



HUMAN RESOURCE POLICY OPERATIONAL REQUIREMENTS DISMISSALS

Policy No: NLMHRET003	Effective Date: 01 April 2008
Approved:	Review Date: 01 April 2009

Notwithstanding the review date herein, this policy shall remain effective until such time approved otherwise by Council and may be reviewed on an earlier date if necessary, subject to Labour Law Dispensation or operational requirements.

1. SCOPE

Applies to all situations where Ngwathe is considering the dismissal of employees, based on operational requirements, which may include the formats of downsizing, rightsizing, operational efficiencies and cost saving reasons.

This policy must be read in conjunction with SALGBC Collective Agreement on Conditions of Service Agreement, and the Labour Relations Act, as amended from time to time.

2. PREAMBLE

Ngwathe is committed to ensuring that where it is necessary to embark on dismissals for operational requirements, that it consults with all affected stakeholders in an attempt to obtain consensus and facilitate greater understanding of the rationale behind any proposals.

3. POLICY

Ngwathe commits itself to abiding by the requirements of the Labour Relations Act, and more specifically the Code of Good Practice covering dismissals for operational requirements.

4. STAKEHOLDER ANALYSIS

Role	Responsibility
Municipal Manager / Director Corporate Services (subject to its delegations if any)	
Council	
Line Manager	
Human Resources	
Labour Representatives	

5. PROCEDURES

When an employer contemplates dismissing one or more employees for reasons based on the employer's operational requirements, the employer must consult any person whom the employer is required to consult in terms of a collective agreement.

If there is no collective agreement that requires consultation, a workplace forum, if the employees likely to be affected by the proposed dismissals are employed in a workplace in respect of which there is a workplace forum;

If there is no workplace forum in the workplace in which the employees likely to be affected by the proposed dismissals are employed, any registered trade union whose members are likely to be affected by the proposed dismissals.

If there is no such trade union, the employees likely to be affected by the proposed dismissals or their representatives nominated for that purpose.

The consulting parties must attempt to reach consensus on the following appropriate measures -

- to avoid the dismissals;
- to minimise the number of dismissals;
- to change the timing of the dismissals;
- to mitigate the adverse effects of the dismissals;
- the method for selecting the employees to be dismissed; and
- the severance pay for dismissed employees.

The employer must disclose in writing to the other consulting party all relevant information, including, but not limited to -

- the reasons for the proposed dismissals;
- the alternatives that the employer considered before proposing the dismissals, and the reasons for rejecting each of those alternatives;
- the number of employees likely to be affected and the job categories in which they are employed.
- the proposed method for selecting which employees to dismiss;
- the time when, or the period during which, the dismissals are likely to take effect;
- the severance pay proposed;
- any assistance that the employer proposes to offer to the employees likely to be dismissed;
- the possibility of the future re-employment of the employees who are dismissed.

The provisions of section 16 of the LRA apply, to the disclosure of information in terms of subsection (3) which reads: the employer must disclose to the representative trade union or those being consulted all relevant information that will allow the representative trade union / consulted to engage effectively in consultation.

Severance Pay

As a measure of security for employees against unforeseen job losses due to dismissals for operational requirements, employees will be allowed severance pay of three (3) weeks remuneration for each completed year of service capped to the equivalent of nine (9) months remuneration, thereafter one week's remuneration for every completed year of service.

6. AUTHORITY

Formulation Policy	:	Municipal Manager
Authorisation Policy	:	Council
Ownership and Maintenance Manager	:	Director Corporate Services