



LIMPOPO
PROVINCIAL GOVERNMENT
REPUBLIC OF SOUTH AFRICA

OFFICE OF THE PREMIER

DEPARTMENTAL HUMAN RESOURCE POLICIES

APRIL 2007

PREFACE

Improved service delivery is at the heart of government. The pace and quality of service delivery depends also on the quality of human resources. Human Resources (HR) policies are vital to guide the functioning of the office regarding HR towards quality service delivery.

The Office of the Premier has therefore, developed its human resources policies in terms of the revised Provincial Policy Guidelines and relevant prescripts.

These policies should be read in conjunction with the Public Service Regulations and other enabling prescripts. The provisions of the acts and regulations shall prevail over provisions in these policies where there is a contradiction. The provisions of these policies are binding to all employees in the Office of the Premier.

All employees must ensure that the policies are implemented consistently. Monitoring and evaluation of these policies will be conducted by various stakeholders who are responsible thereof.

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(i) **ACRONYMS AND ABBREVIATIONS**

The following acronyms and abbreviations are used throughout this document

SMS –	Senior Management Service
PSR –	Public Service Regulations
HOD'S –	Heads Of Department
HR –	Human Resource
HRM-	Human Resource Management
AA –	Affirmative Action
SBU'S-	Strategic Business Units
PSCBC –	Public Service Co-ordination Bargaining Council
ABET –	Adult Basic Education And Training
PMS –	Performance Management System
PM CYCLE –	Performance Management Cycle
MMS-	Middle Management Service
EAP –	Employment Assistance Programme
EWP-	Employee Wellness Programme
OHS –	Occupational Health and Safety
HIV -	Human Immune Virus
AIDS-	Acquired Immune Deficiency Syndrome
VCT-	Voluntary Counseling And Testing
DPASA-	Department of Public Service and Administration
MPSA-	Minister for Public Service and Administration
CORE-	Code on Remuneration
VAT-	Value Added tax
EE-	Employment Equity
PI-	Performance Instrument
EA-	Executing Authority

(ii) **DEFINITIONS**

In these policies, unless the context indicates otherwise –

"Performance instrument" refers to a Performance Agreement, Workplan and/or Standards framework

"Salary range" means the level of the post

"PM cycle" means a period from 01 April of a particular year to 31 March of the following year

"Equate" refers to the software package or instrument used in measuring Job grading

"Job weight" means the weight of the job as determined by the equate system

"Mortgage" loan account refers to a loan account that the employee has with the Financial Institution

"Executing Authority" refers to the political head of the Office of the Premier

1. JOB EVALUATION

1.1 PREAMBLE

The Office of the Premier is fully committed to implementing the job evaluation system as efficiently and effectively as possible, thereby giving effect to the Public Service Regulations 2001,

1.2. PURPOSE

To provide the framework for the implementation of the job evaluation system.

1.3. LEGAL FRAMEWORK

- a) Public Service Regulations, 2001.
- b) Public Service Act, 1994 .
- c) Labour Relations Act, 1995

1.4. PRINCIPLES

1.4.1 Job descriptions

- i) It is the responsibility of every supervisor to develop and update job descriptions for all his/her subordinates in accordance with the guidelines set out in the Public Service Regulations, 2001.
- ii) The Job Evaluation component/ unit will ensure that components compile their job descriptions.
- iii) In developing job descriptions, supervisors must ensure that individual jobs link to the individual work plans and to the strategic objectives of the department and that the job descriptions are aligned to the approved organizational structure. Supervisors should consult with their subordinates before finalizing their job descriptions. The job description should be signed by both the incumbent and the supervisor to show consensus on the contents of the job description. Thereafter, job descriptions should be submitted to the relevant manager for confirmation.
- iv) It is the responsibility of the manager for linking all posts in the Office of the Premier with a relevant CORE and an occupation from the occupation list.
- v) Job description should be reviewed every three years.

1.4.2 Job evaluation:

- i) All job analysts and panel members must be committed to the Job Evaluation process.
- ii) Final recommendations must be supported by facts only, not individual preferences.
- iii) Union representatives/ officials may be allowed to assist at job analysis interviews when so requested by the prospective interviewee(s).
- iv) All documents should be consulted before endorsing the recommendations of the Job Evaluation component/ unit.
- v) Where appeals are to be considered, fair representation for the job holder and the job analyst must be ensured.
- vi) No account should be taken of the information other than that related to the job content and the procedures followed when determining the grading applicable to the relevant job.
- vii) Documentation for all decisions should be maintained and be open to scrutiny.
- viii) The job itself must always be examined, not the person in it.
- ix) The job should always be evaluated 'as is', not with regard to ideals of future projections that may never be attained.
- x) Critical incidents in the job [examples of activities or circumstances that have actually taken place] should be used to illustrate statements about the content, requirements and limits of discretion of a job, especially when there is doubt arising from more general statements.
- xi) The job analysts need not themselves be totally familiar with the job content, but there must always be a person during the job analysis session that can fully represent the job and give reliable evidence on its content and requirements.
- xii) Evaluations of levels 12 and below shall be done internally subject to DPSA directives on generic posts.
- xiii) All SMS posts shall be evaluated by Transversal Work Study and Job Evaluation.

1.4.2.1 Triggering the process

a) In terms of the Public Service Regulation, 2001, as amended, (PSR III/F.I) there are two instances where it is mandatory for executing Authorities to perform job evaluations namely:

- i) Before a post for a newly defined job is created; and
- ii) Before filling any vacant post on salary range 9 and above, unless the specific job was evaluated previously for a period not exceeding 3 years.

In addition to the above mandatory evaluations, jobs may also be evaluated emanating from requests from one of the following role-players:

- i) Management;
- ii) Individual employees; and
- iii) Employee organization admitted to the Provincial Bargaining Council.

b) With regard to requests from individual employees and management for evaluations, the following will apply:

- i) As a general guideline, once an existing post has been evaluated, at least two years should elapse before it is evaluated again unless there is clear evidence that the job content of the post has changed to such an extent that an evaluation could lead to a re-grading of the post.
- ii) All requests for evaluation must be fully motivated.
- iii) Requests from employee's organizations, regarding the evaluation of categories of posts, must be discussed at Departmental Bargaining Council.

Requests for the evaluation of jobs should in all cases be directed to the head of the job evaluation unit. In the case of vacancies on salary level 9 and above, the head of the unit should be informed as soon as it becomes known that the post will become vacant. This will avoid delays.

Before the head of the unit is requested to perform a mandatory evaluation, the Executing Authority or his/her delegate (refer to delegations) must confirm, in terms of PSR 1/11F/1 (a) and (d), that the relevant post is required to meet the departmental objectives and that sufficient funds are available for filling the post.

With regard to requests from individual employees and management for evaluations, the following will apply:

- i) An employee shall have the right to request that the post they are occupying be evaluated. (Not the right to have the job evaluated – there could be cases where it could be justified not to comply with the requests for evaluations.) It must however be pointed out to employees that although the evaluation of a job could result in its upgrading, it could also result in its downgrading or remain as is.
- ii) As a general guideline, once an existing post has been evaluated, at least three years should expire before it is evaluated again unless there is clear evidence that the job content of the post has changed to such an extent that an evaluation could lead to a re-grading of the post.
- iii) The requests by individual employees must be in writing submitted through the head of their respective Branch.
- iv) Requests by management must be in a form of a fully motivated memorandum to the head of the job evaluation unit, submitted through the head of the relevant Branch, Sub-Branch, Division or Office where such General Manager, Senior Manager or Office reports directly to the Director General.
- v) All requests for evaluation must be fully motivated. Possible reasons could include:
 - A significant change in the contents of a job
 - Other employees doing the same job (or a comparable job) are remunerated at different levels
 - Requests by individual employees must be submitted to the job evaluation unit through the head of their components (at least at Senior Manager level). The head of the component must indicate whether he/she supports the request for an evaluation and give reasons for her/his point of view.
- vi) Requests from employee's organizations, regarding the evaluation of categories of posts, must be discussed in the internal bargaining council. (Requests for the evaluation of posts of individuals should not be dealt with in the council but rather through requests to the unit indicated above.) After a decision in this regard has been taken, the decision must be submitted to the head of the job evaluation unit.

1.4.2.2 Programming and prioritization

- a) It may not be possible for the job evaluation unit to deal with all requests for evaluation within a predetermined time frame due to inter alia limited capacity

and/or a large number of requests for evaluation. Bearing this in mind, it may be necessary for the unit to prioritise the evaluation to be carried out. Mandatory evaluations must receive preference, especially in the case of vacant posts which must be filled. Other requests must be dealt with in the sequence in which they were received although it would be preferable to prioritise those requests where there is clear evidence that the job is incorrectly graded and where this disadvantages employees. Where disputes regarding the sequence in which jobs should be evaluated occur, the matter must be referred to the head of the department or any person so delegated for a decision.

- b) The unit must acknowledge receipt of requests and where possible, give an indication when the evaluation will be carried out.

1.4.2.3 Composition and functions of the job evaluation component/ unit

i) Composition

The Job Evaluation component/ unit will consist of trained job analysts who are holders of authentic certificates.

ii) Functions

a) Job Evaluation component/ unit

The Job Evaluation unit shall execute the following functions:

- i) Advise on policy and procedures on the evaluation of jobs in the department
- ii) Receive and prioritise requests for evaluations.
- iii) Evaluate jobs by means of the prescribed EQUATE Job Evaluation system.
- iv) Make preliminary recommendations on grading to the job evaluation panel.
- v) Serve as the secretariat of the job evaluation panel.
- vi) Keep proper records of all evaluations done as well as records of all the recommendations of the job evaluation panel.
- vii) Assist in the redesign of jobs.

b) Central Job Evaluation component/ unit

- i) The central Job Evaluation component/ unit will evaluate Senior Management Services jobs in the province.
- ii) Monitor and co-ordinate the Job Evaluation co-ordination process as determined by the Minister of Public Service and Administration.

- iii) The component shall serve on the Inter-provincial Job Evaluation forum as well as any other Central/ National Job Evaluation Committees that may be set-up.

c) Composition of internal Job Evaluation Panel

- Chairperson
- Panelists x 2
- Analyst
- Secretary
- Employee representative

As a general guideline the panel (other than those who serve on the panel as a result of the occupation of a specific post) must serve for a period of at least 24 months to ensure consistency and continuity. Personnel acting in posts of which the incumbent normally serves on the panel as a result of his/ her occupation (e.g. Human Resource Management) will serve on the Panel for the relevant period.

d) Composition of the Central Job Evaluation Panel

The panel will consist of the following persons:

- Head of the Sub-Branch: Transversal Human Resources shall chair the panel that deals with posts at level thirteen (13) and the panel will be constituted by General Managers/ Senior Managers of Human Resources/ Corporate Services.
- The Senior General Manager: Public Service Transformation shall chair the panel that deals with posts at level fourteen (14) and the panel will consist of selected Senior General Managers from departments.
- The Director General or delegated employee shall chair the panel that deals with posts at level fifteen (15) or Heads of Departments (HoDs) and the panel will be constituted by selected HoDs.

Analysts whose reports are to be considered should attend meetings of the panel to present the analysis report.

e) Roles and functions

- i) The Job Evaluation panel is responsible for quality assurance and the consistent application of the EQUATE system. The panel shall conduct itself in such a way that it will support/ enhance the credibility and acceptability of the system.
- ii) The panel will review the results of the evaluations carried out by the job analyst and make recommendations with regard to the levels thereof, and the salary range that should be attached to a specific job/ group of jobs to the decision-maker (Head of the Department or any other person designated to act on her/ his behalf).
- iii) Review/ moderate evaluations carried out by the job analysts.
- iv) Ensure that a job has been analysed thoroughly and consistently relative to other jobs previously evaluated.
- v) Make final recommendations on the grading. This should include recommendations on the salary range to be awarded in cases where the job weight score falls in the overlapping zone between two salary ranges.
- vi) Point out possible implications, should the recommendations on grading be implemented.

1.4.3 Other policy measures

- i) The panel's recommendation must be submitted to the relevant decision maker (Head of Department or any person designated to act on his/ her behalf) for a final decision.
- ii) If the decision maker agrees with the recommendation with regard to specific job, the decision must be forwarded to the Human Resources Management component for implementation.
- iii) The decision-maker can, however, make a decision that deviates from the recommendation of the panel without referring the matter back to the panel. In such a case the decision maker must record the reasons for his/ her decision in writing.
- iv) A post may only be upgraded if sufficient budgeted funds, including funds in terms of the medium terms expenditure framework, are available. The relevant responsibility manager must certify that funds are available.

- v) Where a filled post is to be downgraded, an attempt should be made to redesign the job to prevent downgrading by adding duties or responsibilities to the job.
- vi) As an alternative to redesigning the job, the incumbent may be transferred to a suitable vacant post with an equivalent grading to the incumbent's existing post.
- vii) It is important to note that the salary and the benefits of an employee, whose post has been downgraded, must not be reduced.

