sexual harassment.
- 3.3 Create an environment, which upholds personal integrity and freedom, and condemns any form of sexual harassment.
- 3.4 Discourage and prevent sexual harassment in the workplace.
- 3.5 Create procedure to handle such cases as and when they occurs.

4. OBJECTIVES

The objectives of this policy are to:

- 4.1 Create a non-discriminatory work environment that is free of sexual harassment;
and
- 4.2 Prevent abuse of Human Rights
- 4.3 Promote a professional relationship amongst all employees
- 4.4 Promote a professional client relationship,
- 4.5 Create a non-discriminatory work environment that is free of sexual harassment;
and
- 4.6 Have guidelines in dealing with incidents of Sexual Harassment.

5. SCOPE

- 5.1 Sexual harassment in this workplace will not be permitted or condoned under any circumstances.
- 5.2 All employees and other persons who have dealing with the Municipality have the right to be treated with dignity.
- 5.3 The Municipality will strive to create and maintain an atmosphere of mutual respect among its employees and will take all reasonable steps in line with the SALGBC Grievance/Disciplinary procedure to discourage, prevent and eliminate any form of sexual harassment.
- 5.4 A person who has been subjected to sexual harassment in the workplace have the right to lay a complaint and have their allegation dealt with seriously, expeditiously, sensitively and confidentially.
- 5.5 Management should be placed under positive duty to implement this policy and take disciplinary steps against employee who do not comply with this policy.
- 5.6 Employees will be protected against victimization, retaliation for lodging grievances and from false accusations.

- 5.7 This Sexual Harassment policy should be communicated effectively to all employees.

6. APPLICATION OF THE POLICY

- 6.1 The application of the code of this policy includes Councilors, Managers, Supervisors, Students, Learners and interns, Consumers, Suppliers/Contractors, Job Applicant, Seconded Staff, Other members of the public dealing with the municipality.
- 6.2 Nothing in the paragraph above gives the authority to the employer to take disciplinary actions in respect of non- employees.
- 6.3 A non- employee who is a victim of sexual harassment may lodge a complaint with the municipality if harassment has taken place in the workplace or in the course of the harasser's employment.
- 6.4 An employee, who is sexually harassed by a supplier, contractor or other member of the public having dealings with the municipality, may lodge a complaint with the municipality if the harassment has taken place in the workplace or in the course of the employee's employment.

7. FORMS OF SEXUAL HARASSMENT

- 7.1 Sexual harassment may include unwelcome physical, verbal or non-verbal conduct, and is not limited to the examples listed as follows:-
- 7.1.1 Physical conduct of a sexual nature includes all unwanted physical contact, ranging from touching to sexual assault and rape, and includes the strip search by or in the presence of the opposite sex and indecent exposure.
- 7.1.2 Verbal forms of sexual harassment include unwelcome remarks, jokes, innuendos or taunts about a person's body, clothing or sex, suggestions, hints and comments with sexual overtones, sex-related jokes, sexual advances or insults or unwelcome graphic comments about a person's body made in the presence or directed towards them, unwelcome and inappropriate enquiries about a person's sex life, and unwelcome whistling or suggestive noises directed to a person or group of persons.
- 7.1.3 Non- verbal forms of sexual harassment include unwelcome or insulting gesture, leering (suggestive staring) the unwelcome display of pornographic or sexually explicit pictures and objects, graffiti, electronic mails, letters and

texts with sexual connotation, SMS- messages or other offensive material, practical jokes of a sexual nature which causes awkwardness or embarrassment.

- 7.1.4 Quid pro quo harassment for example occurs when a supervisor, member of management or co- employee influences or attempts to influence the process of employment, promotion, training, discipline, dismissal, salary increment or other benefit of an employee or job applicant, in exchange of sexual favour.
- 7.2 Sexual favoritism exists where a person who is in a position of authority rewards only those who respond to his/her sexual advances, whilst other deserving employees who do not accept any sexual advances are denied promotions, favorable merit rating or salary increases.
- 7.3 Sexual harassment can occur in relationships of equal powers or amongst peers. it is possible for women to be harassed by men or by other women, and men to be harassed by women or other men.

