



## Guidelines & Procedures on Disability and Incapacity Management

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<b>Custodian</b>	Chief Operating Officer
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## RELATED DOCUMENTS

UJ Documents	Other
<ul style="list-style-type: none"> <li>• UJ Policy on the Employment of Persons with Disabilities</li> <li>• UJ Policy on Incapacity Management</li> <li>• UJ benefits and risk insurance scheme rules</li> <li>• UJ Policy provisions or collective agreements on incapacity related employment terminations</li> </ul>	<ul style="list-style-type: none"> <li>• Employment Equity Act, 1998 (as amended)</li> <li>• Code of Good Practice on Persons with Disabilities in the Workplace</li> <li>• Technical Assistance Guidelines on the Employment of People with Disabilities</li> <li>• Labour Relations Act, 1995 (as amended)</li> </ul>
<b>Divisions, Constituents and/or Individuals Affected by the Policy</b>	<ul style="list-style-type: none"> <li>• Executive Leadership Group</li> <li>• Heads of Department</li> <li>• Line Managers</li> <li>• Human Resources</li> <li>• Union</li> <li>• SRC Representatives</li> </ul>
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## 1. PREAMBLE

- 1.1 The University of Johannesburg (UJ) believes that employees with disabilities can make a significant contribution to the workplace if disability related issues are appropriately managed. The UJ believes that it can gain from the retention of experienced employees who become disabled whilst in its employment or where a known disability progressively reduces an employee's ability to work. Savings can be made in terms of health costs, insurance payments and time lost if an effective disability management strategy is in place.

## 2. PURPOSE

- 2.1 These Policy Guidelines and Procedures should be read in conjunction with both the UJ Policy on the Employment of Persons with Disabilities and the UJ Policy on Incapacity Management. These Policy Guidelines & Procedures clarify the legal rights and obligations of the UJ and its employees with respect to managing (dis)ability in the workplace, retaining employees with disabilities as far as reasonably possible and the process that needs to be embarked upon in case of the potential incapacity of an employee.

## 3. APPLICATION

- 3.1 These Policy Guidelines & Procedures apply to all employees with disabilities as well as employees potentially incapacitated due to disability. All Departments and Faculties of the UJ are bound by its provisions.

## 4. DEFINITIONS

- The terms used in these Policy Guidelines & Procedures have the meaning ascribed to them in the UJ Policy on the Employment of Persons with Disabilities the UJ and the UJ Policy on Incapacity Management. These definitions are taken from applicable employment equity legislation. Additional terms used in these Policy Guidelines & Procedures have the following meaning:
- 4.1 **"Disability management"** refers to a process in the workplace designed to facilitate the employment of persons with a disability through a coordinated effort addressing individual needs, the work environment, the UJ's organisational needs and its legal responsibilities.
- 4.2 **"Employee assistance programme"** means a programme that offers assistance to employees and frequently also to their family members, with problems liable to cause

personal distress (such as family, marital and financial matters), which affect or could eventually affect their job productivity.

- 4.3 **“Functional work assessment”** refers to the process by which the UJ investigates and determines whether an employee is temporarily or permanently unable to work.
- 4.4 **“Incapacity due to illness/injury/disability”** refers to the inability of the employee to perform their job due to a medical reason.
- 4.5 **“Incapacity management”** refers to a legally compliant process in the workplace designed to address the inability of an employee to perform their job because of ill health/injury/disability by looking for reasonable accommodation measures, failing which, the process could result in the termination of their services.
- 4.6 **“Job retention”** means that the employee remains with the UJ, with the same or different duties or conditions of employment and includes the employee’s return to work after a period of paid or unpaid leave.
- 4.7 **“Return to work programme”** refers to the process by which an employee is supported in resuming work after an absence due to injury or illness.
- 4.8 **“Vocational rehabilitation”** refers to a process (which might include training or retraining) which enables a person with a disability to secure, retain and/or advance in suitable employment and thereby furthers their integration or reintegration into the workplace and broader society.

## **PART A - GUIDELINES**

### **1. PERFORMANCE MANAGEMENT**

- 1.1 The UJ’s systems and practices used to evaluate and reward work performance will clearly identify performance indicators, will fairly measure and will reward performance in relation to the essential functions of the job the employee with a disability performs.

### **2. DISABILITY VS INCAPACITY**

- 2.1 Disability in this context refers to a person with a disability as defined in the Employment Equity Act, 1998 (EE Act) meaning a person who has a long-term or recurring physical or mental impairment which substantially limits their prospects of entry into, or advancement in, employment. The person is able to perform the inherent requirements of a particular job with or without reasonable accommodation measures being put in place, as applicable.
- 2.2 Incapacity on the other hand implies an inability on the side of the employee to perform. Incapacity due to ill health or injury could constitute a valid ground for terminating an employee’s services. Schedule 8 of the Labour Relations Act, 1998 (LR Act) sets out the consultative process which the employer must embark upon determining, amongst other,

the period and nature of the incapacity, the prognosis, the extent to which performance is possible, how it can be accommodated and the availability of other suitable positions. It differentiates between situations of temporary and permanent incapacity.