1.4.3.1 Job Evaluation Panel meetings decisions on grading

- i) Preparations must be made by the secretary of the panel for panel meetings by determining a programme of meetings, booking a venue, notifying all the panel members of the meeting, supplying all the relevant documentation and material to the members of the panel and ensuring that all other arrangements are in place.
- ii) Discussion of the panel must be on the software report, questionnaire and recommendations of the unit, as well as pertinent facts presented by the analysts. Recommendations should be objective and based only on facts.
- iii) The panel will base its recommendations on majority decisions with the chairperson having a casting vote.
- iv) The secretary of the panel must keep proper records of decisions.
- v) If the decision-maker agrees with the recommendations with regard to a specific job, the decision must be forwarded to the Human Resources Management division for implementation. The secretary of the unit must also inform the panel of such decisions and the other stakeholders who are involved.
- vi) If the decision-maker does not agree with the recommendations and refers it back for reconsideration, mechanism (e.g. special meetings, circulation by hand) must be put in place to give urgent attention to the relevant case. The decision-maker can, however, make a decision that deviates from the recommendations of the panel without referring the matter back to the panel. In such a case the decision-maker must record the reasons for her/ his decision in writing.

1.4.3.2 Review cases

- (a) Any employee who is not satisfied with the Job Evaluation results of his/her job may request a review of the evaluation.
- (b) All reviews must be dealt with in terms of the grievance procedure.
- (c) Only a person with a vested interest in the matter, such as the incumbent of a post that was evaluated, may request that a decision emanating from Job evaluation be reviewed.
- (d) Employees in the line function components of the department with knowledge of, and experience in utilizing the EQUATE Job Evaluation system, should be used as investigating officers.
- (e) Where the management of a component is not satisfied with the results he/she should request for the re-evaluation of the job via the Director- General who could either instruct the Job Evaluation unit to re-evaluate the job (should there be sufficient justification) or designate personnel from the line function components who have been trained as job analysts, to investigate the matter. Employee organizations that are not satisfied with the results of evaluation that they requested (regarding categories of posts could raise the matter in the Provincial Bargaining Council.

1.4.4 Composition of the review panel

1.4.4.1 Composition

The Job Evaluation review panel will be appointed by the Director General or delegated employee in the case of SMS posts and by the Senior General Manager : Operations Management for levels 1 -12.

1.4.4.2 Role and functions

- a) The panel appointed by the Director-General or delegated employee will review the results from the Central Job Evaluation Panel committee and make recommendations with regard to the levels thereof, and the salary range that should be attached to the specific job/ group of jobs.
- b) The panel will ensure that reports have been moderated objectively and consistently relative to other jobs previously evaluated.

- c) Make final recommendations on the grading. This should include recommendations on the salary range to be awarded in cases where the job weight score falls in the overlapping zone between two salary ranges.
- d) Point out possible implications, should the recommendations on grading be implemented.

1.5. MONITORING, EVALUATION AND REPORTING

1.5.1 Job descriptions

The Senior Manager: Human Resources Management may from time to time request heads of units/ components to provide copies of the job descriptions. This will be done to ensure compliance with prescripts.

1.5.2 Job Evaluation records

The Senior Manager: Human Resources Management will keep records of all jobs evaluated, to ensure safe record keeping.

1.6. DEVIATIONS

The Director General may in writing authorize any deviations from this policy to accommodate exceptional cases or circumstances.

2. RECRUITMENT, SELECTION & APPOINTMENTS

2.1 PREAMBLE

Employment practices shall ensure employment equity, fairness, efficiency and achievement of a representative public service. It is the responsibility of the Office of the Premier to ensure that recruitment and selection practices are aligned to the legislative and regulatory framework. Flexibility in addressing various challenges, which may be confined, to different branches should not compromise the integrity of the Office regarding how the recruitment and selection processes are handled.

The existing challenges should not hinder the process of attracting suitable candidates and retain appropriate employees.

2.2 PURPOSE

To create an appropriate procedure framework for recruitment, selection and appointment.

2.3 LEGAL FRAMEWORK

- a) Public Service Act, 1994, as amended.
- b) Public Service Regulations, 2001.
- c) Labour Relations Act, 1995.
- d) Employment Equity Act, No. 55 of 1998.
- e) Basic Conditions of Employment Act, No.75 of 1997.
- f) Senior Management Service Handbook, January 2003.
- g) White Paper on Affirmative Action in the Public Service, 1998

2.4 SCOPE OF APPLICABILITY

This policy applies to all employees and prospective employees appointed or recruited in terms of the Public Service Act, 1994.

2.5 PRINCIPLES

- a) It is the responsibility of the Accounting Officer to ensure that funded vacant posts are filled..
- b) Line managers should ensure that appropriate job descriptions and job specifications are drawn and submitted to HR components.

2.6 ADVERTISING

- a) A motivated request to fill a vacant post is submitted to Executing Authority or delegated employee before starting with the recruitment process.
- b) Information about the post e.g. requirements and media of advertisement should form part of the request. Medium of advertisement should be decided upon, taking into account the target group.
- c) Internal advertisement should be given preference where skills exist locally.
- d) Advertisement must account for and contribute to a just and fair process with regard to the filling of posts.
- e) An advertisement must acknowledge and adhere to the principle of equal employment opportunities and ensure that any person who may qualify will be considered without discrimination.
- f) An advertisement should not favour or prejudice any prospective candidate who possesses knowledge, skills and competence.
- g) Any vacant post in the senior management service (SMS) shall be advertised nationwide.

2.6.1 Basic Information for an Advertisement

An advertisement should carry the following information:

- a) Provincial coat of arms on top of the advertisement.
- b) The name of the organisation / department.
- c) The designation of the post.
- d) The salary level.
- e) The salary notch or inclusive flexible remuneration package.
- f) Centre where the advertised post is located.
- g) Minimum requirements in respect of qualifications and competencies.
- h) Key performance areas (duties) attached to the post.
- i) Address to which applications are to be submitted or posted.
- j) Enquiries (that is, contact person concerning the advertisement).
- k) External and internal advertisements shall carry the same information.
- l) Closing date of the advertisement.

2.6.2 Receipt of Applications

- a) The responsibility of receiving applications for the advertised post rests with Registry on behalf of the Human Resource Management (HRM) component.

- b) An acknowledgement of date of receipt shall be done per date stamp on applications.
- c) Applications, which may be received in a department, which did not advertise the post/s, will be acknowledged per date stamp before being referred to the rightful department.
- d) Applications received shall be recorded.
- e) Applications received after the closing date of the advertisement will be recorded on a separate schedule.

2.7 SELECTION

2.7.1 Shortlist

- a) The manager in whose component the post is located is responsible for pre-selection /shortlist.
- b) A standing pre-selection committee or a pre-selection committee that may be appointed from time to time by the Executing Authority or delegated employee consisting of at least two people who should form part of the shortlist phase and interview panel together with the line manager.
- c) Only candidates who have applied, whose applications are received on or before the closing date of the advertisement and are on record of applicants for the advertised posts shall be considered for shortlist.
- d) Where more than one post was advertised, an applicant for another post cannot be considered for any other post for which an application was not lodged.
- e) Reference checks on authenticity of qualifications for candidates on shortlist where a doubt arose shall be done before the date of the interview.
- f) Shortlisting members and interview panel members shall sign oath of secrecy.

2.7.2 Selection Committee

- a) The role of a selection committee usually called an (Interview Panel) is to objectively determine the suitability for appointment of the various candidates.
- b) A selection committee shall be appointed by the Executing Authority or an employee who has a delegated authority to do so.
- c) A selection committee must consist of individuals who are conversant with the relevant field of work.
- d) HRM component is responsible for logistical arrangements of the interview.

- e) A selection Committee shall consist of at least three members who are employees or persons from outside the Public Service of a grading equal to or higher than the grading of the post to be filled.
- f) A chairperson of the selection committee, who shall be an employee, shall be of grading higher than the post to be filled.
- g) An employee within HRM component will provide secretarial services and advice to the Selection Committee. The principle of representation in the context of employment equity shall be adhered to when appointing a selection panel.

- (f) The manager of the component where the appointed candidate(s) has(ve) to report for duty shall report the date of assumption of duty in writing to HRM.

2.7.3 Interview

- a) An interview should be structured for consistency on questions to all candidates.
- b) Candidates for same post, shall be subjected to same selection instrument or techniques.
- c) A record of the interview proceedings shall be kept so that in case of any dispute, records can be available for reference.
- d) A selection committee shall make recommendation of candidates who are appointable at the end of the interview session.
- e) The secretariat shall record the recommendation of the selection committee.
- f) Similar procedures and guidelines will be applied for internally and externally advertised posts.

2.8 SECURITY CLEARANCE

- a) Security clearance shall be done for all SMS members.
- b) Security clearance shall also be done for posts dealing with sensitive information. Where security clearance is required, this should be stated in the advertisement.

2.9 APPOINTMENT

- a) The recommendations of the selection committee should be submitted to the Executing Authority/or delegate in writing by the secretariat.
- b) The Executing Authority or delegate will consider the recommendations of the Selection Committee.
- c) Appointment can only be communicated to the successful candidate after written approval has been obtained.
- d) The date of appointment and commencement salary should form part of the appointment letter.
- (e) It must be clearly stated that the appointment will only take effect on the date of assumption of duty.

3. EMPLOYMENT EQUITY

3.1. PREAMBLE

The Office of the Premier acknowledges the importance of Affirmative Action (AA). This policy outlines the AA implementation plan for the Office of the Premier and will serve as a guide for all Managers. The general implementation of the policy and plan will form part of the line manager's responsibility.

3.2. PURPOSE

To provide the framework for implementation of Employment Equity.

3.3. LEGAL FRAMEWORK

- (a) Employment Equity Act, 1998.
- (b) White paper of Affirmative Action, 1998.
- (c) Basic Conditions of Employment Act, 1997.
- (d) Constitution of the Republic of South Africa, 1996.
- (e) White Paper on Human Resource Management in Public Service, 1997.
- (f) Labour Relations Act, 1995.
- (g) Public Service Act, 1994.
- (h) Public Service Regulations, 2001.

3.4. DEFINITION

Employment Equity is defined as additional corrective measures, which must be taken in order that those who have been historically disadvantaged are able to derive full benefit from an equitable employment environment.

3.5. SCOPE OF APPLICATION

This policy applies to all employees appointed in terms of the Public Service Act.

3.6. PRINCIPLES

The implementation of Employment Equity will be underpinned by the following principles :

- 3.6.1. Integration with human resource management and development;
- 3.6.2. Productivity and improved service delivery;

- 3.6.3. Cost effectiveness;
- 3.6.4. Communication;
- 3.6.5. Participation;
- 3.6.6. Transparency;
- 3.6.7. Accountability;
- 3.6.8. Reasonable accommodation; and
- 3.6.9. Relative disadvantage.

3.7 THE ROLE OF THE EXECUTING AUTHORITY AND ACCOUNTING OFFICER

The Executing Authority and Accounting Officer shall;

- (a) Ensure that all Senior Managers achieve EE targets in their respective components.
- (b) Ensure that implementation of EE is directly linked to Senior Managers' business plans, especially in managing and further training and development of their human resources.
- (c) Ensure that EE reports are linked to Senior Manager's performance contracts and complied with.
- (d) Promote the EE policy.

3.8. THE ROLE OF HUMAN RESOURCE COMPONENT

- (a) To provide support to managers regarding career plans and succession plans.
- (b) Develop EE programmes, monitor and play a supporting role.
- (c) Ensure that the department does achieve the set EE targets.
- (d) These responsibilities should form part of their performance contract regarding their support to EE.
- (e) Allocate financial resources for training and development.

3.9. THE ROLE OF LINE MANAGERS

- (a) To ensure that they adhere to the recruitment and selection procedures outlined in this policy.
- (b) Determine EE targets for their components.
- (c) Compile career development plans for their subordinates

3.10. THE ROLE OF EE COMMITTEE

The Committee's role is to analyse, plan and review progress made on the implementation of the Employment Equity Plan and to make recommendations regarding possible solutions.

4. WORKING HOURS AND WORKING ARRANGEMENTS

4.1 PREAMBLE

Office of the Premier is committed to creating a working environment that is conducive to efficient service delivery and that is sensitive to the circumstances of its employees.

4.2 PURPOSE

To provide for flexible workings hours.

4.2 LEGAL FRAMEWORK

- a) Public Service Act, 1994.
- b) Basic Conditions of Employment Act, 1997.
- c) Labour Relations Act, 1995.
- d) Public Service Regulations, 2001.

4.3 SCOPE OF APPLICATION

All employees employed in terms of the Public Service Act, 1994.

4.4 PRINCIPLES

- a) All full-time employees are expected to be on duty on each working day for a minimum of 8 hours per day and to work a minimum of 40 hours per week (meal interval excluded). The normal working week is from Monday to Friday.
- b) Part-time employees will work the number of hours per day/week as specified in their employment contracts.
- c) No employee may be absent during normal working hours without obtaining prior approval from her/his manager/supervisor.

5. RESETTLEMENT EXPENDITURE

5.1. PREAMBLE

Office of the Premier recognises the fact that employees within its employment or prospective personnel may at one stage or another be transferred, or be resettled from their current workstation or residence/home to a new workstation.

Resettlement expenditure policy is necessary in order to compensate and reimburse the expenses that might be incurred due to such a process.

5.2. PURPOSE

- a) To assist in determining the actual resettlement costs incurred by an employee and her or his immediate family as a result of relocation relating to appointment, official duties, or in some cases, on termination of service or death.
- b) To compensate an employee who in the interest of the department is transferred due to certain service requirements and is utilised at a place other than her/his place of appointment or residence.
- c) To outline the limits on expenditure, maximum period of compensation, restrictions on the quality and kind of personal effects covered, as well as costs of transfer the department will pay out.