8. REPORTING SEXUAL HARASSMENT

- 8.1 The SALGBC collective agreement regarding disciplinary procedures provides for all complaints of misconduct to be reported in writing to the Municipal Manager or his/her authorized representative for investigation.
- 8.2 It is recognized that victims of sexual harassment may want to report incidents of sexual harassment to a person with whom the victim feels comfortable and therefore this policy provides for the reporting of sexual harassment to any of the following officials namely the Municipal Manager, Head of Department, Human Resources Manager, Labour Relations Officer or Employee Wellness Practitioner.
- 8.3 Previous consensual participation in sexual conduct does not necessarily mean that the conduct continues to be welcome. Where the complainant has difficulty indicating to the perpetrator that the conduct is unwelcome, the complainant may seek the assistance and intervention of another person such as a co- worker, superior, counsellor, human resource official, family member or friend.

9. CRIMINAL AND CIVIL CHARGES

- 9.1 A victim of sexual harassment has the right to institute separate criminal and/or civil proceedings against the perpetrator, and the legal rights of the victim are in no way limited by this policy.

10. CONFIDENTIALITY

- 10.1 Employer and employee must as far as possible ensure that complaints about sexual harassment are investigated and handled in a manner which ensure that the identity of the persons involved are kept confidential.
- 10.2 In case of sexual harassment, management, employees and all the parties concerned must endeavour to ensure confidentiality in the disciplinary enquiry. Only appropriate members of management as well as the complainant, representative, alleged perpetrator, witness and interpreter if required, may be present at the disciplinary enquiry. The municipality is required to disclose to either party or their representatives, such information as may be reasonably necessary to enable the parties to prepare for any proceedings in terms of the policy

11. DETERMINATIONS OF SEXUAL HARASSMENT

- 11.1 An employee who found guilty of sexual harassment shall be punished in terms of the Collective Agreement on Disciplinary code and Procedure read together with the Code of Conduct for Municipal Staff Members as contained in Schedule 2 of the Local Government Municipal System Act, Act No 32 of 2000.
- 11.2 The perpetrator of sexual harassment can be dismissed from Council's services if:-
- 11.2.1 The sexual Harassment is serious; even single/first incident can constitute a serious offence for which a perpetrator can be dismissed.
 - 11.2.2 The conduct continues after warnings were given; and
 - 11.2.3 The perpetrator victimizes or retaliates against an employee who in good faith lodges a complaint of sexual harassment.

12. CRIMINAL AND CIVIL CLAIM CHARGES

12.1 A victim of sexual harassment has the right to institute separate criminal and /or civil proceedings against an alleged perpetrator, and the legal rights of the victim are not in no way limited by this Policy.

13. LEGISLATIVE AND REGULATORY FRAMEWORK

This policy is underpinned by:

13.1 The Constitution of the Republic of South Africa;

13.2 Employment Equity Act, 1995 (Act No.55 of 1995);

13.3 Labour Relations Act, 1995(Act No 66 of 1995 and amended in 2006);

13.4 Code of good practice on sexual harassment.

13.5 Basic Conditions Act of Employment Act, 1997(Act No. 75 of 1997);

13.6 The Employee Assistance Programme Policy.

14. STAKEHOLDER ENGAGEMENT (if applicable)

14.1 All the relevant stakeholders internal and external will be consulted through the development and implementation of this policy.

15. IMPLEMENTATION: ROLES AND RESPONSIBILITIES

15.1 The implementation, monitoring and enforcement of this policy shall be the responsibility of the head of Human Resources.

15.2 Municipal Manager

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

15.3 Human Resource

15.3.1. Ensure adherence to this policy

15.3.2. Provide ongoing advice on issues of harassment

15.4 Line Manager

15.4.1. ensure that harassment cases are reported to Human resources

15.5 Complainant

15.5.1. ensure that they submit their complaint with line manager or Human resources.

16. MONITORING AND EVALUATION

16.1 On a continuous basis this policy will be assessed to determine its relevance and effectiveness and to assess whether it has achieved the intended objectives.

17. CONCLUSION

17.1 In conclusion, the Sexual Harassment Policy outlines critical matters raised in the purpose and the objectives. The provisions in the policy contents highlights the need for municipality to adhere to the key issues narrated which will address challenges encountered and lead to effective and efficient implementation of the policy.

17.2 The Municipality commits to make resources available, monitor and evaluate the effectiveness of the policy, thus encouraging all relevant stakeholders to familiarise themselves with the policy and take necessary actions to fully participate and ensure compliance of the policy.

