

WINNIE MADIKIZELA MANDELA LOCAL MUNICIPALITY



CHRONIC ILLNESS POLICY

Approved by the COUNCIL on - 13 MAY 2022

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1. PREAMBLE

The Winnie Madikizela- Mandela Local Municipality recognises the importance for protection of human rights and dignity of people with chronic illness in work place. The municipality is further enjoined with all pieces of legislation in advancing protection of human rights and dignity for employees with chronic illnesses. The municipality therefore sets out the policy as a form for the said commitment in light of challenges faced by employees living with chronic illnesses.

2. DEFINITIONS

- 2.1. **Chronic Illness** means illness that is of an ongoing nature and where there is no prognosis for a complete cure.
- 2.2. **Confidentiality** means 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.
- 2.3. **Workplace** means any premises or place where an employee performs work in the course of his or her employment as designated by the employer

3. LEGAL FRAMEWORK

The following are applicable to this policy and where the content of the policy are misaligned the legislative prescript will prevail.

- 3.1. The Basic Conditions of Employment Act, 1997 (Act No.75 of 1997)
- 3.2. Occupational Health and Safety Act (Act No. 181 Of 1993)
- 3.3. The Compensation for Occupational Injuries and Diseases Act, 1993 (Act No. 130 of 1993)
- 3.4. The Labour Relations Act, 1995 (Act No. 66 of 1995)
- 3.5. The Constitution of the Republic of South Africa, 1996.

4. OBJECTIVE OF THE POLICY

- 4.1. To set out guidelines for the employer and his employees to ensure that individuals with a chronic illness (e.g. Hypertension, diabetes, epilepsy etc) are not unfairly discriminated against in the workplace

- 4.2. To create a supportive relationship working environment so that employees are able to continue working under normal conditions in their current employment for as long as they are medically fit to do so.
- 4.3. To maximise the performance of all employees, including reasonable measures to accommodate the nature of the employee's illness.
- 4.4. To take reasonable steps to provide and/or to refer employees to appropriate health, welfare and psychosocial services.

5. SCOPE OF THE POLICY

- 5.1. This policy is applicable to all Winnie Madikizela -Mandela Local Municipality employees with Chronic disease.

6. CONFIDENTIALITY AND DISCLOSURE

- 6.1. An employee is not legally required to disclose his/her illness to the employer and/or to other employees.
- 6.2. Where an employee chooses to voluntarily disclose his/her illness to the employer or the other employees this information must be treated confidentially.
- 6.3. Mechanisms should be created to encourage acceptance and support for those who disclose their illness.
- 6.4. The medical practitioner is not allowed to disclose the diagnosis without the employees' express written consent.

7. PROMOTING A SAFE WORKPLACE

- 7.1. The employer will provide and maintain as far as is reasonably practically possible, a working environment that is safe and without risk to the health and safety of the ill employee and other employees.
- 7.2. Every workplace should ensure that it complies with the provision of the Occupational Health and Safety Act.

8. EMPLOYEE BENEFITS

- 8.1. Employee with a chronic illness may not be unfairly discriminated against in the allocation of employee benefits
- 8.2. Like any other employee they must have access to employee benefits.
- 8.3. The Municipality undertakes to take reasonable steps to accommodate all employees' illness.
- 8.4. Employees that are affected with emergency disease must be compensated by the municipality considering level and conditions of a disease affection.

9. DISMISSAL/TERMINATION OF SERVICES

- 9.1. Employees with a chronic illness may not be dismissed solely on the basis of such status.
- 9.2. Where an employee has become too ill to perform his/her current work, the employer is obliged to follow the procedures as laid down in Labour Relations Act.
- 9.3. The employer shall ensure that as far as possible, the employees right to confidentiality regarding his ill health shall be maintained during such proceedings

10. POLICYREVIEW ANDREPORT

- 10.1. The policy document shall be reviewed annually and/or when deemed necessary especially if there is a change in Collective agreement or legislation and submitted as part of the budget approval process.

Signed on the 22 day of 06 2022



MUNICIPAL MANAGER