5.3. LEGAL FRAMEWORK

- 5.3.1 Public Service Coordinating Bargaining Council (PSCBC), Resolution No.3 of 1999.
- 5.3.2 Public Service Regulation, 2001.
- 5.3.3 Public Service Act, 1994.
- 5.3.4 Labour Relations Act, 1995.

5.4 SCOPE APPLICATION

To all employees employed in terms of Public Service Act.

5.5 PRINCIPLES

5.5.1 Resettlement

Resettlement refers to the moving of an employee and her or his immediate family and personal belongings from his/her headquarters to the new workstation.

PSCBC Resolution No. 3 of 1999, Part XV stipulates that "the employer shall generally meet, within reason, the actual resettlement costs within the country incurred by an employee and his or her immediate family as a result of official duties, or, in some cases, on termination of service or death".

The Resolution further describes that for the purpose of resettlement an employee's immediate family includes only an employee's

- a) Spouse;
- b) Minor child, adopted child, dependant child; and/or
- c) Relative (i) who lives with the employee except when attending and educational institution, and (ii) who relies on the employees for the bulk of her or his subsistence.

5.6 TRANSFER OF AN EMPLOYEE (STATE INITIATED)

5.6.1. Costs associated with the transfer

Any cost associated with transfer of employees in the Office of the Premier shall be paid in accordance with PSCBC Resolution No. 3 of 1999. Office of the Premier shall assist the employee with the associated costs, as provided below:

5.6.1.1. Subsistence and Travel

The employer may meet reasonable actual costs an employee incurs for travel and subsistence during:

- a) One visit by an employee or member of his or her immediate family to the new place of work before the date of transfer; and the employee and her or his immediate family move to the new place of work.
- b) Such claim should be submitted in accordance with the departmental policy on Travel and Subsistence allowance, supported by authentic documentation. Examples of travelling expenditure are proof of toll fees, parking fees, transport costs, and meals (breakfast, lunch and supper).

5.6.1.2. Transportation and storage of household and personal effects

The employer may meet reasonable actual costs of transport to the new permanent accommodation, storage, packing and unpacking, and insurance cover.

It is expected that the employee should submit not less than three (3) quotations from local removal transporters of which the lowest will be recommended to convey the employees' personal belongings and household goods from old to new headquarters.

Office of the Premier may only cover the expenditure related to storage of personal effects for a period of one month as approved by the Accounting Officer. Any variation from the above shall be approved by the Accounting Officer.

5.6.1.3 Interim Accommodation

If the employee and his or her immediate family must unavoidably rent interim accommodation at the new place of work, the Office of the Premier may meet reasonable actual costs for one month, at the discretion of the Accounting Officer.

5.6.1.4 Tax on motor vehicle that cross international borders

Office of the Premier may pay the actual expenditure on custom duty and other levies or fees that arise from the transportation of private motor vehicles (including vehicles obtained under the Motor Finance Scheme) across international borders.

5.6.1.5 New school books, uniforms and related costs

For each school child who must change school and is dependent on the employee, the Office of the Premier may on the production of proof/receipt of payment, make a once-off amount based on rates determined by the Minister of Public Service and Administration from time to time.

5.6.1.6 Travel expenses of dependent school children

If members of the employee's immediate family must remain in a school near the employee's former place of work, the employer may, for a maximum of one's school year, cover the most economical reasonable mode of transport to the new place of work at the beginning and at the end of the school year and for school holidays. The employee will claim for their transportation (fuel allowance) based on the private tariffs if using own vehicle, or subsistence motor tariffs if using the government subsidized vehicle applicable at the time.

5.6.1.7 Transfer fees of fixed property

Office of the Premier may pay reasonable actual transfer fees directly into the mortgage loan account or to the attorneys who have been assigned by

the financial institution to register the bond, if the employee purchases a dwelling or a building site at the new place of work. The maximum period of claiming for bond and transfer costs should be within three (3) years.

5.6.1.8 Sundry costs

To meet incidental costs, Office of the Premier may pay:

- (a) If an employee will occupy furnished accommodation at the new place of work, 25 percent of the employee's basic monthly salary on the date of resettlement.
- (b) If an employee will occupy unfurnished accommodation, the employee's basic monthly salary on the date of resettlement.
- (c) The above (a) and (b) will not apply if the transfer is not initiated by the state.

5.7 PRIVILEGES FOR NEW APPOINTEES.

The employer may pay the reasonable actual costs of relocation of a newly appointed employee to her or his new place of work. This expenditure may include reasonable actual costs of:

- a) Accommodation for a period of one month.
- b) Transport, insurance and one month storage for personal and household goods.
- c) The employee shall agree in writing to repay the employer's expenditure for relocation if he or she should leave the public service in a year or less.
- d) If an employee is recruited from abroad, the executing authority may provide a once-off sum to assist her or him with initial expenses before he or she receives his or her first salary payment including assistance with the reasonable accommodation for a period of one month.

5.8 PRIVILEGES ON TERMINATION OF SERVICE OR DEATH AS PER PSCBC RESOLUTION NO.3 OF 1999

5.8.1 The employer should pay reasonable resettlements costs if:

- a) An employee dies or retires, or
- b) The employer terminates the contract of a contract employee; the employer shall meet, at the request of the employee or his or her family, the reasonable actual costs of resettlement of the employee and his or her immediate family for a destination determined by both as *final domicilium executandi*.

- c) In the case of an employee recruited in South Africa, the employer will pay for resettlement within South Africa.
- d) In the case of an employee recruited from abroad, the employer will pay for resettlement at the employee's place of origin.
- e) The employer may meet the costs of transporting home the remains of an employee who died on official duty away from his or her normal place of work and refer compensation to the Workman's Compensation as contemplated in the Act.

5.9 MAXIMUM PERIOD OF COMPENSATION

- a) All other resettlement expenditures excluding costs for bond registration should be done within two months maximum period from the date of resettlement. Any delay in submitting claims for resettlement must be motivated by the employee's Senior Manager and such a delay must only be authorized by Accounting Officer or his/her delegate.
- b) In cases where an employee, who, in the interest of the Office was transferred or appointed or owing to certain service requirements, and was not compensated or reimbursed, for the resettlement expenditure before this policy, submission shall be forwarded to the Accounting Officer through the SBU Senior Manager for consideration.

5.10. IMPLEMENTATION AND REPORTING ON RESETTLEMENT COSTS

- a) In case of a newly appointed employee, Office of the Premier may pay resettlement costs in accordance with PSCBC Resolution 3 of 1999. This includes accommodation only for a period of one month, in case where the employee is relocating.
- b) Office of the Premier will cover resettlement expenses as indicated in Part XV, of PSCBC Resolution 3 of 1999 only if an employee is transferring/relocating at the state expense, only if initiated by the Office of the Premier.
- c) An exception could be accepted upon receipt of written approval by Accounting Officer or delegated employee.
- d) Employees who are found submitting or recommending and approving illegal resettlement claims shall be charged with financial misconduct as it will be regarded as misappropriation of public funds and could lead to dismissal on the first offence

6. HUMAN RESOURCE DEVELOPMENT

6.1 PREAMBLE

The development of human resources in the Office of the Premier is one of the key programmes on skills development. This is because education and training is a prerequisite for improved employee performance, for career development, for organizational growth and consequently overall economic growth.

Human Resource Development policy will ensure that relevant and quality skills acquisition initiatives, education and training are offered and that benefits are adequately recorded to ensure that skills profile is updated regularly. This policy statement advances the Human Resources Development strategy for promoting wider social and economic development.

6.2 PURPOSE

- a) To provide policy guideline and framework on the implementation of Human Resource Strategy.
- b) To ensure that, training and skills development occur in an intergraded manner.
- c) To support personal development plans and career pathing.

6.3 LEGAL FRAMEWORK

- a) Constitution of the Republic of South Africa, 1996.
- b) Human Resource Development Strategy of South Africa 2001.
- c) Human Resource Development Strategy – Limpopo.
- d) Skills Development Act, 1998.
- e) White Paper on the Transformation of the public Service 1995.
- f) Labour Relations Act, 1995.
- g) Public Service Act 1994.

6.4. SCOPE OF APPLICATION

The policy is applicable to all employees in the Office of the Premier.

6.5. POLICY OBJECTIVES.

- a) To contribute to personal development of each employee.
- b) To enhance improved productivity and optimal utilization of resources.

6.6 PRINCIPLES

- 6.6.1. Research and development:

6.6.2. Identification of the scarce and critical skills

6.6.3. Development of workplace skills plan:

6.7. HUMAN RESOURCES DEVELOPMENT PROGRAMMES

Human Resources Development Programmes shall be implemented to enhance service delivery.

6.7.1. On-the-job-training

It is the responsibility of the manager to provide on- the-job-training.

6.7.2. Adult Basic Education

The Office of the Premier will co-ordinate ABET programmes amongst its employees.

6.7.3. Bursaries

The Office of the Premier may grant bursaries to deserving employees.

6.7.4. Learnership and Internship Programmes

The above programmes shall be implemented in accordance with the relevant policies.

6.7.5. Mentorship Programmes

The Human Resources Development will develop a mentorship programme to equip employees with the necessary skills.

6.7.6 Workshops

Attendance of Workshops/conferences will be informed by personal development plans as contained in the individual performance instruments

HRD in consultation with various Units' will co-ordinate arrangement of workshops.

6.8. Roles and Responsibilities on HRD

TARGET GROUPS	RESPONSIBILITIES
Employees	Must take responsibility for their own career development to ensure that the

	resources spent on developing them are used effectively to improve their performance and service delivery to enhance the objectives of the Office.
Line Managers.	Are responsible for training and development of employees by identifying development gaps and formulating appropriate strategies to close the gaps within the overall policy strategy of the business unit.
Human Resource Division.	<ul style="list-style-type: none"> - Shall give its specific attention to critical functional areas for service delivery. - Will prepare workplace skills plans and ensure that the plans are implemented monitored and evaluated. - Shall ensure that the training budget shall be aligned with workplace skills plans.
Skills Development Facilitator.	The Skills Development Facilitator will be appointed and be responsible for the development, planning of the skill development strategy, and implementation of an annual workplace skills plan
Learning Forum	<p>The Office shall establish a Learning Forum to :</p> <ul style="list-style-type: none"> - Assist with the development of the work skills plan. - Inform the employees on the development of the work skills plan and skills promotions. - Report on progress regarding the implementation of workplace skills plan. - Meet on regular basis to discuss and report ongoing skills planning issues. - Identify changes in the working environment. - Keep informed on the best practices regarding training solutions.

6.9 TRAINING FOR IMPACT

HRD is responsible for conducting and analysis on the impact of training

7. PERFORMANCE MANAGEMENT

7.1 PREAMBLE

The Limpopo Provincial Administration has in accordance with Chapter 1, Part VIII of the Public Service Regulations, 2001, developed a Performance Management System (PMS) that serves as the framework for the development of the departmental PMS policy

7.2. PURPOSE

To provide framework for the management of organisational and individual performance.

7.3 OBJECTIVES

- (a) To align employees' performance to the departmental strategic and operational goals;
- (b) To provide a systematic framework for performance planning, performance monitoring and review and performance assessment;
- (c) To promote a shared sense of responsibility amongst staff for the achievement of strategic goals and objectives;
- (d) To promote a culture of responsibility and participation through open dialogue about goals and the achievement thereof, personal development, and performance improvement;
- (e) To encourage line managers to effectively create conditions for staff to perform optimally;
- (f) To provide a framework of assessment for identifying good and poor performance and to act appropriately through development and the recognition and rewarding of good performance;
- (g) To be more focused on employee training and development; and
- (h) To develop Performance Improvement plan for managing under performers/ unacceptable performance.

7.4. LEGAL FRAMEWORK

- (a) Constitution of the Republic of South Africa, 1996
- (b) Public Service Act, 1994
- (c) Labour Relations Act, 1995
- (d) Skills Development Act, 1998
- (e) Basic Conditions of Employment Act, 1997
- (f) Employment Equity Act, 1998
- (g) Public Finance Management Act, 1999
- (h) The Promotion of Administrative Justice Act, 2000

7.5. SCOPE OF APPLICATION

To all employees on salary levels 1 to 12 appointed in terms of the Public Service Act, 1994.

7.6. PRINCIPLES

- a) The PMS is to be consistently implemented in to all employees;
- b) The PMS shall be based on a balanced score card approach;
- c) The integration of Provincial policies and departmental plans forms the basis upon which the PMS is designed, implemented and managed;
- d) Individual Performance Instruments (PIs) shall be aligned with organizational objectives as identified in the Department's strategic plan;
- e) The system shall be participative in that both the supervisor and the supervisee will be fully involved. Performance Instruments/plans shall be developed in a consultative manner and assessment of performance shall be a result of discussions between the supervisor and the supervisee;
- f) Provides clear linkages between performance and recognition system; and
- g) PMS is applied equitably and fairly.

7.7. MANAGEMENT OF THE PMS

- a) The Accounting Officer must ensure that Performance Agreements/Workplans are developed and implemented at the beginning of each financial year.
- b) Performance Management Committee shall be established in the Office of the Premier to manage the implementation of the PMS.
- c) Moderating committees will be established in various components. Members of the moderating committee shall always be of a level or levels higher than the levels being moderated.

