



DRAFT EMPLOYEE ASSISTANCE PROGRAMME POLICY

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EMPLOYEE ASSISTANCE PROGRAMME POLICY DRAFT

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Purpose	To promote and maintain the overall general state of wellbeing of the employees of Eden District Municipality.
Policy Custodian	Executive Manager – Corporate/Strategic Services
Related Policies and Legislation	Local Government Municipal Systems Act, Act No. 32 of 2000 Labour Relations Act, Act No. 66 of 1995, as amended Employment Equity Act, Act No.
Approving Authority	Council
Applicability	This policy is applicable to Eden District Municipality
Policy Benchmark and References	
Stakeholders Consulted	MANCOM, Internal EAP Com, HR Section, Unions, Local Labour Forum

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1. DEFINITIONS

- EAP** : Employee Assistance Programme
- Employer** : Eden District Municipality
- Employee** : “means any person, excluding an independent contractor who works for another person or for the State and who receives, or is entitled to receive, any remuneration”.
- Council** : Council of Eden District Municipality
- Management** : Municipal Manager and Head of Departments
- EAP Practitioner** : Registered Counsellor, Employee Assistance Programme Practitioner
- Advisory Committee** : Committee established to assist and advice on personnel well-being and initiatives
- Medical testing** : (1) Medical testing of an employee is prohibited, unless--
- a) legislation permits or requires the testing; or
 - b) it is justifiable in the light of medical facts, employment conditions, social policy, the fair distribution of employee benefits or the inherent requirements of a job.
- (2) Testing of an employee to determine that employee's HIV status is prohibited unless such testing is determined justifiable by the Labour Court in terms of section 50 (4) of this Act.
- Psychometric testing and other similar assessments of an employee are prohibited unless the test or assessment being used:
- a) has been scientifically shown to be valid and reliable;
 - b) can be applied fairly to employees; and
 - c) is not biased against any employee or group.

CHAPTER II PROHIBITION OF UNFAIR DISCRIMINATION (Employment Equity Act, NO. 55 OF 1998)

Union	:	A trade union or employee association recognised by Eden District Municipality”
Alcoholism	:	The chronic abuse of alcohol, where the employees is unable to control the condition by his/her own ability to resist such abuse.
Referral	:	An employee is encouraged to seek professional intervention and includes self-referral and informal referral.
Confidentiality	:	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.
Chronic Illness	:	An illness that is of an ongoing nature and where there is no prognosis for a complete cure.
Sexual Harassment	:	Unwanted sexual attention or any unwanted pressure involving one’s sexuality and/or unwanted, unsolicited and unreciprocated conduct of a sexual nature which substantially interferes with an employee’s work performance, and/or has a detrimental effect on the terms and conditions of employment, and/or creates an intimidating, hostile or offensive work environment.
Family Violence	:	Any physical or psychological abuse that occurs within the family environment.

2. LEGAL FRAMEWORK

SALGA Human Resource Strategic Plan, 2016

Labour Relations Act, 1995

Basic Conditions of Employment Act, 1997

Occupational Health and Safety Act, 1993

Employment Equity Act, 1998

3. PREAMBLE

With this EAP framework, the Eden District Municipality (EDM) aims at setting guidelines for the organisation to provide a professional and confidential service to all its employees primarily by means of short-term, brief intervention counselling. Participation in the program is voluntary with consent of the employee and self-referral of employees actively encouraged.

4. SCOPE

This Policy applies to all employees of the Eden District Municipality.

5. PURPOSE

The purpose of this policy is to enable the Eden District Municipality to provide a professional service to those employees who are experiencing social or psychological problems. The Employee Assistance Programme (EAP) is designed to assist the identification and resolution of problems associated with employees impaired by personal concerns, but not limited to health, family, financial, alcohol, drug, legal, emotional, stress or other personal concerns and addictions which may adversely affect employee's performance.

5.1 BENEFITS OF THE EAP PROGRAMME

- 5.1.1 Addressing problems early prevents complications that negatively affect both work performance and life in general.
- 5.1.2 Fostering employee well-being
- 5.1.3 Sustained optimal functioning of staff leads to greater productivity and improved quality of life for individuals and their families.
- 5.1.4 EAP encourages an organisational culture that is both task-orientated and caring.

6. COUNCIL'S COMMITMENT TO THE EMPLOYEE ASSISTANCE PROGRAMME POLICY

- 6.1 Council undertakes through its Employee Assistance Programme (EAP) to offer employees short term diagnostic, curative and referral services for all psychosocial problems experienced by its employees and guarantees the survival of this programme.

