

INCAPACITY DUE TO ILL-HEALTH & POOR WORK PERFORMANCE POLICY & PROCEDURE

The Labour Relations Act recognizes 3 grounds justifying the dismissal of an employee. These are **Operational Requirements, Misconduct and Incapacity**. It is important to distinguish between Misconduct and Incapacity as there are different procedures to deal with each.

MISCONDUCT: (dealt with in terms of the Disciplinary Procedure) where the employee, although being capable of doing the job, has deliberately or negligently (i.e. through his own fault) not presented himself for work or not worked to the required standard.

INCAPACITY: (dealt with in terms of the Incapacity Procedure) where the failure to present for work or to work to the required standard is largely beyond the control of the employee. There is a need for greater tolerance and a greater emphasis on trying to assist the employee because by definition his failure to present himself for work or to work to standard is largely beyond his control. Counseling which informs, listens and recommends is applied in cases of incapacity as opposed to disciplinary warnings in cases of misconduct.

WHAT THE INCAPACITY DUE TO ILL-HEALTH & POOR WORK PERFORMANCE POLICY INCLUDES: -

- A comprehensive policy on the steps involved in the Incapacity due to Ill-health process and due to Poor Work Performance process.
- Counselling documentation for each stage of the counselling process (1st formal counselling, 2nd and final and then the template for the Incapacity Enquiry)
- Any other supporting documentation

PLEASE NOTE:

When a procedure is about to be introduced to employees, they will need to be **TRAINED** on the relevant procedure and then it can be implemented.

An electronic **TRAINING REGISTER** will be provided and employees can either do self-training or receive training in a group, but all must sign the training register.