7.8 ASSESSMENT OF INDIVIDUALS /TEAMS

- a) All employees shall be subject to mandatory assessments using performance instruments and tools.
- b) Assessment of employee's performance will be based on a continuous period of twelve months of the Performance Management cycle within the same salary notch and will:-
 - i) take place between the immediate supervisor and the supervisee;
 - ii) ensure that supervisor on the next level shall act as the moderator to ensure consistency and fairness;

iii) be based on the information contained in the designated performance assessment instrument;

i) be based on the information contained in the designated performance agreement/work plan instrument;

c) Employees shall qualify for incentives based on three (3) quarterly performance review reports and an annual performance evaluation. The first three assessments shall be utilized for feedback on performance and reviewing of the Performance Instruments on the gaps identified.

d) The annual performance assessments must cover a full assessment cycle of 12 months of the PM-Cycle. An employee must complete a continuous period of at least 12 months on her or his salary notch on 31 March of a year. The annual assessment cycle will run over a period of 12 months, commencing on 01 April of a particular year.

e) Normal periods of leave for example vacation leave and /or short periods of sick do not usually interfere unduly with the employees performance management cycle. Other forms of absence for continuous prolonged period of time include;

- maternity leave
- long study leave
- Incapacity leave
- unpaid leave
- absence through suspension

f) Employees who have taken leave in terms of categorised stated above shall qualify for performance assessment.

g) Performance of an employee on secondment will be dealt with in terms of prevailing national and provincial resolutions.

h) The new managers/supervisors will conduct assessment of employees' transferring / relocating to other departments/units. A copy of these assessments shall be filed.

7.9 PAY PROGRESSION

a)The first pay progression shall take place on the 1st of July 2003, on the basis of individual employees' performance assessments for the 1 April 2002 to 31 March 2003 and subsequent years,

b) For progression to the next higher salary notch on the relevant salary level, an employee must complete a continuous period of at least 12 months on his/her salary notch on 31 March of a year; and

c) For progression to the next higher salary notch, an employee must have performed at least satisfactorily as assessed in terms of the relevant PMS.

d) An employee must complete a continuous period of at least 12 months on her or his (relative) notch on 31 March of a year. The pay progression cycle (and therefore the performance cycle) will run over a period of 12 months, commencing on 01 April of a particular year. In practice this may have the effect that an employee appointed in or promoted to a post with effect from 01 May of a year shall qualify 23 months later for possible pay progression.

7.10 BUDGET FOR PERFORMANCE

The Office of the Premier must budget 1% of the personnel budget for pay progression.

The budget for performance bonuses must not exceed 1.5 % of the personnel budget.

7.11 CATEGORIES OF INCENTIVES

A non-monetary reward or attending of national and/or international seminars to expose the employee to best practices can be used as incentive. In case of cash bonuses the following categories of incentives may be used:

7.11.1 Operational and supervisory levels

A non-pensionable performance awards/bonuses can be granted to level 1 – 10 within a maximum of 18% of the employee's basic salary or, with the approval of the Executing Authority a non-pensionable performance awards / bonuses in excess of eighteen (18%) of the employee's annual salary.

7.11.2 Middle Management Service

A non-pensionable performance award/bonus can be granted to salary level 11 – 12 within a maximum of 14% of the MMS members' total package or, with the approval of the Executing Authority a non-pensionable performance award/bonus in excess of fourteen (14%) of the MMS members' total package.

7.12 MANAGING UNSATISFACTORY PERFORMANCE

7.12.1 Employees who are still on probation

Under-performance of an employee who is still on probation should be dealt with in the following manner:

- a) Training/retraining;
- b) Counselling/Coaching;
- c) Redeployment to another section where the employee can perform better;
- d) Warning/extension of probation;
- e) Extension of probation period may be served concurrently with warning;
- f) Probation period may be extended by a maximum of six months; and
- g) If all the above fails, then confirmation of the appointment can be done at a lower level if:

- i) It shall be in the interest of the department;
- ii) There is a lower level post available;
- iii) The employee consents to such an appointment; and
- iv) Where necessary, the individual may be referred to the Employment Assistance Programme (EAP) for assistance.

7.12.2 Employees who have already acquired permanent status

- a) It is the responsibility of managers/supervisors to timeously monitor underperformance of their staff and implement corrective measures.

The following should be taken into consideration when implementing corrective measures: -

- Set clear performance standards;
- Provision of working facilities and resources;
- Employee competence to meet performance standards;
- Counselling/coaching; and
- Training/re-training.

b) Supervisors should be able to determine during the monitoring and assessment process, whether under-performance is due to lack of experience, skills and knowledge, attitude or personal problems. Suitable action should be recommended.

- c) If underperformance is due to personal problems, individuals may be referred to the Employee Wellness Unit for assistance.

d) In the event that under-performance continues despite implementing all the measures stated above the Disciplinary Measures can be evoked.

8. REMUNERATIVE WORK / BUSINESS OWNERSHIP OUTSIDE EMPLOYMENT IN THE PUBLIC SERVICE AND DECLARATION OF BUSINESS AND FINANCIAL INTERESTS.

8.1. PREAMBLE

The success of government programmes depends largely on the human resources responsible for implementing such programmes. Section 30(a) of the Public Service Act, 1994 stipulates that every employee shall place the whole of his or her time at the disposal of the State.

The conduct of the Public Service employees should conform to the basic values, principles, norms and standards. The employees should be committed and supportive for effective service delivery.

8.2. PURPOSE

To provide a framework which will guide application for involvement in remunerative work outside the Public Service as well as declaration of business and financial interests.

8.3. LEGAL MANDATES

Public Service Act, 1994,
Public Service Regulations, 2001.
Senior Management Service Handbook, January 2003.
Employment Equity Act, No. 55 of 1998
White Paper on Affirmative Action in the Public Service-1998.
Basic Conditions of Employment Act, 1997

8.4. SCOPE OF APPLICATION

All employees appointed in terms of the Public Service Act, 1994.

8.5. PRINCIPLES

Section 30 (b) of the Public Service Act, 1994 stipulates that no officer shall perform or engage himself or herself in or perform remunerative work outside his or her employment in the Public Service, without permission granted by the relevant Executing Authority or an officer authorised by the said authority.

Chapter 2 Part (C5.5) of the Public Service Regulations 2001 stipulates that an employee should not without approval, undertake remunerative

work outside her or his official duties or use office equipment for such work.

8.6 APPLICATION FOR PERMISSION TO ENGAGE IN REMUNERATIVE WORK OUTSIDE EMPLOYMENT IN THE PUBLIC SERVICE.

The employee of the Office of the Premier may lodge a written application for remunerative work outside employment in the Public Service for consideration by the Executing Authority or delegated employee. The applications for remunerative work should be lodged prior to performance of such remunerative work.

The application should reflect the following details as requirements:

- 8.6.1 Full particulars of employee including rank and station
- 8.6.2 Nature of business or remunerative work
- 8.6.3 Physical address of the business
- 8.6.4 VAT registration number of the business
- 8.6.5 Business registration number
- 8.6.6 Type of clients or customers (e.g. government departments, municipalities, and general public or private sector institutions).
- 8.6.7 Number of hours per day to be devoted to the remunerative work outside employment in the public service by the employee (applicant).
- 8.6.8 Nature of involvement.
- 8.6.9 Declaration that official working hours, office equipment, machines and official information shall not be used to pursue remuneration work outside employment in the Public Service and that the employee understands the use thereof will constitute misconduct.

New employees who joined the public service already having businesses shall apply to the Executing Authority or delegated employee for approval immediately after assuming duty.

8.7 Conditions to be attached to permission to perform remunerative work outside employment in the Public Service.

In cases where approval is granted, the following conditions should always be included in the letter of approval as basic conditions of the approval, namely :

- 8.7.1 that the employee shall not use or disclose any official information to pursue remunerative work outside employment in the Public Service.
- 8.7.2 that the employee shall not use official working hours, the office equipment, official transport, telephones, and buildings to pursue remunerative work outside employment in the Public Service.

- 8.7.3 that the department (employer) reserves the right to rescind the approval or permission granted.

8.8 DECLARATION OF BUSINESS AND FINANCIAL INTERESTS

During official duties an employee is expected to behave in a manner that enhances the reputation of the Public Service. An employee is also expected not to use his or her official position to obtain private gifts or benefits for himself or herself during the performance of his or her official duties, nor does he or she accept any gifts or benefits when offered as these may be construed as bribes.

A declaration of a business and /or financial interests should not only be limited to an application for remunerative work outside employment in the Public Service.

Employees should declare their business interests or financial interests. This need arises from the fact that employees may have business or financial interests in businesses or remunerative work ventures not necessarily registered in their names. Such applications and declarations should be done annually, preferably at the beginning of the financial year

8.8.1 Details to be reflected in the written declaration:

- a) Full particulars of employee including rank and station.
- b) Identification / Personal numbers.
- c) Physical address of business or remunerative work (in case of existing business).
- d) Nature of business.
- e) VAT Registration number (in case of existing business).
- f) Business Registration number (in case of existing business).
- g) Type of clients or customers (government departments, municipalities, general public or private sectors institution.
- h) Nature of involvement /business.
- i) Nature of remuneration, value or and amount to be paid per year.
- j) Anticipated profit per year.
- k) In whose name is the business registered and the relationship thereof.

8.9 KINDS OF INTERESTS TO BE DISCLOSED

- 8.9.1 Shares and other financial interests in private or public companies and other corporate entities recognized by law.
- 8.9.2 Directorships /Partnerships and percentage of shareholding.
- 8.9.3. Remunerative work outside the Public Service.
- 8.9.4. Consultancies.

8.9.5. Sponsorships.

8.9.6. Gifts and hospitality from a source other than a family member.

8.9.7. Other interests in land and property whether inside or outside the Republic.

8.10 DETAILS OF REGISTERABLE INTERESTS TO BE DISCLOSED

The following details of registerable interests shall be disclosed:

- (a) Shares and other financial interests in private or public companies and other corporate entities recognised by law.
 - (i) The number, nature and nominal value of shares of any type in any public or private company and its name; and
 - (ii) The nature and value of any other financial interests held in a private or public company or any other corporate entity and its name.
- (b) Directorships/partnerships and shareholding:
 - (i) The name, and type of business activity, of the corporate entity or partnership; and
 - (ii) If applicable, the amount of any remuneration received for such directorship or partnership.
 - (iii) Percentage of shares.
- (c) Remunerated work outside the public service:
 - (i) The type of work;
 - (ii) The name, and type of business activity, of the employer; and
 - (iii) The amount of the remuneration received for such work.
- (d) Consultancies:
 - (i) The nature of the consultancy or retainership of any kind;
 - (ii) The name, and type of business activity, of the client concerned; and
 - (iii) The value of any benefits received for such consultancy or retainership.
- (e) Sponsorships:
 - (i) The source and description of direct financial sponsorship or assistance; and the value of the sponsorship or assistance.

(f) Gifts and hospitality from a source other than a family member:

- (i) A description and the value and source of a gift with a value in excess of R350;
- (ii) A description and the value of gifts from a single source which cumulatively exceed the value of R350 in the 12-month period; and
- (iii) Hospitality intended as a gift in kind.

(g) Ownership and other interests in land and property, whether inside or outside the Republic:

- (i) A description and extent of the land or property;
- (ii) The area in which it is situated; and
- (iii) The value of the interest.

9. OVERTIME

9.1 PREAMBLE

Office of the Premier recognizes that overtime will sometimes be necessary in order to deliver services.

9.2. PURPOSE

(a) To provide a framework for the compensation of employees for additional hours they perform in excess of their prescribed hours of work by order of an Executing Authority or delegated employee; and

(b) To regulate the performance of overtime duty and the conditions under which remunerative overtime should be performed.

9.3. LEGAL FRAMEWORK

- a) Basic Conditions of Employment Act, 1997(Act No. 75 of 1997)
- b) Labour Relations Act, 1995(Act No. 66 of 1995);
- c) Public Service Co-ordination Bargaining Council (PSCBC) Resolution No. 3 of 1999;
- d) Public Service Act, 1994 and
- e) Public Service Regulations, 2001.

9.4 SCOPE OF APPLICATION

All employees appointed in terms of the Public Service Act 1994.

9.5. DEFINITIONS

In this Policy, unless the context indicates otherwise-

"day of rest" means -

- (a) a Sunday or a public holiday in the case of an employee who normally does not work on such a day;
- (b) in case of an employee who normally works on a Sunday or public holiday, such other day the employee is normally released from duty;

"night overtime work" means overtime an employee performs between 20H00 and 06H00;

"overtime work" means additional official work an employee performs in excess of the employee's normal working hours;

"remunerative overtime" means compensation for additional official work that an employee performs under specific circumstances in excess of the employee's normal working hours by order or permission of the Executing Authority or Executing Authority's delegate. Compensation can be monetary, time off or any other compensatory measure that the Executing Authority or the Executing Authority's delegate may deem appropriate and reasonable;

"Sunday overtime work" means additional official work that an employee performs on a Sunday or public holiday if the employee does not normally work on such a day; and

"this Policy" means the departmental policy.

