



CAPE WINELANDS DISTRICT

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1. INTRODUCTION

- 1.1 Cape Winelands District Municipality cares about the health and wellbeing of its employees and recognizes that a variety of personal problems can disrupt their personal and work lives.
- 1.2 Serious personal and/or family problems are usually amenable to treatment and rehabilitation. For instance, alcoholism is a treatable disease which has devastating effects on one's personal health, family and work life. Drugs, gambling, family problems and emotional distress can have similar effects. Most people solve their problems either on their own or with the advice of family and friends, however, sometimes people need professional advice.
- 1.3 Cape Winelands District Municipality, through its Employee Assistance Programme policy, provides access to professional counselling services for its employees and those employees in need of professional assistance are encouraged to use the Programme.
- 1.4 This Employee Assistance Programme policy sets guidelines for the Cape Winelands District Municipality to provide a professional and confidential counselling service to all its employees.

2. PURPOSE OF THE EMPLOYEE ASSISTANCE PROGRAMME

- 2.1 The purpose of the Employee Assistance Program is to offer confidential and professional assistance to employees who have the potential to be adversely affected by personal and/or work-related problems.
- 2.2 Through the Employee Assistance Programme, employees are assisted to resolve personal problems that affects job performance and are motivated to seek help and are directed to the best assistance possible.

3. SCOPE AND APPLICATION

3.1 This policy shall apply to all employees of the Cape Winelands District Municipality (Senior Managers, permanent and temporary employees, interns, students and reservist fire fighters) and where necessary, will include an employee's spouse or life partner and/or children.

3.2 However, cognisance should be taken that the assistance provided to any employee in terms of the Employee Assistance Programme policy, will be suspended on the date that an employee's services with the Cape Winelands District Municipality is terminated, for any reason whatsoever.

4. DEFINITIONS

In this policy, unless the context otherwise indicates –

“Employee” means any person, excluding an independent contractor, who works for the Cape Winelands District Municipality and who receives, or is entitled to receive any remuneration.

“Employee Assistance Programme (EAP)” is a strictly confidential and unique work organisation's resource based on core technologies or functions to enhance employee and workplace effectiveness through prevention, identification, and resolution of personal and productivity issues and it serves as an employer-sponsored intervention programme to improve the quality of life of employees.

“Employer” means the Council of the Cape Winelands District Municipality.

“Executive Management” shall mean the Municipal Manager and Heads of Department.

“Full-time employee” means someone who is in the employ of the Municipality and who is working 40 hours per week.

“Heads of Department” shall mean all appointees in terms of section 56 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).

“Municipal Manager” shall mean a person appointed by the Municipal Council as the Municipal Manager for the Municipality in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 2000).

“Municipality” means the Cape Winelands District Municipality.

“Part-time Employee” means someone who is in the employ of the Municipality and who is working less than 40 hours per week.

“Permanent Employee” means an employee, excluding a contract employee and a temporary employee, occupying a post on the approved staff establishment of the Municipality in a permanent capacity, whether full-time or part-time, and includes an apprentice and a person appointed in such post for a probationary period.

“Staff Establishment” means the approved posts created for the normal and regular requirements of the Cape Winelands District Municipality.

“Staff Members” shall mean the employees of the Cape Winelands District Municipality (CWDM), including the Municipal Manager and Heads of Department.

“Temporary Employee” means an employee, excluding a contract employee, appointed to a post on the approved staff establishment of the Municipality in a temporary capacity, whether full-time or part-time, for a continuous period not exceeding 12 (twelve) months.

“**Union**” means a trade union or employee association recognised by the Cape Winelands District Municipality

“**Workplace**” refers to the place of work as contemplated in the Labour Relations Act, 1995 (Act No. 66 of 1995).

