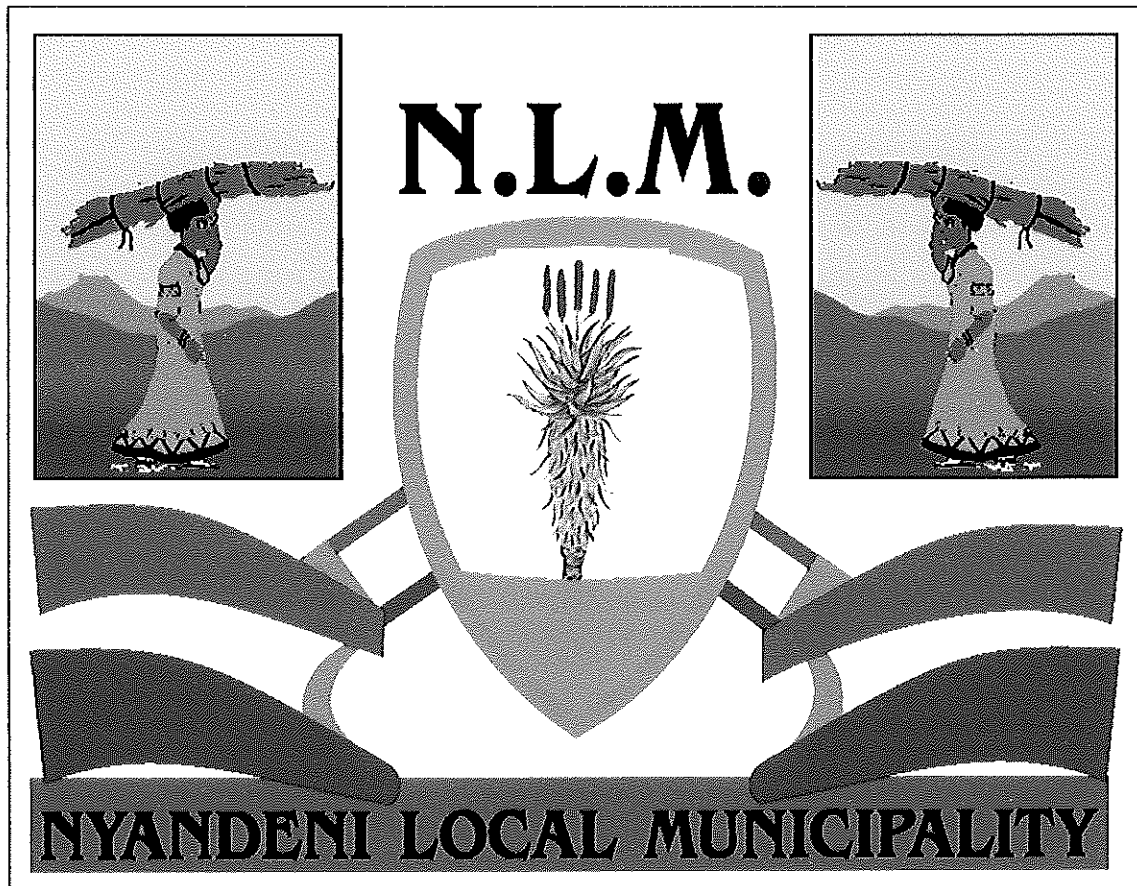


# INCAPACITY DUE TO POOR PERFORMANCE POLICY




APPROVED BY:

  
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DATE: 29 July 2013

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DATE: 29 July 2013

## **INTRODUCTION**

The purpose of this policy is to establish procedures for managing incapacity due to ill health at the Municipality in line with the requirements of the Labour Relations Act NO 66 of 1995. This will assist managers/supervisors to identify the reasons for the non-performance and to provide a structured and consistent system of assisting the employee to improve his/her performance to the required standards within a reasonable period of time.

## **1. PREAMBLE**

The Labour Relations Act (Act 66 of 1995 as amended) sets out certain guidelines in handling incapacity. The following is a recommended guideline in dealing with incapacity (distinct from incapacity with ill-health) where an employee has a lack of training, experience or education.