9.6. AUTHORIZED REMUNERATIVE OVERTIME WORK

- a) The Executing Authority or the delegated employee must authorise the overtime in advance, for overtime work to be regarded as remunerative.
- b) The Executing Authority or the delegated employee must take into account the following factors, when considering overtime work:
 - i) The circumstances that necessitated the performance of overtime work;
 - ii) The steps that the Supervisor took to prevent the performance of overtime work for example reallocation of employees, temporary utilization of employees in other divisions or any other relevant factors; and
 - iii) If no voluntary overtime work has been performed, the reasons why the overtime work was not performed.
- c) If an employee needs to travel to or from home to the workplace at a time that the employee would not normally travel-
 - i) If the employee was not on authorized standby, the journey counts as an official journey but the time spent on the journey does not count as overtime work; and
 - ii) If the employee was on authorized standby duty, the time spent on the journey counts as overtime work.

9.7. CONDITIONS FOR OVERTIME WORK

- a) An employee may perform overtime work to a maximum of three hours on a working day or eight hours on week-ends and Public holidays.
- b) An employee may not work more than ten hours' overtime a week.
- c) An employee may work overtime on a Sunday or public holiday, if an Executing Authority or Executing Authority's delegate requires the employee to work-
 - i) On those days that the employee does not normally work; or
 - ii) If the employee normally works on those days, the employee is off from work.
- d) Overtime payment for driver/messenger serving executing authorities shall be dealt with in accordance with financial manual as determined by the Minister of Public Service and Administration from time to time.
- e) The monthly compensation for overtime shall constitute not more than 30% of the employees monthly salary.
- f) Approval should be obtained for any overtime payment above the 30% of the employee's monthly salary on the basis of exceptional circumstances.

9.8. COMPENSATION FOR OVERTIME WORK

The employer may grant an employee time off equal to the time worked or compensate authorised overtime work by paying an employee in case of -

- (a) Sunday overtime work, two times the employee's normal hourly remuneration;
- (b) Ordinary overtime work, one and one third times the employee's normal hourly remuneration; or
- (c) Night overtime, two times the employee's normal hourly remuneration.

9.9. CONTROL OF REMUNERATIVE OVERTIME WORK

- 1. In order to exercise proper control on remunerative overtime work, the supervisor must -
 - (a) Minimize overtime work;

- (b) Ensure that there are adequate supervision and control measures at all times during the performance of remunerative overtime work in order to ensure high productivity;
 - (c) Review the authorisation for overtime when the employee reaches the time frame or limit of overtime in order to avoid exceeding the amount or time allocated;
 - (d) Postpone overtime work for trifling periods;
 - (e) Ensure that overtime remuneration is cost-effective;
 - (f) Keep records of all overtime work;
 - (g) Keep and monitor an attendance register and ensure that employees and the supervisor duly sign;
 - (h) Make funds available to finance the expenditure that will be incurred as a result of the approval of rendering remunerative overtime work;
 - (i) Ensure that employees are not employed on overtime work to such an extent that the overtime work adversely affects the quantity and quality of work employees perform during normal working hours;
 - (j) If possible employees perform all overtime at the employee's normal place of work; and
 - (k) Clearly motivate reasons for remunerative overtime work.
- (2) In order to improve control, the supervisor must determine in advance the number of hours for overtime that an employee has to perform each day and, as far as possible, set production targets.
 - (3) The Senior Manager responsible for Human Resources in the Office of the Premier must quarterly provide the Head of the Department with information regarding the number of hours for authorised overtime work employees have performed and expenditure involved.
 - (4) Employees in the Senior Management Service -
 - (a) May not request or claim remunerative overtime work, unless approved by the Executing authority or Executing Authority's delegate, provided that it is in the national or international interest. Management must in this respect make a submission in writing;

- (b) Must before requesting authority for overtime work, consider employees who will work overtime on an individual basis according to the merit of each case;
- (c) Consider the numbers and ranks of the employees who will be required to perform overtime work; and
- (d) Must make an estimation of the duration of and the costs involved in the overtime work;

10. SPECIAL LEAVE

10.1. PREAMBLE

Office of the Premier acknowledges that employees should be granted special leave as part of conditions of service.

10.2 PURPOSE

To provide measures for utilisation of special leave.

10.3 LEGAL FRAMEWORK

- a) Public Service Act, 1994
- b) Public Service Regulations, 2001
- c) Labour Relations Act, 1995
- d) White Paper on Human Resource Management

10.4 SCOPE OF APPLICATION

To all employees appointed in terms of the Public Service Act, 1994.

10.5. PRINCIPLES

Special leave provisions will be implemented in a fair and equitable manner.

10.6 Types of special leave

The executing authority or his / her duly authorised representative shall authorise special leave with full pay for the following purposes:

10.6.1. Study leave

Special leave with full pay shall be granted to an employee for preparation towards his or her examinations whether it relates to his or her immediate field of work or not. **One (1) day special leave** with full pay shall be granted to an employee in connection with his or her studies or examination per course or subject.

An employee who attends or does course work (attends classes), prepares thesis or dissertation (collection of data and presentation) and writes tests as a package that substitutes examination (block attendance) may be granted five (5) days study leave with full pay for either his or her attendance, collection of data, presentation and writing in respect of each session (limited to two sessions per annum).

10.6.2 Examination

Special leave with full pay shall be granted to an employee, for the period he or she sits for examination(s) which in the opinion of the department has the object of improving the skills of the employee concerned for a career in the Public Service, irrespective of whether it relates to his or her immediate field of work or not.

One (1) day special leave shall be granted to an employee to prepare per examination paper as referred to above. Employees who must sit for examination on a Saturday or a day of rest shall be granted one working day per course or paper as a special leave in order to enable them to prepare for the examination.

- (a) Examinations referred to may include ordinary school subjects up to matriculation, as well as examinations in respect of which a certificate is not necessarily issued to successful candidates.
- (b) Special leave will only be extended once to an employee who has to repeat a course or be re-examined. An employee may however be granted an additional extension if the employee has failed to complete an examination or course due to circumstances that are beyond his or her control. He or she may be given an opportunity to complete the course or examination. Special consideration will also be given to employees who form part of the previously disadvantaged or designated groups.
- (c) Special leave shall only be granted for *bona fide* final examinations and not for class tests, term papers, etc. For the purpose of this policy, final examinations include all examinations that will lead to the conclusion of a subject (including semester courses).
- (d) Proof of examination must be submitted together with the special leave application.
- (e) Amendments to examination must be reflected on an amended special leave application.

10.6.3 Sabbatical Leave

Special leave with full pay may be granted to an employee as is required and within the needs of a department.

10.6.4 Study Leave or special circumstances

(a) Where necessary, special leave with full pay, may be granted to an employee under circumstances mentioned hereafter, on condition that the department is satisfied that the studies undertaken is in the interest of the department:

- (b) Full time study at a recognised educational institution within the Republic or abroad: Study leave in this regard shall be granted only for the prescribed duration of the particular course, diploma or degree. Employees who fail to complete their studies within the prescribed period for the curriculum shall not be granted an additional period of study leave. Unpaid leave may be granted to employees, who apply to complete their studies;
- (c) Practical work required as a prerequisite for registration in a particular profession; or
- (d) Attendance of a self-enrichment course (e.g. flower arranging, interior decorating, sewing, etc) which is in the interest of the department.

10.6.5 Attendance of classes during office hours

- a) An employee who studies part-time or by means of correspondence at a university or other recognised educational institution and who as a result of his or her studies is required to be absent from his or her place of work, will receive one day special leave with full pay for every full eight hours, he or she is so released from duty.

10.6.6 Participation In Sports or Cultural Activities

(a) Special leave with full pay to a maximum of 10 working days per annum, may be granted to an employee when he or she is selected by an acknowledged sports association to represent a, provincial, regional or local area as a member of an organised sports group whether as a competitor, official, judge, coach, manager or referee in a sports tour or organised sports event within or outside South Africa.

(b) Special leave with full pay may be granted to an official when he or she is selected by an acknowledged sports association to represent South Africa as a member of an organised sports group, whether as a competitor, official, judge, coach, manager or referee in a sports tour or organised sports event within or outside South Africa. **Written proof of such nomination or selection must be provided.**

Special leave, with full pay, may be granted to an employee when he or she:

accompanies a foreign national team visiting South Africa, as a representative of the South African Sports Association, takes part in cultural activities, as a member of an organised cultural group, in a cultural tour within and outside South Africa as a competitor, coach, manager or official, assistant coach and manager to represent, South Africa, the province or region.

10.6.7. Resettlement

Special leave with full pay will be granted to an employee who is, transferred at state expense. Two (2) days special leave will be granted to employees who are transferred within the province and five (5) days if transferred outside the province, in order for him/her to:

- a) Arrange accommodation;
- b) Supervise the packing or loading and unpacking or unloading of personal belongings; and
- c) Arrange school for children.

Special leave in this instance will only be granted if the employee and his or her household are required to resettle.

10.6.8 Training Of Disabled Employees

The employer shall –

- (a) afford disabled employees the opportunity to undergo training to manage the employees' disability;
- (b) treat employees who need training to be able to utilise equipment that would enable them access to the workplace or to perform the job, the same as other official training provided to equip such employees with the knowledge and skills to do the their jobs; and
- (c) offer the training referred to in (b) while the employees are on official duty.

10.6.9 Leave for Occupational Injuries and Diseases

The employer shall-

- (a) For the duration of the period the employee is unable to work, grant occupational injuries and diseases leave to such an employee who

as a result of his/her work, suffered occupational injuries and diseases;

- (b) Grant special leave to an employee who suffers a work-related injury or disease as a result of an accident or negligence involving a third party provided that the employee:

- i) Brings a claim for compensation against the third party; and
- ii) Undertakes to use compensation the employee received in terms of the Compensation for Occupational Injuries and Diseases Act, 1993(Act No. 85 of 1993) to recompense as far as possible for the cost arising from the accident.

The employer shall take reasonable steps to assist an employee to claim compensation according to subparagraph (b) above.

10.6.10 Rehabilitation

Any special leave provided in this section will be over and above any leave taken as sick or incapacity leave.

Special leave may be granted to an employee to enable him or her to undergo treatment for substance abuse, trauma and mental disorders at an approved institution or facility in terms of the provisions of PILLIR.

10.6.11 Military Service

Special leave may be granted to an employee when he or she is required to perform **voluntary** military service.

10.6.12 Miscellaneous

Special leave with full pay may be granted to an employee in the following circumstances:

- (a) Where an employee is absent from work as a result of segregation or isolation on medical instruction. The granting of special leave shall be subject to the submission of a certificate by a registered medical practitioner indicating the period and the reason for segregation or isolation.

- (b) In the case where a physically disabled employee is required to attend an orientation or training course relevant to the disability.
- (c) Where the area in which the employee works or resides is struck by a natural disaster or other disaster and the department is satisfied that it was impossible for the employee concerned at the time to continue with his or her official duties.

Special leave may be granted to an employee due to any other circumstances not mentioned above provided that the employer believes that it is in the best interest of the State and the Office.

10.6. EVENTS FOR WHICH EMPLOYEES WILL NOT BE REQUIRED TO UTILIZE SPECIAL LEAVE

Employees will not be required to submit leave forms or utilise special leave in the following instances:

- (a) Study tours initiated by the department or the Public Service.
- (b) Absence for purposes of registering for studies.
- (c) When an employee is "subpoenaed" as a witness in any legal proceedings, disciplinary enquiry, commission appointed by the State or any other relevant authority empowered to do so.
- (d) When an employee has to appear before a court of law arising from his or her official duties.
- (e) Where an employee attends a course, workshop, lecture etc. presented by a State department or private institution for which he or she has been given permission to attend by his or her supervisor or manager.
- (f) When an employee assists or represents an employee during a disciplinary enquiry or in a dispute proceeding or an investigation into a complaint or grievance.
- (g) When he or she is an office bearer, shop steward or member of a trade union involved in labour relations matters deemed to be in the interest of the employer such as, dissemination of information, briefing or training.
- (h) When he or she is absent from duty –
 - i. As the aggrieved person during an investigation into his or her complaint or grievance,
 - ii. as the person being charged in a disciplinary enquiry, or
 - iii. As an applicant in a conciliation board, arbitration or Labour Court.
- (i) When appointed by any department to render services.
- (j) Attendance of an interview for a post in any department within the Public Service.

10.7 EVENTS FOR WHICH SPECIAL LEAVE WILL NOT BE GRANTED

Attendance of self-enrichment courses that are not in the interest of the department.

Repeating of courses (sitting for examination in respect of the same course or paper for a third or fourth time).

11. EMPLOYEE WELLNESS PROGRAMME (EWP)

11.1. PREAMBLE

The Office of the Premier acknowledges the existence of employees' personal and work-related problems that may have a negative impact on service delivery. It further recognises its responsibility through the establishment of Employee Wellness Programmes (EWP). EWP is aimed at enhancing service delivery and quality of life of all employees. The Wellness programme entails Employee Assistance Programme (EAP), Occupational Health and Safety (OHS), Workplace HIV & Aids and other illnesses

11.2. PURPOSE

To provide guidance on the establishment and management of Employee Wellness Programmes.

11.3. LEGISLATIVE FRAMEWORK

- a) The Public Service Regulations, 2001
- b) The Constitution of the Republic of South Africa
- c) Occupational Health and Safety Act, 1993 (Act No. 85 of 1993)
- d) Labour Relations Act, 1995 (Act No. 66 of 1995)
- e) Employment Equity Act, 1998 (Act No. 55 of 1998)
- f) Skills Development Act, 1998 (Act No. 97 of 1998)
- g) Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997)
- h) Mental Health Care Act, 2002 (Act No. 17 of 2002).