5. LEGAL FRAMEWORK

This policy and its application must be in accordance with the following legislative prescripts:

- 5.1 The Constitution of the Republic of South Africa, 1996.
- 5.2 Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998).
- 5.3 Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003)
- 5.4 Labour Relations Act, 1995 (Act No. 66 of 1995).
- 5.5 Skills Development Act, 1998 (Act No. 97 of 1998).
- 5.6 Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).
- 5.7 Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997).
- 5.8 Occupational Health and Safety Act, 1993 (Act No. 58 of 1993).
- 5.9 Prevention and Treatment of Drug Dependency Act (Act 14 of 1999).
- 5.10 All relevant Collective Agreements.

6. BASIC PRINCIPLES

6.1 Timeous Intervention

6.1.1 Early intervention is desirable in dealing with any life challenges.

6.1.2 The responsibility of timeous intervention lies with employees, the Employer and Trade Unions.

6.1.3 Cooperation between the Employer and Trade Unions through the Employee Assistance Programme can help employees deal with their life challenges.

6.2 Neutrality

6.2.1 The Employee Assistance Programme is not designed to interfere with an employee's private and social life and shall remain out of the conflict areas between management and the employee.

6.2.2 The Employee Assistance Programme does not replace disciplinary procedures and is not designed to assist in "conflict resolution" between employees and/or managers; but provides supportive intervention.

6.2.3 In instances where management or labour issues are involved, the relevant mechanisms, procedures, legislation and/or applicable Collective Agreements shall apply.

6.3 Equality

The Employee Assistance Programme applies equally to all employees of the Cape Winelands District Municipality.

6.4 Voluntarism

6.4.1 The Employee Assistance Programme encourages employees to voluntarily seek help (self-referral) for life challenges. The Employee Assistance Programme is always voluntary, even when an offer of assistance is made by the Employer. The decision to accept assistance always remains the free choice and responsibility of the employee.

6.4.2 The principal of voluntarism shall not undermine management's responsibility to take appropriate action in terms of the Occupational Health and Safety Act, 1993 (Act No. 95 of 1993), relevant policies, especially, in situations of substance abuse and illness.

6.5 Confidentiality

6.5.1 Confidentiality is the cornerstone of the Employee Assistance Programme. All client related information will be regarded as confidential and the release of information will only be done in compliance with a court order, a subpoena or with a written permission and consent of the employee.

6.5.2 Employee's clinical service records shall be strictly confidential, and the information provided by the employee shall not be utilised for any purpose, other than those agreed upon between the Employee Assistance Programme Practitioner and the employee. Records will not be kept in the employee personal file, except to document that a mandatory referral has been made.

6.6 Protection of stigmatisation

6.6.1 Participation in the Employee Assistance Programme will not threaten on employee's job security or chances of future promotion and/or advancement or any other job-related benefits.

6.6.2 Employees should be allowed to participate in the Employee Assistance Programme without victimisation or discrimination and should be able to participate without pressure, stigma or judgement. Employees using the programme should not be victimised or discriminated against.

6.7 Accessibility

6.7.1 All employees of Cape Winelands District Municipality, irrespective of their position shall have access to the Employee Assistance Programme, either through voluntary self-referral or referral by supervisors and or chairpersons of disciplinary hearings.

6.7.2 This policy shall apply to all employees of the Cape Winelands District Municipality (Senior Managers, permanent and temporary employees, interns, students and reservist fire fighters) and where necessary, will include an employee's spouse or life partner and/or children.

6.7.3 However, cognisance should be taken of the fact that the assistance provided to any employee in terms of this Employee Assistance Programme Policy, will be suspended on the date that an employee's services with the Cape Winelands District Municipality is terminated, for any reason whatsoever.

6.8 Responsibility

Employees must take responsibility for their own well-being and must voluntarily use the programme and also follow through with the therapeutic process.

6.9 Sensitivity

Managers, line-managers and the Employee Assistance Programme Practitioner will at all times display sensitivity towards employees' needs.