- 6.2 Council warrants that the assistance and services offered by the Employee Assistance Programme (EAP) will be available to all employees, irrespective of position.
- 6.3 Council encourages voluntary employee participation in this programme.
- 6.4 Council ensures that employees participating in the programme will not be discriminated against. A request for EAP intervention shall not jeopardise an employee's position, benefits or promotional opportunities.
- 6.5 Council accepts that alcoholism / drug dependence are treatable conditions.
- 6.6 Participation in the Employee Assistance Programme does not replace standard disciplinary procedure but assists by providing professional assistance in the management of impaired job performance, where personal or social factors are the causal factors

7. PRINCIPLES OF EMPLOYEE ASSISTANCE PROGRAMME

7.1 CONFIDENTIALITY

Confidentiality is the cornerstone of the Employee Assistance Programme. All EAP counselling information concerning employees will be kept confidential. Any personal information of employees utilising the service shall be treated in a confidential manner and such information shall not be disclosed to anyone without the employee's consent when disclosure is required by law or court order.

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

7.2 NEUTRALITY

The EAP shall not be used as a disciplinary tool for management thus the Eden District Municipality will ensure that the EAP remains outside of traditional conflict areas between management and the employee.

In instances where management or labour issues are involved, the relevant mechanisms and procedures shall apply and EAP does not replace disciplinary procedure, but provides supportive interventions in the management of incapacity cases.

The EAP is not designed to interfere with an employee's private and social life, rather, its aim is to offer confidential assistance to employees who have the potential to be adversely affected by personal problems.

7.3 ACCESSIBILITY

All employees irrespective of position or occupational level shall have reasonable access to the EAP either through voluntary self-referral or from referral by supervisors.

7.4 VOLUNTARISM

Participation in the programme is voluntary, without denying management the prerogative of formally recommending employees for assistance in circumstances where they are likely to benefit from the EAP. The decision to accept assistance and all responsibility in regards to outcomes of the assistance always remains the free choice of the employee.

The consequences of refusing to take advantage of such opportunities and of subsequently failing to change their behaviour, shall be made clear to employees in situations where an employee is facing discipline or incapacity interventions.

The principal of voluntarism shall not undermine line management's responsibilities to take appropriate action in terms of Occupational Health & Safety legislation and policies, in particular in situations of drug and alcohol abuse and illness.

7.5 PROTECTION FROM STIGMATISATION

Participation in the programme shall not prejudice employee's job or security or chances for future promotion/advancement or any other job related benefits.

Measures shall be taken to protect employees from victimization or discrimination and employees shall be able to participate in the programme without pressure, stigma or judgement.

7.6 TIMEOUS INTERVENTION

Efforts shall be made to ensure early identification and treatment of problems. This responsibility lies with both employees and managers.

Early identification and intervention is desirable in dealing with any situation, as this may result in a better diagnosis, improved work performance, increased productivity, and happier employees.

8. EMPLOYEE ASSISTANCE ADVISORY COMMITTEE

8.1 There shall be an inter-departmental Employee Assistance Programme Advisory Committee composed of one staff member from each Department.

8.2 The Advisory Committee shall review the EAP Policy to ensure agreement and understanding of procedures and practices.

8.3 The Advisory Committee will recommend changes in the EAP Policy as necessary after receiving input from various stakeholders or legislative requirements.

8.4 Oversee the evaluation of the policy and programme.

8.5 The Advisory Committee shall prepare a report on the activities of the committee as deemed necessary or required.

9. RIGHTS AND RESPONSIBILITIES OF DIFFERENT STAKEHOLDERS

9.1 Employee Rights and Responsibilities

9.1.1 Personal information concerning employee participation in the Employee Assistance Programme shall be maintained in a confidential manner.

9.1.2 No information related to an employee's participation in the programme shall be entered into the personnel file.

9.1.3 Access to employee's EAP information shall be limited to only Employee Assistance Programme staff.

9.1.4 An employee may review his or her Employee Assistance Programme file at any reasonable time.

9.1.5 Participation in the Employee Assistance Programme shall not jeopardize an employee's job nor prejudice any opportunity for promotion or advancement or employment benefit.

9.1.6 Extended leave of absence may be granted in accordance with the leave policy and/or terms and conditions of employment and such conditions which may be recommended by the relevant Head of Department, EAP Practitioner and EAP Committee and approved by the Municipal Manager for recovery, professional assessment counselling and treatment.

9.1.7 It shall be the responsibility of the employee to maintain satisfactory job performance.

9.1.8 In the event that 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.

9.1.9 The Employee Assistance Programme shall offer a means to obtain this help.

9.2 Manager/Supervisor's Responsibilities

The Manager/Supervisor shall:

9.2.1 Address work performance problems through normal supervisory procedures.

9.2.2 Be consistent and treat employees fairly.

9.2.3 Make employees aware of the Employee Assistance Programme in instances where declining job performance has been determined, if appropriate.