11.4 SCOPE OF APPLICATION

This policy is applicable to the employees of the Office of the Premier.

11.5 PRINCIPLES

The implementation of Employee Wellness Programme (EWP) in the Office will be underpinned by the following principles:

11.5.1 Confidentiality

Any information shared during consultation or Counselling shall not be disclosed to anyone (management included) without the employee's written consent except when disclosure is required in terms of law or court order.

The information provided by the employee during consultation shall not be utilised for any purpose other than those agreed upon between the Employee Assistance Professional and the employee. All employees' records shall be kept strictly confidential by the EAP office. The disposal of employee case file will be disposed in terms of the archive measures.

11.5.2. Eligibility and Accessibility

EAP will be accessible and available to all employees and their immediate family members.

11.5.3. Neutrality

EAP shall not become enmeshed in the traditional interface between management and employees; and shall not be inconsistent with the existing administrative procedures..

11.5.4. Intervention

Efforts shall be made to ensure early identification and treatment of problems, thus facilitating good prognosis. Leadership (i.e. Supervisors and Union representatives) in the office shall be involved to ensure timely problem identification, referral and assessment.

11.5.5. Impartiality

Participation in the programme shall not jeopardize the employee's job security or career pathing.

11.5.6. Equal Treatment

Employees who use EAP services shall receive the same considerations as those with medical problems. No employee client shall receive preferential or adverse treatment due to his / her participation in the programme.

11.5.7. Volunteerism

Participation in the programme shall be voluntary without denying management the prerogative of recommending employees for assistance. When employees have been identified with deteriorating performance, and refuse to be given assistance, such employees are opening themselves to serious disciplinary action.

11.5.8. Prevention of abuse

Any employee or participating party as well as executive authority shall not use the programme for ulterior purposes.

11.6. INSTITUTIONAL ARRANGEMENTS

The Head of department shall:

11.6.1 Ensure the establishment and management of Employee Wellness Programmes in the Office. Appoint a member of the senior management service to oversee the management of the programmes and provide guidance to the practitioners at the operational level.

11.6.2 Ensure the provision of resources for the implementation of Employee Wellness Programmes in the Office of the Premier.

11.6.3 Ensure the integration of the Employee Wellness Programmes with all other departmental programmes.

11.6.4 Ensure that Employee Wellness Programmes is a key performance area of all supervisors in the department.

11.7 MONITORING, EVALUATION AND REPORTING

The Head of department shall ensure the coordination, monitoring and evaluation of the programmes in the Office.

The Employee Wellness Unit shall coordinate, monitor and evaluate the establishment and management of the programmes in the Office.

11.8 REVIEW OF THE POLICY

This policy shall be reviewed every three years or as and when the need arises.

12. WORKPLACE HEALTH AND SAFETY

12.1 PREAMBLE

Office of the Premier acknowledges its responsibility and is committed to create and maintain a safe working environment.

12.2 PURPOSE

To provide measures aimed at promoting-

- (a) the health and safety of all employees; and
- (b) the protection of the employees and all other persons visiting the Office.

12.3 DEFINITIONS

In this Policy, the following words have the following meaning unless the context indicates otherwise:

"Act" means the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993) except for clause 16;

"Committee" means the Occupational Health and Safety Committee referred to in clause 11;

"Department" means the Department of Labour;

"Employee" means an employee in the Office;

"Inspection authority" means a Department of Labour inspection authority referred to in section of the Labour Relations Act.

"Office" means office of the Premier;

"Management" means management in the Office;

"Representative" means the Occupational Health and Safety Representative designated in terms of section 17(1) of the Act;

"Section 16(2) appointee" means a person referred to in section 16(2) of the Act; and

"This policy" means the Health and Safety Policy in the Office.

12.4. LEGAL FRAMEWORK

- (a) Constitution of the Republic of South Africa (1996)
- (b) Skills Development Act, 1998 (Act No. 97 of 1998)
- (c) Occupational Health and Safety Act, 1993 (Act No. 85 of 1993)
- (d) Compensation for Occupational Injuries and Diseases Act 130 of 1993
- (e) Labour Relations Act, 1995 (Act No. 66 of 1995)
- (f) Basic conditions of Employment Act, 1997 (Act No 75 of 1997)
- (g) Public Service Regulations, 2001

12.5. ROLES AND RESPONSIBILITIES

(1) Employer

The HOD Officer may assign any employee in the Office to carry out the following duties of the Office:

- (a) to provide and maintain a working environment that is safe;
- (b) to identify potential hazards, that are prevalent in the workplace;
- (c) to establish the precautionary measures that are necessary to protect the employees and visitors against the identified hazards;
- (d) to provide the employees with the information, instructions, training and supervision necessary for their health and safety;
- (e) to determine the procedures to be followed if an employee or visitor is exposed to a hazardous substance or involved in an incident that may negatively influence the employee's or visitor's health and safety;
- (e) to ensure that every employee complies with the requirements of the Act as well as other relevant legislation related to occupational health and safety;
- (f) to ensure that all work done and the equipments used if any, are under the general supervision of an employee who has been trained to understand the hazards associated with the work and ensure that the precautionary measures are implemented and maintained;
- (g) to ensure that representatives are elected or nominated and appointed in the workplace as contemplated in section 17 of the Act;

- (h) to ensure that all cases of occupational diseases or injuries are reported in the prescribed manner to the Compensation Commissioner;
- (i) to co-operate with the inspection authority and ensure that any directions, subpoenas, requests or commands are complied with; and
- (j) to ensure that the Committee is established and complies with the provisions of the Act.

(2) Supervisor

Every Supervisor must ensure that:

- (i) All employees under the his/her supervision are informed of risks and hazards associated with their work activities;
- (ii) All hazards in their functional areas are identified, eliminated or at least minimized;
- (iii) Employees are provided with personal protective clothing and equipments where necessary and that they receive the relevant training on how to use and care for them;
- (iv) All measures or equipments provided for health and safety purposes are well maintained and not tempered with; and
- (v) All precautionary measures are adhered to, to ensure the health and safety of all in the Office.

(3) Employees

Every employee must at work-

- (i) adhere to the health and safety measures for the promotion and protection of the employee's and others' health and safety;
- (ii) wear the prescribed protective clothing or use the prescribed safety equipment where it is required; and
- (iii) report any unsafe or unhealthy conditions to the Office or representatives as soon as the employee knows the conditions.

(4) Representatives

In the Office-

- (i) each floor may have at least one Representative; and
- (ii) each district office may have at least one Representative.

12.6. PROCEDURES FOR NOMINATION AND ELECTION OF REPRESENTATIVES

Management must ensure that Representatives are nominated or elected in terms of section 17 of the Occupational Health and Safety Act, 1993. Unions may be consulted if necessary. The following procedures are recommended for nominations and elections, respectively:

(1) Nominations

- (i) The workplace must be divided into various functional areas.
- (ii) A list of employees employed on a full-time basis shall be drawn.
- (iii) A decision on employees who are acquainted with conditions and activities at the workplace and the nominated employee must be able to read and write.
- (iv) A notice to be sent to each functional area inviting nominations and clearly state the due date for nominations.
- (iv) Management must elect one of the nominees and appoint the nominee as a Representative in writing for specific period.

(2) Elections

- (i) The workplace shall be divided into various functional areas.
- (ii) Employees who are eligible for elections should be employed on a full-time basis, be acquainted with conditions and activities at the workplace, and must be able to read and write.
- (iii) A notice must be sent to each functional area inviting nominations for an election stating the due date for nominations and date on which elections will be held.
- (iv) Elections must be held in each functional area on specific dates. Election may be either by hand or by ballot.

- (v) The elected Representatives must be designated in writing for a specific period.

12.7. TENURE OF OFFICE

Period of office of Representatives is three years.

12.8. TERMINATION OF OFFICE

Termination of office of Representatives may occur on the following grounds:

- (a) If the Representative is found guilty, following a disciplinary hearing of health and safety infringement;
- (b) if two thirds of employees working in the area of which the Representative is designated for, in writing request management for termination of the Representative's office;
- (c) if the period of office expires;
- (d) if the Representative's contract of employment is terminated; and
- (e) if the Representative failed to fulfil the duties as contemplated in the Act to promote the health and safety in the Office. The employee may appeal against such a decision to management.

12.9. DESIGNATION OF REPRESENTATIVES

- (1) The Representative must be designated in writing.
- (2) Representatives must be designated for every workplace consisting of 20 or more workers and for a functional unit, one representative must be designated for every 100 workers or part thereof.
- (3) Representatives may be designated for a specific unit in the Office depending on the nature of work the unit performs.
- (4) Depending on circumstances, an inspection authority may require the designation of more representatives, even in the case where the number of workers is less than 20.

- (5) The Director-General in consultation with the employees may designate more than the prescribed number of representatives if the workplace situation so requires.
- (6) All the activities regarding the designation, function and training of representatives must be performed during normal working hours.

12.10. FUNCTIONS OF REPRESENTATIVES

The following are the functions of the Representatives in respect of the area for which they are designated-

- (a) review the effectiveness of health and safety measures;
- (b) conduct monthly inspection in the Office including any articles, substances, machinery or personal protective equipments after notifying the Director- General or section 16(2) appointee about the inspection and then compile a report for the Committee;
- (c) when conducting an inspection, always use a checklist approved by the Department and submit copies of the signed checklists to the section 16(2) appointee and the Committee;
- (d) keep record of every report for an inspection authority or the Committee;
- (e) discuss any complaints and findings with the Committee;
- (f) discuss and assess the overall effectiveness of occupational health and safety measures during the Committee meetings;
- (g) identify and report any potential hazards and major incidents to the Committee or Director-General;
- (h) examine, in collaboration with the Director- General or section 16(2) appointee, the causes of incidents in the workplace;
- (i) adhere to the principle of confidentiality when carrying out the Representative's duties;
- (j) make representations in writing on matters on matters regarding the health and safety in the workplace to the management or the Committee or, where the representations are unsuccessful, to an inspection authority;

- (k) attend Committee meetings; and
- (l) accompany inspection authority during inspection but only if the inspection is conducted at the Representative's area of designation; and
- (m) generally performs all the functions the Act requires.

12.11. COMMITTEE

- (1) Management may establish one or more Committees in a workplace where two or more Representatives are designated.
- (2) Representatives must constitute the Committee that must meet at least quarterly in order to initiate, promote, maintain and review measures of ensuring the health and safety of employees.
- (3) The Committee must-
 - (a) keep records of the Committee's activities including but not limited to minutes of the meetings and recommendations made to the Office. The section 16(2) appointee must sign the minutes; and
 - (b) make recommendations to the management after analyzing the checklists referred to in subclause 10(c).
- (4) Management determines the number of Committee members based on the following-
 - (a) if only one Committee has been established for a workplace, all the Representatives must be members of that Committee;
 - (b) if two or more Committees have been established for a workplace, each representative must be a member of at least one of the Committees;
 - (c) nominate more people to represent the Office in a Committee but their number may not exceed the number of Representatives on the Committee. The nominees must be designated in writing.
- (5) An inspection authority may if necessary determine the establishment of additional Committees.

- (6) The inspection authority may order the Committee to meet by notice in writing if 10% of the employees have made a written request for a meeting to the inspection authority. The inspection authority will determine the time and venue for the meeting.
- (7) The Committee may co-opt persons as advisory members of the Committee based on their knowledge and expertise on health and safety matters.

12.12. REPRESENTATIVES

- (1) A Representative may refer a complaint submitted to the Representative to the Committee for further handling if the Office fails to resolve the complaint.
- (2) The Representative must make the referral to the Committee in writing.
- (3) The Representative must attend Committee meetings.
- (4) If the Committee does not address the complaint satisfactorily, then the Committee must refer a notification of the complaint together with the recommendation of the Committee to a section 16(2) appointee for further handling.

12.13. RESPONSIBILITIES OF REPRESENTATIVES

A Representative may in respect of the functional area -

- (a) visit the site of an incident and attend any inspection that may be necessary;
- (b) attend any investigation or formal enquiry held in terms of the Act;
- (c) inspect any document that the Office is required to keep in terms of the Act and carry out the instructions or information contained in the document. The documents should be in relation to the area the Representative is designated for
- (d) the Representative may be accompanied by a technical advisor with the written approval of both the Representative's and the technical advisor's Office.
- (e) participate in health and safety audits with regard to the area the Representative is designated for.

- (f) carry out all the functions and perform all the functions, as the Act requires.

12.14. TRAINING

The Office must ensure that-

- (a) all representatives are on a continuous basis trained on how to carry out their responsibilities and to execute their functions and duties in terms of the Act; and
- (b) records of trained employees are kept.

12.15. FUNCTIONS OF COMMITTEE

The Committee deals, with the following functions only in the area the committee is designated for:

- (a) Make recommendations to the Office about the health and safety of employees. Where the recommendations fail to resolve the matter, the Committee may refer the recommendations to an inspection authority for further handling;
- (b) discuss any incident that led to the injury, illness or death of any employee and decide on how to prevent any similar incidents. The inspection authority may be informed in writing of the incident; and
- (c) generally, ensure that the Office complies with the Act and relevant legislation.

