

# MEDICAL INCAPACITY POLICY



**Molemole Municipality**

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## **1. PURPOSE AND OBJECTIVES OF THE POLICY**

- 1.1 To provide a just and fair process in dealing with incapacity cases due to ill-health.
- 1.2 This policy seeks to provide guidelines and procedure to be followed for medical incapacity cases.

## **2. SCOPE OF APPLICATION**

- 2.1 This policy applies to all permanent employees excluding employees of short-term contract and contractors doing work project work for the municipality.
- 2.2 Corporate Services Department is entrusted with the responsibilities for implementing this policy

## **3. SICK LEAVE**

- 3.1 Sick leave shall be dealt with in accordance with the Collective agreement on conditions of service.

## **4. PROCESS IN DEALING WITH ILL-HEALTH CASES AND TERMINATION OF SERVICES ON GROUNDS OF MEDICAL INCAPACITY**

- 4.1 The services of any employee to whom the provisions of this Policy are applicable, may be terminated in accordance with the reasons set out hereunder.

### **1) Incapacity due to permanent ill health**

- (a) The services of an employee may be terminated prior to the normal retirement age if he is found to be incapacitated due to ill health, severe bodily injury or any physical disability provided that such incapacity shall be permanent or shall become permanent if the employee continues to perform the duties of his office or post or any other duties that may be assigned to him.
- (b) Prior to submitting an application for retirement on grounds of Permanent Ill Health to the Pension Fund, or any relevant fund, Management shall consult with the employee who shall have the right to be represented by a Trade Union Representative in order to evaluate whether sufficient grounds for retirement based on Permanent Ill Health exist.

- (c) Consideration should be given to the severity and nature of incapacity and the employees' prognosis/possible recuperation.
- (d) The employee should be referred by the Company to medical practitioner for confirmation of the nature of their incapacity.
- (e) *Consideration should be given to suitable alternative employment or the adaptation of the employee's duties or work circumstances to allow for continued employment.*
- (f) As soon as sufficient evidence has been obtained to indicate sickness, ill health, severe bodily injury or physical disability of a permanent nature, applications for retirement on grounds of Permanent Ill Health may be submitted in terms of procedures determined by the Pension Fund or any other relevant fund.
- (g) Employees whose services are terminated in terms of this process, shall be paid pension benefits as provided for in the Pension Fund or relevant pension fund.
- (h) When an employee has applied to be retired on the grounds of severe bodily injury, permanent ill-health or physical disability and the payment of a pension benefit to him has not been approved, he shall resume duty within seven days after having received the final decision with regard to his application. If he fails to resume duty disciplinary steps will be instituted against him. If he resumes duty but is frequently absent from duty as a result of the same disability or does not perform his work satisfactorily, steps shall be taken to terminate his services in accordance with the provisions of the procedure for incapacity as contained in 22.3. (2)below.

2) Incapacity due to temporary ill health


- (a) The services of an employee in permanent employment may be terminated prior to the normal retirement age if he is found to be incapacitated in line with Schedule 8 of the LRA. Incapacity can be as a result of ill health and can be due to:
  - (i) Medical or physical reasons
  - (ii) Prolonged and/or intermittent absences on account of ill health

- (b) Where absences are unreasonably prolonged or frequent, the employee's capacity to perform is compromised which may lead to termination of employment. The following procedure will be followed:
- (c) A meeting shall be arranged with the employee and he will be informed of the nature of/and reason for the meeting beforehand. The employee will be counselled as to his incapacity and the requirements of the Municipality brought to his attention in terms of Schedule 8 of the LRA.
- (d) Should prolonged absences due to illness continue by the follow up date, the employee will be informed of his possible termination of employment.
- (e) If prolonged absences continue after the notification as per clause 3 above, Line Management will institute an incapacity hearing.
- (f) The enquiry must proceed as follows:
  - (i) Review the process with specific reference to performance
  - (ii) Establish whether assistance was provided.
  - (iii) Testifying and calling of witnesses
  - (iv) Cross examine witnesses
  - (v) After the employee was given an opportunity to state his case, decide on appropriate action.
  - (vi) An independent chairperson is to make a decision on the evidence heard and inform the employee in writing.

## 5. POLICY AMENDMENT

5.1 The policy shall be reviewed after every financial year.

## 6. POLICY APPROVAL

Signature:	
Initials and Surname:	Maya M.E
Designation:	Mayor
Council Resolution Number:	OC/29/05/2025/4.3.1
Council Date:	29/05/2025