## **2. DEFINITIONS**

Poor work performance is the inability or failure of an employee to meet the required standard(s) or output(s) for the position in which he/she is employed. Ill-health incapacity matters are dealt with in terms of the incapacity/ill-health injury policy. Poor work performance could include:

- Less than expected output poor quality;
- Failure to meet set targets;
- Work requiring rework/repair;
- Unnecessary material wastage;
- Any non-conformance to reasonable or agreed standards;
- Time wasting

All terminology not defined under clause 2 of this policy shall bear the same meaning as in the applicable legislation.

## **3. LEGAL FRAMEWORK**

- Labour Relations Act (Act 66 of 1995 as amended)

## **4. SCOPE AND APPLICATION**

The policy shall apply to all employees of the employer.

## **5. OBJECTIVES OF POLICY**

The purpose of this policy is to establish a policy and procedure for managing incapacity (poor performance) at the Municipality in line with the requirements of the Labour Relations Act. This will assist managers / supervisors to identify the reasons for the non-performance and to provide a structured and consistent system of assisting the employee to improve his/her performance to the required standards within a reasonable period of time.

## **6. POLICY CONTENT**

Clear and objective standards should be discussed with the employee. These Job-related standards should be fair and reasonable in that the employee has sufficient training and knowledge to perform at a particular level. Management must ensure that the standards are known to the employee.

Performance standards must be set in consultation with the employee. Factors which have hindered an employee from reaching the set standards must be taken into consideration.

The employee must be addressed in terms of how he/she has not met standards, as well as given an opportunity to challenge the performance appraisal. The employee and the manager must discuss ways in which performance can be improved.

Management must assist and support the employee as far as possible. This assistance can take place by regular report-backs, refresher courses, training and counselling.

A Reasonable time period to improve performance must be given, subject to the requirements of the job.

All communication between management and the employee must be confirmed in writing. In summary, management and the employee must work together in order to correct the poor performance of the individual. It is the manager's responsibility to evaluate, instruct, train, guide and coach the employee with the aim of overall improved performance.

Once the manager has established that the employee's performance is unsatisfactory in spite of the support, training and the period given for improvement, and that there is no other way, short of dismissal, to remedy the matter, the appropriate steps may be taken to discipline the employee. The appropriate steps could include a hearing in which management and the employee and/or his/her representative could be called to give reasons as to why the employee's poor performance is evident. Appropriate measures could be decided upon at this hearing. The steps must be in accordance with Items 8 and 9, Schedule 8 of the LRA.

## **6.1 Probation Period**

Provision must be made for dealing with poor performance during an employee's probation period.

During the probation period, management should give relevant evaluation feedback, instruction, training and guidance to the employee in an attempt to meet the required standards. The guidelines above also apply.

In the event of the employee still not reaching the required standard of performance, the employee's contract of employment may be terminated or the probation period may be extended where appropriate.

## **7. IMPLEMENTATION AND MONITORING**

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

## **8. COMMUNICATION**

This policy will be communicated to all Municipal employees using the full range of communication methods available to the municipality.

## **9. POLICY REVIEW**

This policy will be reviewed annually and revised as necessary.

## **10. BUDGET AND RESOURCES**

The financial and resource implication/s related to the implementation of this policy should be qualified and quantified.

## **11. ROLES AND RESPONSIBILITIES**

It is the responsibility of management at the Municipality to manage performance and ensure that:

- Job descriptions and clear performance standards are communicated to and consulted with employees.
- Appropriate instructions, training and guidance are provided to employees.
- Employees are given a reasonable period, depending on seniority of the post, to capacitate themselves on the content of their jobs.
- Feedback, counseling and where appropriate, retraining are provided to employees to enable them to perform to standards.

All documentation and correspondence emanating from or related to this policy will be kept on either personal and/or record files as dictated by the nature of issue.

## **12. PENALTIES**

Non-compliance to any of the stipulations contained in this policy will be regarded as misconduct, which will be dealt with in terms of the Disciplinary Code.