7. AREAS OF ASSISTANCE

7.1 The Employee Assistance Programme aids with a broad range of personal concerns, including, but not limited to:

7.1.1 Marital, family and relationship problems.

7.1.2 Substance abuse (alcohol, drugs, prescription medication) and other addictive behaviour such as gambling.

7.1.3 HIV / AIDS counselling.

7.1.4 Workplace violence and trauma counselling.

- 7.1.5 Workplace discrimination or victimization, for example, discrimination against people with disabilities or from designated groups.
- 7.1.6 Personal debt and financial management problems.
- 7.1.7 Stress (family, social, job).
- 7.1.8 Family violence.
- 7.1.9 Sexual harassment.
- 7.1.10 Work related conflicts or any other.
- 7.1.11 Psycho-social problems.
- 7.1.12 Separation, divorce, custody.
- 7.1.13 Death in the family or loved one.
- 7.1.14 Gambling.

8. PROGRAMME OPERATION

- 8.1 The Employee Assistance Programme acts as an intake and referral system, using agencies and services in the community, and/or external service providers to provide ongoing assistance as appropriate and required.
- 8.2 Early recognition of a life challenge is an important objective to enable an employee to receive help before a crisis develops, however the Employee Assistance Programme can also be accessed when an employee is already experiencing a crisis situation.

- 8.3 Participation in the Employee Assistance Programme is not an alternative to discipline, nor is it to be used by management as a disciplinary measure. The Employee Assistance Programme Practitioner and/or service provider shall not be drawn to testify or witness in any labour disciplinary proceedings.
- 8.4 Any employee can consult, on a confidential basis, with the Employee Assistance Programme Practitioner concerning access to the Programme or to ask general information, or alternatively, employees can directly contact an external service provider if and when such services are available.
- 8.5 There is no cost for employees to consult with the Employee Assistance Programme Practitioner and/or service provider, if applicable. If further counselling is necessary, the Employee Assistance Programme Practitioner will outline community and private services available and/or an external service provider if and when such services are available. Any costs associated with private services are the responsibility of the employee unless otherwise advised.

9. RIGHTS AND RESPONSIBILITIES

Maintenance of acceptable job performance is a shared responsibility. Performance goals must be set by the manager along with the employee and achievements measured against these goals. The employee, coached by the manager, responds by accepting responsibility for maintaining satisfactory job performance.

9.1 Employee Rights and Responsibilities

- 9.1.1 Personal information concerning employee participation in the Employee Assistance Programme is maintained in a confidential manner. Access is limited to the Employee Assistance Programme Practitioner.

- 9.1.2 No information related to an employee's participation in the programme shall be entered on their personnel file.
- 9.1.3 An employee may review his/her Employee Assistance Programme file at any reasonable time.
- 9.1.4 The Employee Assistance Programme file is destroyed after five (5) years following closure of a case, unless otherwise prescribed by relevant legislative arrangements.
- 9.1.5 Participation in the Employee Assistance Programme shall not jeopardise an employee's job, nor prejudice any opportunity for promotion or advancement.
- 9.1.6 Leave may be granted subject to the prescriptions of existing Collective Agreements and/or policies for professional assessment, counselling and treatment, unless otherwise determined.
- 9.1.7 It is the responsibility of the employee to maintain satisfactory job performance.
- 9.1.8 If personal problems cause deterioration of work performance, the employee has a responsibility to obtain the necessary help to bring job performance up to an acceptable level.

9.2 Manager's Responsibilities

- 9.2.1 Keep record of declining work performance of employees, where applicable.
- 9.2.2 Address work performance problems through normal procedures.

- 9.2.3 Be consistent and treat employees fairly.
- 9.2.4 Make employees aware of the Employee Assistance Programme in instances where declining job performance has been determined, if appropriate.
- 9.2.5 The manager/supervisor must grant the employee leave for counselling and or treatment; subject to the prescriptions of existing Collective Agreements and/or policies.
- 9.2.6 Do not attempt to diagnose personal problems of the employee or offer a personal opinion.
- 9.2.7 Provide follow-up support to employees upon return to work, if appropriate.
- 9.2.8 Do not require the employee to divulge or disclose the nature of the problem when requesting leave for an appointment with the Employee Assistance Programme Practitioner or appointed service provider(s), unless necessary for some valid operational reasons.
- 9.2.9 If necessary, the employee can provide verification of attendance through the Employee Assistance Programme Practitioner.
- 9.2.10 Maintain a strict level of confidentiality with all cases.