18. REVISION DATE

18.1 The policy shall be reviewed after 3 years and revised as necessary.

19. ANNEXURES

19.1 Standard Operating Procedure

19.2 Business Process Map

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EMPLOYEE WELLNESS PROGRAMME POLICY

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INDEX

1.	DEFINITIONS AND ACRONYMS	4
2.	POLICY STATEMENT	6
3.	BACKGROUND	6
4.	PURPOSE	7
5.	OBJECTIVES	7
6.	SCOPE	7
7.	EMPLOYEE WELLNESS PROGRAMME PROVISIONS	8
8	PRINCIPLES OF THE EMPLOYEE WELLNESS PROGRAMME	10
9	IMPLEMENTATION: ROLES AND RESPONSIBILITIES	13
10	REFERRAL PROCEDURES	16
11	EWP/ WELLNESS ADVISORY COMMITTEE	17
12	FINANCIAL IMPLICATIONS	18
13	ADMINISTRATION OF THE POLICY	18
14	DESIGNATED STRUCTURE/ AUTHORITATIVE BODY	19
15	LEGISLATIVE AND REGULATORY FRAMEWORK	19
16	STAKEHOLDER ENGAGEMENT	20
17	MONITORING AND EVALUATION	20
18	CONCLUSION	20
19	REVISION DATE	20
20	ANNEXURES	20

1. DEFINITIONS AND ACRONYMS

1.1 Statutory and Regulatory

This Procedure applies to the following meanings and interpretations:

#	TERM	DESCRIPTION
1.1	Wellness	It is an active pursuit of a state of holistic health and well-being.
1.2	Health	The state of complete emotional, mental and physical well-being.
1.3	Work -Life Balance	The achievement of equality between time working and one's personal life.
1.4	Stress Based Problem	It is a situation or issue rooted in external or internal factors that create a stressful response, potentially leading to negative physical, mental or emotional consequences.
1.5	Counselling	means a therapeutic intervention by a trained professional such as a social worker, psychologist or psychiatrist.
1.6	Immediate family	It means spouse and children/ nuclear family.
1.7	Employee	A permanent worker, contract worker, interns and learners working for the Municipality under the direction or supervision of an employer.
1.8	Employee Wellness Programme	A planned, systematic Programme designed to provide professional assistance to all employees and their immediate families. Who may be experiencing among others alcohol, drug, emotional or personal crisis or problems (for example health, marital, family, stress, financial, traumatic, legal and other personal concerns.
1.9	EWP Professional	A professionally trained person, performing EAP specific or related tasks, i.e. Therapy, counseling, marketing, evaluating. The EWP Professional can be professionally trained and registered with a relevant statutory body to perform therapeutic interventions, if not, such cases should be referred.
1.10	EWP Officer	Refers to a designated person in the Human Resource Management Department; not necessarily a professional who performs EAP related tasks such as liaison training, administrative tasks and record keeping.
1.11	External resources	Any acknowledged resource in the community providing employee wellness-related resources.
1.12	Healthy	in relation to the workforce, means a workforce, which comprises of employees with a high morale, high level of

#	TERM	DESCRIPTION
		performance within a secure, stable environment, with a reduced frequency of disciplinary cases and absenteeism.
1.13	immediate Family Member	Shall mean the spouse or partner and all children who are dependent on the employee inclusive of adopted and foster children, siblings and parents.
1.14	intervention	A therapeutic, professional guidance and Counseling with an employee and immediate family members by exploring his/her feelings and guiding him/her through a process of recovery in order to overcome his or her problem/s.
1.15	Service Provider	An individual provider providing professional service to employees.
1.16	Supervisor	Any person who is employed in a position of authority and who oversee the performance of subordinate staff.

1.2 ACRONYMS

#	TERM	DESCRIPTION
1.2.1	SALGBC	South African Local Government Bargaining Council
1.2.2	EHWS	Employee Health and Wellness Services
1.2.3	OHS	Occupational Health and Safety
1.2.4	PTSD	Post-Traumatic Stress Disorder
1.2.5	EAP	Employee Assistance program

2. POLICY STATEMENT

2.1 Thulamela Local Municipality acknowledges that corporate wellness is very vital in the workplace. Therefore, it is important to encourage employees to practice healthy lifestyle through wellness in all spheres of life. Thulamela Local Municipality values all its employees equally because they are a valuable resource to the organization. The Municipality is committed in assisting its employees to maintain a high level of well-being and achieve both employers and personal goals. As part of this commitment, Thulamela Local Municipality recognizes the need to provide adequate support for employees experiencing personal challenges or work-related difficulties. The provision of services to employees through the Employee Wellness Programme (EWP) will facilitate the early intervention and referral of employees whose work performance is affected by personal difficulties or when the employee is unable to create a Work Life Balance.