9.2.4 Not attempt to diagnose personal problems of the employee or offer a personal opinion.

- 9.2.5 Provide follow-up and support to employees upon return to work, if appropriate.
- 9.2.6 Not require the employee to disclose the nature of the problem when requesting leave for an appointment with the service providers under the Employee Assistance Programme.
- 9.2.7 Verify attendance of the employee through the EAP practitioner.
- 9.2.8 Maintain a strict level of confidentiality with all cases.

9.3 Employee Assistance Programme Practitioner's Responsibilities

The Practitioner shall be responsible for:

- 9.3.1 Overseeing the Employee Assistance Programme to ensure effective and consistent application of the policy and procedures.
- 9.3.2 Promoting the Employee Assistance Programme in the workplace.
- 9.3.3 Developing and maintaining an accurate, current data bank on "helping" resources and services in the community including a brief description of services available and the cost, if any, of the service.
- 9.3.4 Liaising with service providers to assure service standards are acceptable and meet the requirements of clients.
- 9.3.5 Conducting screening and preliminary assessment for persons contacting the Employee Assistance Programme for assistance.
- 9.3.6 Making referrals to a professional psychologist or and service agencies for detailed assistance, assessment and treatment as appropriate.
- 9.3.7 Making follow-ups as may be desirable with the individual to assure assistance was beneficial.
- 9.3.8 Assisting the employee on his or her return to the work environment as appropriate.
- 9.3.9 Providing consultation to managers regarding the EAP services.
- 9.3.10 Organising on an ongoing basis, educational programs for employees about the Employee Assistance Programme's services.
- 9.3.11 Maintaining all information on employees participating in the Employee Assistance Programme in a confidential and secure manner.
- 9.3.12 Providing feedback to management on areas where special attention or training is required.
- 9.3.13 Providing statistics of participation in the programme without identifying the personal details of participants.

10. PROCEDURES FOR THE REFERRAL OF EMPLOYEES TO EAP

10.1 Voluntary or Self-referral

Through marketing and promotion of the programme, self-referral which is ideal, will be encouraged. This implies that any employee, who wishes to seek professional help with a personal problem, will have the right to contact the EAP directly for an appointment. Should the employee require proof of the attendance for his/her supervisor, a certificate of attendance will be supplied.

10.2 Peer referral

Any person within the workplace who is of the opinion that an employee could benefit from the services offered by the EAP, can do a referral with the employee's consent. This category of persons refers to peers, union representatives, or any staff member who is of the opinion that referral to the EAP will be beneficial to the employee.

10.3 Mandatory referral in collaboration with Employee Relations Practitioner

Managers and supervisors who become aware that an employee's work performance is sub-standard or impaired, can through a process of job action encourage or suggest to the employee to consult with the EAP. The focus of the manager or supervisor should be on the employee's work performance and not the personal problem which may be the cause of poor work performance.

Job action is validated by keeping a record of the employee's job performance, which will serve as the only basis whereby the employee can be counselled by his/her management. If the employee at the time of counselling acknowledges experiencing a personal problem and accepts the suggestion that the EAP be consulted, the manager or supervisor should arrange for the session. If the employee does not wish to participate in the EAP, his job performance should be monitored and the normal procedure followed.

11. TREATMENT PROCESS

The Eden District Municipality, through EAP, shall offer its employees short-term individual diagnostic treatment and referral services. Up to three sessions will be allowed at a referred Psychologist/Counsellor/Social Worker.

11.1 During the initial contact, the EAP Practitioner shall explain the Employee Assistance Programme, including confidentiality of the programme and the exceptions, the employee's rights and responsibilities and full information about participation in the programme.

11.2 The EAP Practitioner and the employee will conduct a preliminary assessment of the problem.

- 11.2 If the employee does not agree with the assessment, or feels that he/she does not wish to participate in the treatment, he/she is referred back to the referral agent.
- 11.3 Depending on the nature and complexity of the problem, the employee may also be referred to specific service providers within the community for further assistance.
- 11.4 The Practitioner shall provide information and if, appropriate encourage the employee to accept referral for further counselling and treatment.
- 11.5 Upon completion of the preliminary assessment, the Practitioner and the Employee shall discuss the options which appear to be most realistic and attainable for the employee in resolving the problem.
- 11.4 If services provided by the EAP result in a positive outcome, services will be terminated and the referral agent (where applicable) informed accordingly.
- 11.5 Should the employee not co-operate with the services offered by the EAP, or should the treatment not result in a positive outcome, the employee will be referred back the referral agent (where applicable). In such cases job performance must be monitored closely and normal disciplinary procedures followed.

12. POLICY REVIEW

This policy will be reviewed annually and revised as necessary.

13. BUDGET AND RESOURCES

The employer commits itself to finance the implementation of the EAP Program having due regard to budgetary constraints of Council.

14. DISPUTE RESOLUTION

Any dispute arising will be dealt with in accordance applicable legislation and collective bargaining agreements.