12.16. PROCEDURE TO BE FOLLOWED IN REPORTING AN OCCUPATIONAL INJURY OR DISEASE

- (1) Every employee must if involved in an incident that may influence the employee's incident or caused an injury, in terms of section 38 the Act, inform management or any authorized person.
- (2) The Office must in terms of section 39(1) of the Act report the matter to the Commissioner.
- (3) The employee must-
 - (a) in terms of section 42(1) of the Act submit to medical examination;

- (b) ensure that a medical practitioner or chiropractor completes the medical report within the prescribed period; and
 - (c) furnish the medical report to an authorised person in the Office.
- (4) The supervisor or any authorised person of the deceased or an injured employee or employee who contracted a disease should inform the Human Resource Office(Service Benefits) by using the prescribed form.
- (5) Service Benefits must in turn inform the Compensation Commissioner within seven days after notice of the incident.
- (6) Failure to report the incident within the prescribed period constitutes an offence in terms of the Act.

12.17. DEATH OF AN EMPLOYEE ON DUTY

In case of the deceased employees, the dependants must submit the following documents:

- (a) Marriage certificate if necessary
- (b) Death certificate
- (c) Affidavit by the widow or widower
- (d) Claim for compensation
- (e) Birth certificate of the widow or widower and children under the age of 18 years at the time of accident.
- (f) Burial expenses form and receipts.

12.18. FORMS

All the relevant forms are obtainable from the Human Resources Management (Services Benefits unit) and the Department of Labour.

12.19. MONITORING AND EVALUATION

- (1) Monitoring and evaluation will be conducted by both the internal and external stakeholders responsible for this function.
- (2) The Office must annually review this policy.

13. SMOKING

13.1 PREAMBLE

Office of the Premier acknowledges its responsibility to create and maintain a healthy working environment.

13.2 PURPOSE

To provide measures aimed at prohibiting, restricting and controlling smoking.

13.3 LEGAL FRAMEWORK

- 13.3.1 Tobacco Products Control Act, 1993 (Act No 83 of 1993)
- 13.3.2 Occupational Health and Safety Act, 1993 (Act No 85 of 1993).
- 13.3.4 Public Service Regulations, 2001.

13.4 INSTITUTIONAL ARRANGEMENT

- 13.4.1 Office of the Premier, shall designate a portion of its premises as a smoking area.
- 13.4.2 The designated area will be separated from the rest of the offices by a solid partition.
- 13.4.3 The entrance door shall bear the sign "SMOKING AREA" on it *written in block letters, at least 2cm in height and 1,5 cm in breadth, on a white background.*
- 13.4.4 The ventilation of the designated smoking area will be such that air from the smoking area is directly exhausted to the outside and is not recirculated to any other area within the workplace.
- 13.4.5 The message **SMOKING OF TOBACCO PRODUCTS IS HARMFUL TO YOUR HEALTH AND TO THE HEALTH OF CHILDREN, PREGNANT OR BREASTFEEDING WOMEN AND NON-SMOKERS, FOR HELP TO QUIT PHONE: 011 720 3145** shall be displayed at the entrance to or in the designated smoking area.
- 13.4.5 The Office of the Premier shall permanently display the sign "NO SMOKING" in areas where smoking is not permitted *written in black letters at least 2cm in height and 1.5 in breadth on a white background.*
- 13.4.6 The Office of the Premier shall permanently display the warning message next to the no smoking signs that "ANY PERSON WHO FAILS TO

COMPLY WITH THIS NOTICE IS GUILTY OF AN OFFENCE AND MAY BE LIABLE TO A FINE".

13.4.7 Employees shall not smoke in their offices irrespective of whether they share an office or not. This is also applicable to any person visiting such offices.

13.4.8 If smokers do not comply with the rules, the Office shall ban smoking in the Offices or take disciplinary action against those who do not abide to the departmental policy.

13.5 MONITORING AND EVALUATION

13.5.1. The Occupational Health and Safety coordinators in the Office will monitor the development and implementation of the policy.

13.5.2. Monitoring will be conducted by both internal and external stakeholders who are responsible for the function.

13.5.3. This policy will be reviewed annually or amended as and when it becomes necessary.

14. SOCIAL CLUB

14.1 PREAMBLE

Productivity is crucial in any organization and performance is enhanced by a healthy working environment. Employees should be encouraged to form recreation clubs.

14.2 PURPOSE

To promote a healthy and friendly work environment.

14.3 LEGAL FRAMEWORK

- a) Occupational Health and Safety Act, 1993 (Act No. 85 of 1993).
- b) Constitution of the Republic of South Africa, 1996(Act No. 108 of 1996).
- c) Compensation for Occupational Injuries and Diseases Act, 1993 (Act No. 130 of 1993).
- d) White paper on Sport and Recreational South Africa, 1998.
- e) South African Sports and Commission Act, 1998(Act No. 109 of 1998)
- f) National Sport and Recreation Act, 1998 (Act No. 110 of 1998).

14.4 OBJECTIVES

- a) To enhance the health well-being of employees for improved service delivery .
- b) To promote team spirit, morale and cooperation amongst employees.
- c) To promote a healthy and balanced lifestyle.
- d) To create a relaxed environment .
- e) To improve interpersonal relations and effective communication amongst employees.

14.5 PRINCIPLES

Participation in any social club activity is voluntary.

Employees' participation in any sport or recreational activity during working hours shall be regarded as being on official sport or recreational duty if management has granted authorization.

Any employee of the Office of the Premier is encouraged to take part in any approved sporting codes, recreational or social club activities.

14.6 INSTITUTIONAL ARRANGEMENTS

The Office of the Premier has a mandate for the following:

- (a) establish a sports and recreational club where different sporting codes can be introduced;
- (b) create a team in any sporting code or recreational activity;
- (c) once the club has been formed, establish a committee that is governed by its constitution, to regulate the sport and recreational activities;
- (d) ensure that the committee has a patron who shall either be a Senior Manager or General Manager to serve as an Accounting Officer and overseer;
- (e) may have other social activities such as braais, tea clubs, traditional dance, choral society, indigenous games and other recreational activities;
- (f) shall develop its policy for employees who have to partake in National and Provincial sports events;
- (g) shall organise departmental sport and recreational activities either once a quarter or half yearly during the week or weekend;
- (h) shall provide First Aid service during events;
- (i) shall encourage Strategic Business Units (SBUs) managers to organize activities that will promote team work and eliminate or at least reduce stress and burnout;
- (j) shall determine how funding of its social club activities will be raised to sustain the club and its activities; and
- (k) may establish a funeral committee and other committees to achieve the objectives of this policy or its Departmental social club policy.

Employees (participants only) shall ensure that they get prior approval from their supervisors before they participate in sport and recreational activities. Non-participants would not be allowed to be spectators if events take place during working hours.

The Office of the Premier shall participate in the provincial sport and recreational event which is held once a year during the week or weekend where all departments would participate.

Injuries sustained during approved Departmental sports or recreational activities shall be regarded as occupational injuries and shall as a result, be subject to Occupational Health and Safety Procedure guidelines and the Compensation for Occupational Injuries and Diseases Act, 1993(Act No. 130 of 1993).

15. SEXUAL HARASSMENT

15.1 PREAMBLE

Office of the Premier is committed to maintain a working environment that is free of sexual harassment. In pursuit of this policy the employer will not tolerate acts of sexual harassment against any employee irrespective of their rank, sex or race.

15.2 PURPOSE

To prohibit sexual harassment

15.3. OBJECTIVES

To eliminate sexual harassment in the work place.

To provide appropriate procedures to deal with the problem and prevent its recurrence.

To encourage and promote the development and implementation of policies and procedures that will lead to the creation of a workplace that is free of sexual harassment, where employers and employees respect one another's integrity and dignity, their privacy and their right to equity in the workplace.

15.4. LEGAL FRAMEWORK

Employment Equity Act, 1998.
Labour Relations Act, 1995.
Basic Conditions of Employment Act, 1997.
Constitution of the Republic of South Africa, 1996.
Public Service Act, 1994.

15.5 APPLICATION OF CODE OF GOOD PRACTICE

The objective of the code is intended to guide employers and employees, the perpetrators and victims of sexual harassment and it includes: -

Employers
Managers
Supervisors
Employees
Job applicants

Clients
Suppliers
Contractors
Others having dealings with a business

Nothing in the above confers the authority on employees to take disciplinary action in respect of non-employees. A non-employee who is a victim of sexual harassment may lodge a grievance with the employer of the harasser where the harassment has taken place in the workplace or in the course of the harasser's employment.

15.6 DEFINITION OF SEXUAL HARASSMENT

(a) Sexual harassment is unwanted conduct of a sexual nature. The unwanted nature of sexual harassment distinguishes it from behavior that is welcome and mutual.

(b) Employee behaviour becomes sexual harassment if: -

- the behaviour is persistent, although a single incident of harassment can constitute sexual harassment and /or
- the recipient has made it clear that the behavior is considered offensive and /or
- the perpetrator should have known that the behaviour is regarded as unacceptable.

15.7 FORMS OF SEXUAL HARASSMENT

15.7.1 Sexual harassment may include unwelcome physical, verbal or non-verbal conduct, but is not limited to the examples listed as follows: -

(a) Physical conduct of a sexual nature includes all unwanted physical contact, ranging from touching to sexual assault and rape and includes a strip search by or in the presence of the opposite sex.

(b) Verbal forms of sexual harassment include unwelcome innuendoes, suggestions and hints, sexual advance, comments with sexual overtones, sex -related jokes or insults or unwelcome graphic comments about a person's body made in their presence or directed towards them, unwelcome and inappropriate enquiries about a person's sex life, and unwelcome whistling directed at a person or group of persons.

(c) Non -verbal forms of sexual harassment include unwelcome gestures, indecent exposure and the unwelcome display of sexual explicit pictures and objects.

(c) Non-verbal forms of sexual harassment include unwelcome gestures, indecent exposure and the unwelcome display of sexual explicit pictures and objects.

(a) Quid pro quo harassment occurs where an owner, employer, supervisor, member of management or co-employee, undertakes 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 favors.

15.7.2 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 submit themselves to any sexual advances are denied rewards.

15.8 PROCEDURES

15.8.1 Advice and Assistance

Sexual harassment is a sensitive issue and a victim may feel unable to approach the perpetrator, lodge a formal grievance or turn to colleagues for support. As far as is practicable the department should designate a person outside of line management whom the victims may approach for confidential advice. Such a person: -

- (a) Could include persons employed by the department to perform inter alia such a function, a trade union representative or co-employee, or outside professionals.
- (b) Should have the appropriate skills and experience or be properly trained and given adequate resources.
- (c) Could be required to have counseling and relevant labour relations skills and be able to provide support and advice on a confidential basis.

15.8.2 OPTIONS TO RESOLVE A PROBLEM

(a) Employees should be advised that there are two options to resolve a problem relating to sexual harassment. Either an attempt can be made to resolve the problem in an informal way or a formal procedure can be embarked upon.

(b) The employee should be under no duress to accept one or the other option.

15.8.2.1 Informal procedure.

- It may be sufficient for the employee concerned to have an opportunity where he/she can explain to the person engaging in the unwanted conduct that the behaviour in question is not welcome, that it offends them or makes them uncomfortable and that it interferes with their work.
- if the informal approach has not provided a satisfactory outcome, if the case is severe or if the conduct continues, it may be more appropriate to embark upon a formal procedure. Severe cases may include: sexual assault, rape, strip search and quid pro quo harassment.

15.8.2.2 Formal procedure

When a formal procedure has been chosen by the aggrieved, a formal procedure for resolving the grievance should be available and should: -

- Specify to whom the employee should lodge the grievance.
- Make reference to timeframes, which allow the grievance to be dealt with expeditiously.-
- Provide that if the case is not resolved satisfactorily. The issue can be dealt with in terms of the dispute procedures contained in item 15.10 of this policy.

15.9. INVESTIGATION AND DISCIPLINARY ACTION

15.9.1 Care should be taken during any investigation of a grievance of sexual harassment that the aggrieved person is not disadvantaged, and that the position of the other party is not prejudiced if the grievance is found to be unwarranted.

15.9.2 The range of disciplinary sanctions to which employees will be liable should be clearly stated, and it should also be made clear that it will be a disciplinary offence to victimize or retaliate against an employee who in good faith lodges a grievance of sexual harassment.

15.10 DISPUTE RESOLUTION

Should a complaint of alleged sexual harassment not be satisfactorily resolved by the internal procedures set out above, either party may within 30 days of the dispute having arisen, refer the matter to the PSCBC for conciliation. Should the dispute remain unresolved either party may refer the dispute to the labour court within 30 days of receipt of the certificate issued by the Commissioner.

15.11 CONFIDENTIALITY

- 15.11.1 Office of the Premier and employees must ensure that grievances about sexual harassment are investigated and handled in a manner that ensures that the identities of the persons involved are kept confidential.
- 15.11.2 In cases of sexual harassment, management, employees and parties concerned must endeavor to ensure confidentiality in the disciplinary enquiry. Only appropriate members of management as well as the aggrieved person, representative, alleged perpetrator, witness and interpreter if required, must be present in the disciplinary enquiry.
- 15.11.3 Office of the Premier is required to disclose to either party or to their representatives, such information as may be reasonably necessary to enable the parties to prepare for any proceedings in terms of this policy.