3. BACKGROUND

- 3.1 Thulamela Local Municipality, like many other organizations has acknowledged that there is a fundamental difference between Wellness and Employee Assistant Programme. EAP was limited in scope and practice; it was too reactive and not intense on awareness and prevention. This policy will address individual and organizational wellness in a proactive and reactive manner. The policy will bring balance to the TLM employee communities life circles where wellness services are personalized to simultaneously address the challenge of balancing employee work-life needs, sustain productivity and foster a stronger sense of belonging in the workplace.
- 3.2 The aim of this policy is to encourage employees to tread the path of healthy lifestyle. Most of the psychosocial issue of TLM employees are "stressor-based problems, which needs to be addressed with therapies ranging from, Cognitive Behavioural Therapy, Race-Based Trauma, Post Traumatic Stress Disorder, Post Traumatic Stress injury and solution focused brief therapy. These therapies will help reduce the high number of employees hospitalized with mental health issues. The employee wellness programme will address prevalent clinical issues of TLM employees which include women and men's health, chronic disease management like HIV/AIDS, cancer, Diabetes, and many other diseases that may lead to employees being medically boarded.

4. PURPOSE

- 4.1 To promote employee health and well-being by encouraging healthy lifestyle choices, which aims at increasing productivity, reducing absenteeism and avoidable medical boarding, lowering healthcare cost and improving employee morale and engagement within the municipality. The policy will enable Municipality to provide a professional service to those employees who are experiencing social or psychological problems. The employee wellness Programme is designed to assist the identification and resolution of problems associated with employees impaired by personal concerns, but not limited to health, family, financial, alcohol, drug, legal, emotional, stress or other personal concerns and addictions which may adversely affect an employee's performance.

5. OBJECTIVES

- 5.1 The objectives of the Employee Wellness Programme are to:
- 5.1.1 To assist line Managers/Supervisors to deal appropriately with challenges that confront employees at the workplace and help employees to seek professional help with the challenges that impact on their work and interpersonal relationships at work.
 - 5.1.2 To confidentially provide employees with professional assistance in dealing with a broad range of human relation problems.
 - 5.1.3 To identify, resolve and prevent productivity problems encountered by employees.
 - 5.1.4 To identify employee's behavioural problems based on job performance issues.
 - 5.1.5 To focus on employee psycho- social problems experienced by employees.
 - 5.1.6 To promote a safe and healthy environment for all employees.
 - 5.1.7 To promote Work-Life-Balance through the existing policies in the workplace to accommodate work, personal and family needs.
 - 5.1.8 To promote the physical and psychosocial well-being of individual employees.

6. SCOPE

- 6.1 Employee Wellness Management Policy will apply to all permanent employees and their immediate families, contract, and employees on an internship programme. The programme caters for all employees of Thulamela Local Municipality irrespective of rank,

race, gender, age or religion. It therefore provides constructive assistance to employees and their immediate family members who are experiencing any form of personal problems such as physical illness, mental and emotional illness, family distress, financial, alcoholism, gambling, addiction or substance abuse like drug, alcohol, sex and others.

- 6.2 Render confidential service aimed at assisting employees to improve their efficiency and quality of life by means of rehabilitation programs.

7. EMPLOYEE WELLNESS PROGRAMME PROVISIONS

SERVICES OFFERED FOR WELLNESS BY THE MUNICIPALITY

The following services will be provided to employees:

- 7.1 Comprehensive Wellness Programs - Comprehensive Wellness Programs aims at embracing a holistic wellness approach that is, considering the whole person, including, their physical, mental, emotional, social and spiritual health. The components of a holistic Wellness Management shall include:

7.1.1 Physical Wellness- This promotes taking care of your body for optimal health and functioning. Physical fitness and wellness encompass the ability to perform daily activities with ease, including aspects of sports, proper nutrition, exercises and stress management.

7.1.2 Social Wellness - Emphasize a positive and interdependent relationships with others. Building and maintaining healthy relationship, fostering genuine connections and engaging in activities that promote a sense of belonging.

7.1.3 Psychological Wellness - This is a dynamic state that is influenced by and influences our physical intellectual, spiritual and social lives. It encompasses a state of well-being characterized by positive emotions, effective functioning and a sense of fulfilment.

