

PUBLIC SERVICE CO-ORDINATING BARGAINING COUNCIL

RESOLUTION NO 12 OF 1999

ADOPTION OF INCAPACITY CODE AND PROCEDURES IN RESPECT OF ILL HEALTH

1. The parties to the Public Service Co-ordinating Bargaining Council (the PSCBC) hereby resolve to adopt the following agreement, on the incapacity code and procedures in respect of ill health.

2. This agreement binds :-
 - (i) The employer;
 - (ii) The employees of the employer who are members of the trade union parties to this agreement; and
 - (iii) The employees of the employer who are not members of any trade union parties to this agreement, but who fall within the registered scope of the Council.

3. This agreement shall come into effect on the day of signing.

THIS DONE AND SIGNED AT
1999.

ON THIS THE DAY OF

ON BEHALF OF THE EMPLOYER

	NAME	SIGNATURE
STATE AS EMPLOYER		

ON BEHALF OF TRADE UNION PARTIES

TRADE UNION	NAME	SIGNATURE
DENOSA		
HOSPERSA		
NAPTOSA		
NUPSAW		
NWU		
NEHAWU		
PAWUSA		
POPCRU		
PSA		
SADTU		
SAPU		
SAOU		

INCAPACITY CODE AND PROCEDURES IN RESPECT OF ILL HEALTH

PROCEDURE FOR EMPLOYEES IN RESPECT OF ILL HEALTH OR INJURY

- 1 If the employer is of the view that an employee is not performing in accordance with the job that the employee has been employed to do as a result of poor health or injury the employer must investigate the extent of the incapacity or injury.

- 2 In conducting this investigation the employer must give the employee, and the employee's trade union representative of his/her choice, the opportunity of stating the employee's case and being heard on all the issues that the employer investigates and considers. Relevant medical and other information must be considered.

- 3 After the investigation the employer must provide the employee with a written report setting out the results of the investigation.

- 4 In the investigation the employer must consider whether the nature of the employee's ill health or injury is of a temporary nature and the period of time that the employee is likely to be absent from work. In this investigation the employer must consider:
 - a. The nature of the job;
 - b. The likely period of absence;
 - c. The seriousness of the illness or injury;
 - d. The remuneration of the employee during the employees period of absence; and
 - e. The possibility of securing a temporary replacement for the ill or injured employee

- 5 If the nature of the employee's ill health or injury is of a permanent nature the employer must investigate the possibility of:
 - a. securing alternative employment for the employee; and
 - b. adapting the duties or work circumstances of the employee to accommodate the employee's disability
 - c. offer boarding on the grounds of ill health or injury.

- 6 If the investigation conducted by the employer suggests that the employee's ill health is as a result of alcohol or drug abuse, the employer may:
 - a. counsel the employee;
 - b. encourage the employee to attend rehabilitation;
 - c. establish a formal rehabilitation program which the employee will be expected to follow; or
 - d. terminate the employment of the employee after following fair procedures, if the behaviour is repetitive.

- 7 If the employee fails to follow the formal program or to attend rehabilitation or to address the problem of alcohol or drug abuse, the employer must give the employee or the employee's representative a written report and consult again with the employee. After consulting with the employee the employer may consider whether to terminate the employment of the employee after the normal disciplinary process is concluded.