9.3 Union's Responsibilities

9.3.1 Be knowledgeable about the Employee Assistance Programme and the referral procedure.

9.3.2 Encourage members to use the Employee Assistance Programme, if appropriate.

9.3.3 Maintain a strict level of confidentiality with all cases.

9.4 Employee Assistance Programme Practitioner's Responsibilities

9.4.1 Oversee the Employee Assistance Programme to ensure effective and consistent application of the policy and procedures.

9.4.2 Provide information sessions to management, union representatives and personnel regarding the Employee Assistance Programme.

9.4.3 Promote the Employee Assistance Programme in the workplace.

9.4.4 Promote wellness programmes and activities to encourage employees to make lifestyle changes that improve healthy living and a balanced life-style.

9.4.5 Develop and maintain an accurate, current data bank on resources, services and service provider(s) available.

9.4.6 Liaise with service providers to ensure service standards are acceptable and meet the requirements of clients.

- 9.4.7 Conduct screening and preliminary assessment for persons contacting the Employee Assistance Programme for assistance.
- 9.4.8 Provide information regarding participation in the programme.
- 9.4.9 Referral to a professional counsellor for detailed assessment and treatment as appropriate.
- 9.4.10 Follow-up as and when required with the individual to ensure assistance was beneficial.
- 9.4.11 Assist the employee in his or her return to the work environment as and when required.
- 9.4.12 Provide consultation to managers regarding the Employee Assistance Programme services.
- 9.4.13 Advise, organize and/or facilitate, on an ongoing basis, educational programs for employees about the Employee Assistance Programme's services.
- 9.4.14 Maintain all information on employees participating in the Employee Assistance Programme in a confidential and secure manner.
- 9.4.15 Provide feedback to management regarding areas where special attention or training is required.
- 9.4.16 Provide statistics of participation in the Employee Assistance Programme without identifying personal details of participants.

10. REFERRALS AND OFFERS OF ASSISTANCE

- 10.1 When an offer of assistance is made by the Employer, it is not mandatory for the employee to accept the offer.
- 10.2 The contact details of the designated Employee Assistance Practitioner may be obtained from the Division: Human Resources.
- 10.3 Self-Referral or Voluntary Referral
 - 10.3.1 An employee recognises that a problem exists and seeks help through the Employee Assistance Programme on his / her own by contacting the EAP Practitioner and/or the service provider directly.
 - 10.3.2 These self-referrals are treated with strict confidentiality.
 - 10.3.3 The employee's supervisor will not be informed of the nature of the problem, unless the employee requests this to happen.
 - 10.3.4 Should the employee require proof of attendance of the Employee Assistance Programme, a certificate of attendance will be provided.
 - 10.3.5 The employee is responsible for obtaining approval for any required time-off associated with participation in the Employee Assistance Programme and the Employer shall not unreasonably deny such time-off.

10.4 Informal Referral

- 10.4.1 Noticeable deterioration of an employee's job performance is evident. A problematic situation has presented itself and the supervisor/manager or co-worker advises the employee to seek help through the Employee Assistance Programme to prevent a performance breakdown in the future
- 10.4.2 The employee maintains the right to use or refuse the Employee Assistance Programme.
- 10.4.3 Informal referral is an early intervention strategy to assist employees.

10.5 Formal Referral

- 10.5.1 Supervisor/manager observes a performance decline and keep record of the behaviour.
- 10.5.2 The manager is responsible to address deteriorating work performance with the employee and provide guidance to help the employee improve work performance through constructive consultation.
- 10.5.3 An employee accepts responsibility for keeping job performance at a pre-established acceptable level.
- 10.5.4 If job performance does not improve or shows continuing deterioration, the manager may initiate a formal offer of assistance as part of a corrective performance plan. Though it is not mandatory for an employee to accept this offer, non-compliance may result in disciplinary procedures.