7.1.4 Spiritual Wellness- This refers to integrating our beliefs and values with our actions, it enhances our connection between mind, body and spirit. It involves finding meaning, purpose, and connection through personal values and beliefs.

7.1.5 Intellectual Wellness – This is the utilization of human resources and learning resources to expand knowledge and improve skills. It promotes life-long learning

and personal development through studying, engaging in challenging discussions and pursuing diverse interests.

7.1.6 Financial Wellness - This is the ability to maintain a fully developed and well-balanced plan for managing one's financial life that is integrated with personal values and goals. It is the ability to meet the current and near-term financial obligations and to be on track to meet future goals. It assists employees to be financially savvy.

7.1.7 Emotional wellness -

7.1.8 Occupational wellness -

7.2 PREVENTION PROGRAMMES

7.2.1 EWP shall conduct needs assessment to ensure that programmes implemented respond to employee's needs.

7.2.2 EWP shall provide confidential, appropriate and timely problem identification or assessment services for employees' personal concerns that may affect job performance.

7.2.3 EWP shall encourage physical exercise, recreation and relaxation of employees through participation in sports and recreation and social interaction programmes.

7.2.4 Employees shall be encouraged to manage lifestyle diseases and health risks by under-going regular wellness screening.

7.2.5 EWP shall promote good nutrition, healthy diet and weight control through advocacy and awareness.

7.3 TRAINING PROGRAMMES

7.3.1 Training on Employee Health and Wellness Management shall be offered to achieve the intentions of this policy and to meet the objectives of EWP.

7.4 FINANCIAL WELLNESS PROGRAMME

The EWP shall promote financial wellness to employees through:

7.4.1 Conducting regular information sessions on financial wellness and retirement planning by engaging stakeholders from the financial services sector.

7.4.2 Linking employees who are indebted and listed with access to debt counsellors.

7.5 PSYCHO-SOCIAL WELLNESS

Employee Wellness Programme shall:

7.5.1 Ensure appropriate referrals of employees and appointment of service providers for diagnosis, treatment, assistance, case monitoring and follow-up services.

7.5.2 Ensure the formation of linkages between the workplace EWP, community resources and service providers who provide such service.

7.5.3 Encourage employees to access health care options.

7.5.4 Follow up services for employees who have utilised the EWP.

7.5.5 Ensure appropriate marketing and promotion of the programme which shall be on-going, realistic, honest, specific and consistent.

7.5.6 An official transport and accommodation shall be provided for an employee referred to consult an external service provider to and from the workplace where applicable.

7.6 EMPLOYEE WELLNESS PROGRAMME RESOURCES

7.6.1 The Municipality shall be responsible for making provision for all resources required for all the employee wellness programmes.

8 **PRINCIPLES OF THE EMPLOYEE WELLNESS PROGRAMME**

8.1 CONFIDENTIALITY

8.1.1 Employees enrolled into Wellness Services are assured of confidentiality, except in cases of risk to self and others or in terms of the legislation. Strict confidential records and information outside the personnel records should be maintained at all times. The role of the Employee Wellness program office is to ensure the confidentiality of all medical and personal information of employees.

8.1.2 The Employee Assistance Programme Professional shall maintain confidentiality of the information shared during consultations with any employee. The personal

information shall not be disclosed to anyone (management included) without the employee's written consent except when disclosure is required in terms of law.

8.1.3 All the clients'/employees' recorded information shall be kept strictly confidential to the extent provided by the statute and/or regulation. It will not be noted in any employee's personnel file.

8.1.4 Any breach of confidentiality by the EWP Professional will be a violation of the Municipality's Code of Conduct as well as Employee Assistance Professional Association of South Africa (EAPA-SA) to which the EAP Professionals belong as well as the professional code of ethics outlined by a professional body.

8.1.5 However, confidentiality can be bridged only if:

8.1.5.1 In compliance with the court order;

8.1.5.2 The practitioner receives a subpoena;

8.1.5.3 Reporting illegal acts;

8.1.5.4 An employee gives written consent;

8.1.5.5 An employee poses a threat to him/herself or others.

8.2 ACCESSIBILITY

8.2.1 The EAP facility shall be accessible to all the employees of the Municipality, i.e. the management, unionised and non-unionized employees who are experiencing personal and/or work problems.