16. HIV & AIDS PROGRAMME

16.1 PREAMBLE

Office of the Premier acknowledges the seriousness of HIV & AIDS and that there is still no cure. HIV & AIDS pandemic is a threat to the country's economic development and it poses a challenge to Employee Wellness Programme (EWP). Absenteeism due to HIV&AIDS related illness definitely lower the morale and the motivation of other employees with the decrease in productivity. Employees are afraid of discrimination and are silent about their status because of the stigma attached to it.

16.2 COMMITMENT BY THE OFFICE OF THE PREMIER.

The Office of the Premier is committed to the social and emotional well-being of its employees, and to ensuring a safe and healthy working environment.

16.3 PRINCIPLES

- 16.3.1 The promotion of equality and non-discrimination between individuals with HIV infection and those without and between HIV&AIDS and other comparable health/ medical conditions.
- 16.3.3 The creation of a supportive environment so that HIV infected employees are able to continue working under normal conditions in their current employment for as long as they are medically fit to do so.
- 16.3.4 The privacy of employees living with HIV&AIDS shall be protected at all times.
- 16.3.5 HIV& AIDS impacts disproportionately on women and this should be taken into account in the development of workplace policies and programmes.
- 16.3.6 Consultation, and full participation of all stakeholders are key principles that should underpin every HIV& AIDS policy and programme.

16.4 OBJECTIVES

- 16.4.1 To create a non-discriminatory work environment for infected or affected employees.
- 16.4.2 Changing employee's high-risk behaviour.
- 16.4.3 Prevent new infections.
- 16.4.4 Ensuring that all employees are well informed about the disease and its prevention methods.

- 16.4.5 Helping employees affected by the disease, to cope with additional emotional, financial and other demands placed on them by the epidemic.
- 16.4.6 Improving the quality of life for employees affected by the disease.

16.5 LEGAL FRAMEWORK

Employment Equity Act, No 55 of 1998.
 Labour Relations Act No 66 of 1995.
 Occupational Health and Safety Act, No 83 of 1993.
 Constitution of South Africa Act No 108 of 1996.
 Compensation of Occupational, Injuries and Disease Act 130 of 1993.
 Basic Conditions of Employment Act 75 of 1997.

16.6 SCOPE OF APPLICATION

This policy is applicable to all employees appointed in terms of the Public Service Act.

16.7 HIV TESTING, CONFIDENTIALITY AND DISCLOSURE

- 16.7.1 Although voluntary testing will be encouraged, the Office of the Premier may not require an employee, or an applicant for employment, to undertake an HIV test in order to ascertain that employee's HIV status.
- 16.7.2 Testing at the request of the employee will be done with his/her written consent once appropriate counselling has been provided.
- 16.7.3 Confidentiality regarding the HIV status of an employee shall be maintained at all times. However, in line with the Department's philosophy on the virus, the employee will be encouraged to be open about his/her HIV status.
- 16.7.4 The principle of shared confidentiality will be observed in cases where appropriate health care may need to be provided.
- 16.7.5 Where an employee chooses to voluntarily disclose his/her status to the employer such information may not be disclosed to others without the employee's written permission.
- 16.7.6 Confidential documents such as counselling records and case registers within the wellness programme shall be kept only by a registered wellness professional.

- 16.7.7 The conduct of wellness and the management of confidentiality shall be governed by the principles contained in Social Work Act of 1978.

16.8 EMPLOYEE BENEFITS

- 16.8.1 Employees with HIV & AIDS may not be unfairly discriminated against in the allocation of employee benefits.
- 16.7.2 Employees living with HIV & AIDS will be treated no less favourably than employees with any other serious illness/condition with regard to access to employee benefits.
- 16.7.3 Information from benefit schemes on the medical status of an employee should be kept confidential and should not be used to unfairly discriminate.
- 16.7.4 All employees should be educated regarding the advantages of joining Medical Aids Schemes.

16.9 ACCESS TO SERVICES

Employees shall have access to preventive and therapeutic service within comprehensive Human Resource/ Employee Assistance Programme, which is utilised by employees experiencing a variety of psychosocial difficulties including, but not limited to, HIV & AIDS so as to de-stigmatised AIDS programmes.

16.10 COMPENSATION FOR OCCUPATIONAL ACQUIRED HIV.

- 16.10.1 Office of the Premier is responsible for the creation of a healthy and safe working environment for its employees.
- 16.10.2 In the event of an employee being infected with HIV & AIDS as a result of the nature of work performed by the employee concerned, the Office of the Premier must take an initiative to explain the rights of that employee under the Compensation of Injuries and Diseases Act to that employee.
- 16.10.3 The Office of the Premier shall in addition assist the said employee to claim compensation in terms of above Act.

16.11 PEER EDUCATORS.

The Office of the Premier shall select and appoint Peer Educators who will be capacitated with HIV & AIDS matters to create HIV& AIDS awareness to their Peers in the workplace.

16.12 HIV & AIDS COMMITTEE.

16.12.1 Office of the Premier shall establish HIV& AIDS committee with adequate representation and support from all relevant stakeholders.

16.12.2 The functions of the HIV & AIDS committee will be to advise the Office of the Premier on HIV& AIDS matters.

16.13 HIV & AIDS PROGRAMME IN THE WORKPLACE

The Office of the Premier will offer the following services to all its employees and their affected family members.

- a) Awareness;
- b) Education and training;
- c) Creating a non- discriminatory environment;
- d) Condom promotion and distribution in the workplace (both females and males); and
- e) Facilitate Voluntary counselling and Testing (VCT's).

16.14 HIV AND AIDS AMBASSADOR

The HIV and AIDS ambassador can be requested to take part in awareness, VCT, care and support Programmes within the Office of the Premier.

16.15 DISMISSAL

No employee shall suffer adverse consequences, whether dismissal or termination on the basis of her/his HIV & AIDS status.

17. TRANSFER OF EMPLOYEES

17.1 PREAMBLE

Every employee may be transferred from the post occupied by him or her to any other post or position in the same department or any other department.

17.2 PURPOSE

To create an appropriate procedure framework that will guide implementation of transfers.

17.3 LEGAL FRAMEWORK

- a) Public Service Act, 1994
- b) Public Service Regulations, 2001
- c) Labour Relations Act, 1996
- d) Basic Conditions of Employment Act, 1997
- e) White Paper on Human Resource Management

17.4 SCOPE OF APPLICATION

To all employees employed in terms of Public Service Act, 1994 .

17.5 GENERAL CONDITIONS

- a) Requests shall be done through Human Resource Components.
- b) The vacant post must be identified before any transfer can be effected.
- c) The salary level of the applicant must be equivalent to that of a post.
- d) Approval of the transfer should be obtained before a transfer can take place.
- e) One-month notice should be given before an applicant can be transferred.
- f) It is the responsibility of every line manager to ensure that the transferred employee is appearing in the directorate's payroll.

17.6 PRINCIPLES

17.6.1 Circumstances under which a transfer is effected.

- a) On request by the employee.
- b) On request of the employer.

- c) To effect proper placement.
- d) On transfer of functions between departments.
- e) On account of promotion/demotion.
- f) On account of changes in organizational structure.
- g) On affirmative action.
- h) On account of collective agreements.

The receiving department should pay the transfer costs (where necessary).

The releasing department should inform the receiving department about any outstanding matters such as promotion allowances due, disputes, etc.

The manager of the receiving component should report the date of assumption of duty of the employee in writing to HRM.

Any transfer should take place in consultation with the affected employee.

The relinquishing department should attend to phase one of the transfer process, namely; the transfer of files and payment of salaries upon such confirmation should be done immediately.

17.6.1.1 Employee initiated transfer.

- a) Transfer is done at employee's cost.
- b) The employee informs the employer about his/her offer of employment (furnish copy of such offer) and commencement of one month notice in writing.
- c) The employer reserves the right to approve or disapprove the transfer.
- d) HRM must obtain the approval for the transfer.

17.6.1.2 Employer initiated transfer

- a) Transfer is done at employer's cost.
- b) Before a transfer can be effected there should be a written consent of the employee.

17.6.1.3 Inter-Provincial transfers

Same procedures to be followed between provinces and National Departments.

18. TERMINATION OF SERVICE

18.1 PREAMBLE

The termination of service of an employee may be initiated either by her-/himself or the department and shall be effected in terms of the relevant provisions of the Public Service Act, 1994 and Public Service Regulations 2001. Termination of service occurs due to any of the following forms, namely; death, retirement, resignation, or discharge. The responsibility of reporting termination of service by an employee rests with the immediate supervisor.

18.2 PURPOSE

To provide policy guidelines regarding termination of service.

18.3 . LEGAL FRAMEWORK

- a) Public Service Act, 1994
- b) Labour Relations Act, 1995
- c) Basic Conditions of Employment Act, 1997
- d) Public Service Regulations, 2001

18.4. SCOPE OF APPLICATION

This policy applies to all employees in the department appointed in terms of Public Service Act, 1994.

18.5. PRINCIPLES

All employees who have reached the age of retirement as prescribed by the Public Service Act, 1994 should be retired.

18.6. RETIREMENT AGE

The compulsory retirement age of the Public Service is 65 years, in terms of Section 16(1) (a) of the Public Service Act, 1994. Any employee, who reaches this age, must be retired on the date that he/she reaches this age.

(a) Employees, however, may exercise an option to retire earlier than the compulsory retirement age. Section 16(2A)(a) provides that an employee may retire from the Public Service on the date that he/she attains the age of 55 years, or on any date after that date. Employees, who wish to exercise this option, must notify the human resource management component within a department, through their managers/supervisors, of their intention to exercise this option, three calendar months prior to the date that they so wish to retire.

(b) In terms of section 16(6)(a) of the Public Service Act, 1994, employees may retire before reaching the age of 55 years, if in the opinion of the Executing Authority, a sufficient reason exists and the retirement is of the advantage of the State. Employees wishing to retire in terms of this provision, must submit their applications through their managers/supervisors to the human resource management component. Employees may contact the human resource component in advance to establish the benefits which are payable should they wish to apply for early retirement in terms of this provision.

18.7. ILL-HEALTH RETIREMENT

All cases of ill-health retirement shall be dealt with in terms of the Policy and Procedure on Incapacity Leave and Ill-health Retirement of November 2005, as determined by the Minister for Public Service and Administration.

18.8. RESIGNATION

An employee may resign from Office of the Premier at any time, subject to the giving of notice as provided for in Public Service Regulations, 2001.

Once an employee has given notice of her/his resignation, and she/he wishes to withdraw her/his resignation, approval for the reversal of the resignation must be recommended by the supervisor and approval be granted by the Executing Authority or delegated employee.

In situations where employees resign without serving the notice period as required by the regulations, the supervisor of the resigning employee shall immediately notify HR component for purposes of stopping salary in order to avoid salary overpayment. The same reporting shall apply in respect of termination of service as a result of death or abscondment.

18.9. EXIT INTERVIEW

Exit interview shall be conducted when an employee vacates a post through transfer or resignation in line with DPSA directives.

Human Resource Management in consultation with the supervisor will arrange exit interview.



LIMPOPO

PROVINCIAL GOVERNMENT
REPUBLIC OF SOUTH AFRICA

[HUMAN RESOURCES MANAGEMENT]

INTERNAL OFFICE MEMORANDUM

Ref: S1/P

To: PREMIER

From: Human Resource Management

Date: 06 February 2008

Subject: DEPARTMENTAL HR POLICIES

1. Purpose

To seek approval for Departmental HR Policies.

2. Background

The Departmental Human Resource policies have been developed in terms of the revised Provincial Human Resource Policy Framework approved by EXCO and the relevant prescripts. These policies are vital to guide the functioning of the office regarding Human Resources towards quality service delivery.

3. Discussion

An internal HR task team was appointed to deal with the finer details of these policies in terms of consultations and soliciting of inputs from colleagues. As these policies were based on the provincial HR policies as approved by EXCO for all provincial departments, Office of the Premier like other departments, has customized these policies to suit own situation and therefore would like to obtain approval from the Executing Authority before implementation.

The process of consultation with all the relevant stakeholders had already been followed when these policies were being developed at the provincial level and it is therefore logical that the approval of the Premier is sought for implementation of these policies.

4. Financial Implications

None

5. Communication Implications

As soon as approval is obtained the HR policies will be circulated to all employees in the office.

6. Recommendation

It is recommended that the Departmental HR Policies be approved for implementation.

Manager: Performance Management

Date: 06/02/2008

Comments:

THE POLICIES ARE BEING CUSTOMISED FROM THE
PROVINCIAL HR POLICY DOCUMENT. LEGAL SERVICES
INPUTS MAY BE RECEIVED WITH THE UNDERSTANDING
THAT THE POLICY DOCUMENT HAS ALREADY BEING APPROVED
BY EXCO EARLY IN 2007.

Senior Manager: Human Resource Management

Date: 06/02/2009

Comments:

These policies have been customised with the
Provincial Policies. These policies do not
change the Provincial policies

General Manager: Corporate Services

Date: 07/02/09

Legal Implications

[Handwritten signature]

General Manager: Legal Services

Date: 08/02/2008

Comments:

Adoption of the ASAT Act is supported.

[Handwritten signature]
Senior General Manager: Operations Management.

Date: 8/2/08

Comments

Supported.

[Handwritten signature]
Director-General

Date: 12/02/2008

The Departmental HR Policies are hereby:

Approved/ ~~Not approved~~

[Handwritten signature]
PREMIER

DATE: 18/04/2008