10.5.5 Prior to initiating a formal offer of assistance, the supervisor should consult with the Employee Assistance Programme Practitioner concerning the appropriateness of the offer.

10.5.6 The employee signs a Release of Information form which permits the Employee Assistance Programme Practitioner to communicate with HR Professional/supervisor/manager regarding the employee's attendance and co-operation with utilising the Employee Assistance Programme services.

10.6 Mandatory Referrals

10.6.1 Mandatory referrals are made by the chairperson who presides in disciplinary hearings or incapacity hearings when an employee is at a corrective action or work performance stage, where discipline or dismissal is likely, and there are mitigating circumstances that motivate management to provide an opportunity for the employee to resolve the problem.

10.6.2 Compliance with such a referral is required and failure to follow through with the Employee Assistance Programme referral, assessment, treatment and/or service recommendations in full, may be the basis for termination.

10.6.3 The employee signs a Release of Information form which permits the Employee Assistance Programme Practitioner to communicate to Legal Services/Human Resources/supervisor/manager regarding the employee's attendance and cooperation with utilising the Employee Assistance Programme services.

11. CONFIDENTIALITY

- 11.1 A primary principle of the Employee Assistance Programme is to maintain confidentiality throughout every level of the Programme. An employee accessing the Employee Assistance Programme needs confidence in the privacy of this relationship.
- 11.2 Legally, “confidentiality” refers to the obligation to refrain from willingly disclosing information that has been received in confidence and not to situations in which a court or statute compels a person to disclose information. Should the Employee Assistance Programme Practitioner be subpoenaed to surrender records or to testify in court it will not be in breach of his/her confidentiality obligations.
- 11.3 The Employee Assistance Programme Practitioner would not be in breach of confidentiality obligations by complying with the mandatory reporting provisions of any child abuse legislation or the obligation to warn the intended victims of violence.
- 11.4 The Employee Assistance Programme Practitioner will ensure proper and accurate management of records. The minimum amount of information required to assist the employee will be maintained. Client records will at all times be secured under lock and key. Files will be available for review by the employee at any reasonable time. Employee Assistance Programme files shall be destroyed after five (5) years following closure of a case.
- 11.5 In many cases the employee contacting the Employee Assistance Programme Practitioner will wish to remain anonymous. Personal identifying information will not be required to carry out preliminary assessment and referral to a helping resource in the community.

11.6 All persons employed within the Employee Assistance Programme are bound by conditions of strict confidentiality.

12. BENEFITS OF THE EMPLOYEE ASSISTANCE PROGRAMME

12.1 The Employee Assistance Programme can benefit everyone who experience challenges.

12.2 Addressing problems early and timeously prevents complications that negatively affect both work performance and life in general.

12.3 Employees can obtain help with personal problems which may affect their wellbeing, family life or work performance;

12.4 The employer benefits by retaining employees with valuable skills and knowledge.

12.5 Early use of the Employee Assistance Programme can contribute to the prevention of serious problems for the individual employee, family and employer.

12.6 The Employee Assistance Programme encourages an organisational culture that is both task-orientated and caring.

12.7 Sustained optimal functioning of staff leads to greater productivity and an improved quality of life for individuals and their families.

13. AMENDMENTS

The Council may from time to time amend this policy, due to practical reasons or legislative requirements.

14. EFFECTIVE DATE

The Revised Employee Assistance Programme Policy will become effective upon approval thereof by the Council of the Cape Winelands District Municipality.

15. RECOURSE ON APPLICATION

If there is any grievance/dispute that may arise about the application of this policy, it shall be handled in terms of the dispute procedure of the SALGBC.

16. PRECEDING POLICIES RESCINDED

Please note that all previous policies in respect of this subject were RESCINDED and REPLACED with the adoption of the revised policy.