8.2.2 EAP service is also accessible to all employees' immediate family members.

8.4 DISCIPLINE

8.4.1 EAP services are not a substitute for the discipline of employees, rather EAP services should be used before, or in conjunction with disciplinary action where appropriate. The employee wellness programme does not alter management's responsibility to maintain discipline or the right to take disciplinary measures as per policies within the Municipality.

8.4.2 The EAP is not designed to assist in conflict resolution between employees, managers and / or supervisors, but to assist them to deal with personal consequences of conflicts which may be work related. No one should manipulate the EAP by:

8.4.2.1 Trying to avoid disciplinary action;

8.4.2.2 By justifying inappropriate work conduct or insubordination;

8.4.2.3 Using the EAP to attend to personal matters.

8.5 VOLUNTARISM

8.5.1 The EAP encourages employees to voluntarily seek help (self-referral) for personal and work-related problems. Employees cannot be forced to go to the employee even though the Municipality acknowledges that it is a strong motivation lever as the consequences of not seeking help could ultimately result in disciplinary action.

8.5.2 Participation in the programme shall be voluntarily without denying the management the prerogative of recommending the employee for assistance. If employees with problems have been identified but refused to be given assistance whereas their performance is deteriorating, such employees are opening themselves to serious disciplinary action.

8.6 NEUTRALITY

8.6.1 EAP shall not become enmeshed in the traditional interface with management and the employees and shall not clash with the existing Municipal procedures. Therefore, participation in the programme shall not jeopardise employees' job security or opportunities for promotion or other related benefits.

8.7 EQUAL RIGHTS

8.7.1 Employees who use EAP services shall receive the same consideration as those with medical problems. No employee shall receive preferential or adverse treatment due to his/her participation in the EAP. The EAP is meant for all employees irrespective of their rank, age, race, gender, sexual orientation, disability, social origin, culture, language, political opinion and status.

8.8 PREVENTION OF ABUSE

8.8.1 Any employee or participating party as well as executing authority shall not use the programme for ulterior purpose. EAP is meant for the improvement of productivity and service delivery within the Municipality EAP shall provide an acknowledgement of consultation letter in all consultation conducted during working hours.

8.9 SERVICE DELIVERY SYSTEM

8.9.1 EAP is a benefit to all employees and their immediate family members therefore services are free. The EAP will make an effort to refer those who need beyond in house services. If costs are incurred for the rehabilitation and other services that cannot be provided by the EAP, such cost will be the responsibility of the employee concerned. However, the employee or dependant will be notified by the EAP in advance of referrals where additional costs may be incurred.

8.10 ACCOUNTABILITY

8.10.1 The EAP implementation is a collaborative effort between the management, labour union and employees. It is essential that the managers and the supervisors be trained in early identification of the problem to ensure that they are accountable for their subordinate's job performance. It is the responsibility of the employee to ensure that they take accountability for their job performance.

9 **IMPLEMENTATION: ROLES AND RESPONSIBILITIES**

9.1 SENIOR MANAGEMENT

9.1.1 The Senior Management's role will be one of facilitating policy development and review, resource allocation as well as monitoring and evaluation of the EWP within its planning, performance and reporting cycles. The specific issues include the following:

9.1.1.1 Establishing appropriate structures and mechanisms for complying with minimum standards for EAP set by the Employee Assistance Programme Association of South Africa (EAPSA — SA).

9.1.1.2 The Municipality will utilize an advisory committee or other equivalent structure for this purpose.

9.1.1.3 Advising on EAP design, development, planning and Implementation.

9.1.1.4 Appoint suitably qualified Employee Wellness Professionals at Head office.

9.1.1.5 Promote harmonious and collegial relationships among the different structures and levels within the Municipality.

9.1.1.6 Assist directly with the marketing and promotion of the EAP.

9.1.1.7 Developing ongoing needs assessment.

9.1.1.8 Contribute to Programme evaluation procedure

9.1.1.9 Ensure that Employee Assistance Professionals receive professional development to ensure quality client service.

9.2 MIDDLE MANAGERS AND SUPERVISORS

9.2.1 Early identification and referral of employees with problems to EA.

9.2.2 Support the Programme by being part of the Advisory Committee that addresses EAP related issues.

9.2.3 Network with union to ensure early intervention.

9.2.4 Assist with the assessment of organizational and employee's needs and discuss deteriorating work performance with the employee concerned.

