

BEAUFORT WEST MUNICIPALITY

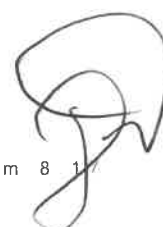


POLICY	INCAPACITY DUE TO POOR WORK PERFORMANCE POLICY
Approved	26th June 2023
Author(s)	Human Resources
Consultation	15 June 2023 LLF Meeting

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1. PREAMBLE

The Labour Relations Act sets out certain guidelines in handling incapacity. The following are the Municipality's policy provisions in dealing with incapacity due to poor work performance.

2. PURPOSE

The purpose of this policy is:

- 2.1** To establish measures for managing incapacity due to poor performance at the Municipality in line with applicable legislation.
- 2.2** To assist managers and supervisors to identify reasons for non-performance and to provide a structured and consistent system of assisting the staff member to improve his / her performance to the required standards, within a reasonable period.

3. SCOPE OF APPLICATION

The policy shall apply to all staff members of the Municipality.

4. LEGISLATIVE AND POLICY FRAMEWORK

- Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996)
- Municipal Systems Act, 2000 (Act No. 32 of 2000)
- Municipal Structures Act, 1998 (Act No. 117 of 1998)
- Labour Relations Act, 1995 (Act No. 66 of 1995)
- Skills Development Act, (Act No. 97 of 1998)
- Arbitration Act, 1965 (Act No. 42 of 1965)
- South African Local Government Bargaining Council: Collective Agreements

5. DEFINITIONS

All terminology used in this policy shall bear the same meaning as in the Regulations or applicable legislation, or as defined and / or explained in the Glossary of Terminology in the Human Resources Policies Manual.

6. PROBLEM STATEMENT

[Unique to each Municipality's situation: state prevailing problems that the policy shall regulate and provide framework for managing them]



7. POLICY PROVISIONS

7.1 Set standards

- 7.1.1 Clear and objective standards shall be set and discussed with the staff member.
- 7.1.2 These job-related standards shall be fair and reasonable in that the staff member has sufficient training and knowledge to perform at a particular level.
- 7.1.3 Performance standards shall be set in consultation with the staff member within the performance management system / framework and policy of the Municipality.

7.2 Probation Period

- 7.2.1 For new staff members, provision shall be made for dealing with poor performance during a staff member's probation period, during which management shall give relevant evaluation feedback, instruction, training and guidance to the staff member in an attempt to meet the required standards.
- 7.2.2 In the event of the staff member still not reaching the required standard of performance, the staff member's contract of employment may be terminated or the probation period may be extended where appropriate.

7.3 Conduct performance review and assessment

- 7.3.1 In case of staff members whose probationary period has been successfully completed, that staff member shall be addressed in terms of how he / she has not met standards from after the probationary period, and shall be given an opportunity to challenge the performance appraisal.
- 7.3.2 The staff member and the manager shall discuss ways in which performance can be improved. Management shall assist and support the staff member as far as possible through, for instance, regular report-backs, refresher courses, training and counselling, within a reasonable period for improvement.
- 7.3.3 All communication between management and the staff member shall be confirmed in writing. Factors that have hindered a staff member from reaching the set standards shall be taken into consideration. [See attached checklist as guideline.]



7.4 Institute disciplinary proceedings

7.4.1 Once the manager has established that the staff member's performance is unsatisfactory regardless of the support, training and the period given for improvement, and that there is no other way short of dismissal to remedy the matter, the appropriate steps may be taken to discipline the staff member.

7.4.2 The appropriate steps shall include following options provided by the approved disciplinary procedure of the Municipality.

7.5 Roles and responsibilities

7.5.1 The Municipal Manager or his / her delegated assignee(s) accept overall responsibility for the implementation and monitoring of the policy.

7.5.2 The financial implications related to implementing this policy shall be qualified and quantified by Human Resource Management in consultation with the Chief Financial Officer.

8. POLICY MONITORING AND EVALUATION

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

8.2 Non-compliance to the stipulations contained in this policy shall be regarded as breach of Code of Conduct, which shall be dealt with in terms of the Code of Conduct.

8.3 Head of Corporate Services shall carry out the monitoring and evaluation of the policy's implementation.

9. POLICY APPROVAL

This policy was formulated by HR Management in consultation with the Local Labour Forum.

Authorised by Municipal Manager:

Signature: _____ Date: _____



CHECKLIST FOR MANAGING POOR WORK PERFORMANCE

No	Activities	Yes/No
1.	Identify sub-standard performance	
2.	Review standards to ensure they are reasonable	
3.	Arrange interview with staff member	
4.	Inform staff member of your dissatisfaction with his / her performance	
5.	Establish if staff member is aware of performance standard. If staff member is unaware, spell out standards and indicate to staff member that performance will in future be monitored	
6.	If staff member is aware of standard, enquire into reason for poor performance	
7.	Consider your staff member's reasons. If satisfactory, end the session	
8.	If not or if indications are that further action is required, stress the need for standards to be maintained	
9.	Discuss with staff member possible ways of addressing the problem, e.g. training, assistance, transfer, etc.	
10.	If agreement is reached on an action plan, secure staff member's commitment to it	
11.	If no agreement is reached, spell out your own action plan. Be clear on standards required as well as time allowed for performance to improve. Make sure that it is reasonable	
12.	In both cases inform staff member that he / she will be monitored and that failure to comply with performance standards may lead to dismissal	
13.	Assure staff member of support, and give it continuously	
14.	Thereafter monitor progress	
15.	If problem persists, arrange for formal incapacity hearing. Staff member is entitled to representation. Enquire about reasons for failure to improve and, if reasons are acceptable, decide on further assistance. If reasons are unsatisfactory, terminate services on notices	
16.	Inform the staff member of the right to refer any disagreement about termination to review by a more senior level of management	
17.	If the review is unsuccessful, inform the staff member about his / her right to refer the matter externally	
18.	Attend to administrative issues, e.g. UIF and Certificate of Service	
19.	Always keep accurate record of interview, action plans, etc.	

Checked by (Manager): _____ Date: _____
 (Name in print)

SIGNATURE: _____