9.2.5 Allow the employee reasonable paid time off to attend EAP intervention and/or therapeutic resources.

9.2.6 Under no circumstances may an employee be prevented from receiving assistance.

9.2.7 Supervisors should fulfill a supportive role towards the employee while treatment/ counseling are continuing. During and after treatment, the supervisor should assist in reintegrating the employee into the work environment.

9.2.8 Evaluate employees' progress through follow up with the EAP professionals.

9.3 EMPLOYEE WELLNESS PROFESSIONALS

9.3.1 Conduct continuous assessment to determine the Municipal and employee needs in relation to the Programme.

- 9.3.2 Design preventative programmes to address identified needs.
- 9.3.3 Establish and maintain effective information management system. (Quarterly and annual reports).
- 9.3.4 Develop a marketing strategy of the programme and ensure the implementation thereof.
- 9.3.5 Provide confidential, appropriate and timely problem assessment service to employees and their immediate family members.
- 9.3.6 Provide short term therapy and refer employees for appropriate diagnosis and treatment.
- 9.3.7 Train supervisors, managers and union representatives on EWP processes.
- 9.3.8 Provide assistance to supervisors and management in the identification of employees with performance and behavior related problems.
- 9.3.9 Ensure the confidentiality of information obtained about employees and their dependents.
- 9.3.10 Establish and maintain partnerships with internal and external stakeholders.
- 9.3.11 Consult with management on employee and organisational development matters.
- 9.3.12 Maintain statutory registration with relevant professional council (license to practice).

9.4 EMPLOYEES

- 9.4.1 Early identification and self-referral to EAP in order to receive timely intervention.
- 9.4.2 The employee need not identify the exact nature of his/her problem to the EAP Officer. However, it would be helpful in order to select the most appropriate resource for referral.
- 9.4.3 Cooperate when assistance is offered.
- 9.4.4 Adhere to the job performance and other Municipal Policies.

9.4.5 Actively and voluntarily participate in all wellness initiatives or services offered by the municipality, make informed choices about their health, take ownership of their well-being by utilizing available resources to maintain a healthy lifestyle both physically and mentally.

9.4.6 Follow guidelines outlined on the Employee Wellness programme policy and reporting any concerns related to their health or work environment that could impact on their health and wellbeing.

9.4.7 Responsibly make use of Wellness facilities and services provided at the workplace.

9.5 ADVISORY WELLNESS COMMITTEE

9.5.1 Recommend specific strategies, policies and procedures for implementing the EWP and HIV& AIDS programmes.

9.5.2 Advise on the implementation procedures.

9.5.3 Assist the EWP Professionals with the identification of trends which impact on productivity for redress.

9.5.4 Assist in marketing and promotion of the programme.

9.5.5 Contribute to the monitoring and evaluation procedure.

9.5.6 Act as a sounding board for EWP practitioners and professionals.

9.5.7 To provide necessary support.

10 REFERRAL PROCEDURES

There are three types of referral procedures:

10.1 Self-Referral: The employee as a person is in a best position to identify problems experienced and consults the EWP Professional voluntarily.

10.2 Informal Referral: The employee receives a recommendation from other people such as managers, friends, colleagues, union representatives, etc to consult the EWP practitioner. No documentation is necessary.

- 10.2.1 Formal Referral: The Manager/supervisor refers the troubled employee in writing to EWP section for assistance due to lowering job performance. The referral should be done if the problem cannot be resolved internally and if the employee consents to such referral.
- 10.2.2 The supervisor or the employee may arrange an appointment with the EWP professional. If the employee refuses to be referred or does not co-operate with the programme, yet the performance remains poor, such an employee exposes himself or herself to disciplinary measures.
- 10.2.3 During initial consultation, the EWP Professional will be responsible for intake and assessment of employee's problem as well as determination of appropriate action plan.
- 10.2.4 When there is a need for an intensive therapy, an alternative action plan might include referral to an external service provider with necessary expertise to handle that problem.
- 10.2.5 When the employee is referred to another resource, it is the responsibility of both the employee and the EWP Professional to inform the supervisor without compromising confidentiality of the consultation process. The employee in question shall give the dual consent to enable the EWP Professional to render follow-up services effectively.
- 10.2.6 Should appointments for EWP consultation and/or institutionalisation be scheduled during working hours, employees are expected to make necessary prior arrangements with their supervisors. They will also need to submit confirmation of attendance of such consultations.

11 EWP/ WELLNESS ADVISORY COMMITTEE

- 11.1 An EWP Advisory Committee shall be established within the Municipality, which shall be constituted by the following stakeholders:
- 11.1.1 One representative from all Departments.
- 11.1.2 Recognized Union representative.
- 11.1.3 Human Resource Management.

11.1.4 Labour Relations.

11.1.5 Human Resource Development and Training.

11.1.6 HIV and AIDS Coordinator.

11.1.7 Occupational Health and Safety.

11.1.8 Sports Management and Recreation.

11.1.9 Employee Wellness Professionals.

11.2 The committee will not be involved in any of the practical cases referred to the EWP:

11.2.1 It will be the responsibility of the EWP Professional, with the assistance of the Advisory Committee, to evaluate the program on an annual basis and report the outcomes to Senior Management. The impact of the program will be outlined and shortcomings will be identified and addressed.

12 FINANCIAL IMPLICATIONS

12.1 The EWP. offers a cost-free service with regard to consultations and training.

12.2 Employees who require further specialized services / treatment will be referred to External service provider or government agencies at Municipal costs.

12.3 Transportation for consultations and Outreach Programmes shall also be covered by the municipality.

12.4 Those who require treatment at private institutions will pay for the expenses.

13 ADMINISTRATION OF THE POLICY

13.1 The Office of the Senior Manager: Corporate Services and Manager: HRM will be assigned to administer and enforce the policy.

13.2 The EWP section will be responsible to monitor the implementation of the policy.

13.3 All Heads of Departments will be delegated to administer the policy in their own section or local areas.

14 DESIGNATED STRUCTURE/ AUTHORITATIVE BODY

- 14.1 The council through the office of the Municipal Manager shall have the authority to approve the policy.

15 LEGISLATIVE AND REGULATORY FRAMEWORK

The policy should be read in conjunction with the following:

- 15.1 The constitution of the Republic of South Africa, 1996 (Chapter 2 Section 23 (1) protects employees from unfair Labour practices.
- 15.2 Occupational Health and Safety Act, 1993 (Act no, 85 of 1993) places specific obligations on the employer in regard to the health and safety of employees.
- 15.3 Labour Relations Act, 1995 (Act no, 55 of 1998) places certain obligations on the employer to take remedial actions before terminating employment.
- 15.4 Compensation for Occupational Diseases and Injuries Act NO.130 of 1993.
- 15.5 Tobacco Products Control Amendment Act, 1999 (No.12 of 1999)
- 15.6 Occupational Health and Safety Act, 1993 (No.85 of 1993).
- 15.7 Prevention and treatment of Drug Dependency Amendment Act no 14 of 1999
- 15.8 Mental health Care Act, 2002 (Act No.17 of 2002).
- 15.9 Employment Equity Act, 1998 (Act no. 55 of 1998) requires the employer to redress the effect of discrimination and eliminate unfair discrimination in the workplace.
- 15.10 The Promotion of Equality and the Prevention of Unfair Discrimination Act, No. 4 of 2000 which sets out measures to promote equality and prevent unfair discrimination based on HIV status.
- 15.11 Skills development act, 1998 (Act no 97 of 1998) requires the employer to develop and improve their employee's skills.
- 15.12 Basic Conditions of Employment Act, 1997 (Act no. 75 of 1997) places certain obligations to the employer to maintain fair labour practice.

15.13 Employee Assistance Programme Association of SA standards 1999 require EWP professionals to utilize the standards as a guideline to establish.

16 STAKEHOLDER ENGAGEMENT

16.1 All the relevant stakeholders internal and external will be consulted through the development and implementation of this policy.

17 MONITORING AND EVALUATION

17.1 On a continuous basis this policy will be assessed to determine its relevance and effectiveness and to assess whether it has achieved the intended objectives.

18 CONCLUSION

18.1 In conclusion, the Employee Wellness programme policy outlines critical matters raised in the purpose and the objectives. The provisions in the policy contents highlights the need for municipality to adhere to the key issues narrated which will address challenges encountered and lead to effective and efficient implementation of the policy.

18.2 Thulamela Local Municipality commits to make resources available, monitor and evaluate the effectiveness of the policy, thus encouraging all relevant stakeholders to familiarise themselves with the policy.

19 REVISION DATE

19.1 The policy shall be reviewed annually and revised as necessary.

20 ANNEXURES

20.1 Business Process Map

20.2 Standard Operating Procedure