- 2.3. It is important to understand that incapacity and disability are not synonyms. In some cases, a person with a disability could also be incapacitated and vice versa. Schedule 8 is about fairness in the dismissal process of incapacitated employees. The EE Act and its supporting Disability Code is about employing and retaining people with disabilities. It thus also protects employees with disabilities from unfair dismissal practices if the employer cannot show that it has exhausted all other reasonable possibilities.
- 2.4 Deciding which applies depends on an assessment of the effect of the person's impairment on their ability to perform the inherent requirements of the job that the person occupies.
- 2.5 The Schedule on Dismissal must be read together with the Code on Disability. Where the employee in question qualifies as a person with a disability the duty to accommodate is more onerous.
- 2.6 The UJ must arrive at a decision after proper consideration of the findings and conclusions of suitably qualified practitioners registered with the Health Professions Council of South Africa (HPCSA).

### **3. RETENTION & DISABILITY MANAGEMENT**

- 3.1 The UJ will establish specific policies and practices that will promote retention, reduce the costs of absence and illness, lower workman's compensation premiums, integrate all processes more effectively, enhance employee productivity and reduce financial loss to itself and the employee concerned.
- 3.2 Where existing employees acquire a disability while in the employment of The UJ, the University can continue to benefit from their accumulated expertise and experience by taking steps to enable them to retain their employment. When managing newly acquired disabilities the UJ will ensure that the following principles are complied with, namely:
- 3.2.1 consulting with employees who become disabled to assess if the disability can be reasonably accommodated;
- 3.2.2 re-integrating employees who become disabled into work where reasonable;
- 3.2.3 early return-to-work measures to be able to bring the employee back to work as soon as possible, to promote employee employment security and to reduce the costs of sick leave; and
- 3.2.4 where a known disability progressively reduces an employee's ability to work, the UJ will consult with the employee with the disability to assess if any additional or amended reasonable accommodation measures can promote job retention.

- 3.3 Reasonable accommodation must be considered in both cases and includes any change or modification made to an employment, standard, policy, practice, job or the working environment which enables a person with a disability to enjoy equal opportunities with others and to have access to or to participate or advance in employment. The type of reasonable accommodation required would depend on the job and its essential functions, the work environment and the person's specific need. It requires only that a "reasonable" accommodation be made and only to the point of "unjustifiable hardship".
- 3.4 When an employee acquires a disability, the UJ will ensure that accommodation measures are fully considered in order to utilize the residual potential and skills of that employee before other steps are taken. These measures aim to maximize opportunities for people with disabilities to retain their employment, and to resume work speedily following an accident, injury, disease, changed capacity or disabling condition.
- 3.5 In seeking to facilitate job retention or return to work by a disabled employee, the operational requirements of the UJ must be considered at all times.

#### **4. PRACTICAL EXAMPLES**

- 4.1 Practices that support the retention of an employee in service which the UJ may consider include the following:
- 4.1.1 early intervention and referral to appropriate services;
  - 4.1.2 vocational rehabilitation,
  - 4.1.3 transitional work program which provides for measures for a gradual resumption of work;
  - 4.1.4 extended leave of absence (paid or unpaid);
  - 4.1.5 temporary or permanent flexible working time;
  - 4.1.6 offering alternative work if reasonable;
  - 4.1.7 reduced work or flexible work placement;
  - 4.1.8 reasonable opportunities for employees with disabilities to test work or obtain experience in an alternative job if they are unable to resume their previous jobs before making a final decision on their retention or otherwise;
  - 4.1.9 training or retraining for the person concerned;
  - 4.1.10. the provisions of relevant information to managers and co-employees with due consideration of privacy issues to assist with the employee with the disability's integration or re-integration;
  - 4.1.11 the uses of assistive devices and equipment;
  - 4.1.12 access to other support services and counselling as appropriate;
  - 4.1.13 modifications or alternative options in the procedures needed to perform a job so that any existing condition is not exacerbated; and
  - 4.1.14 performance requirements for a particular job may need to be reviewed.

## **5. DISABILITY & REASONABLE ACCOMMODATION PANEL**

- 5.1 The UJ should establish a Disability & Reasonable Accommodation Panel, with nominated members, in terms of the Policy on the employment of persons with disabilities. The Panel has two core functions, namely:
  - 5.1.1 to verify a disclosure of disability status against the statutory workplace definition; and
  - 5.1.2 to make recommendations and determinations on reasonable accommodation requests received from persons with disabilities.
- 5.2 Line management and the Employment Relations and Wellness Unit (ER), when managing disability issues in the workplace and when dealing with possible cases of incapacity must liaise with this Panel in order to get their advice and input on possible retention measures that can be considered and put into place.
- 5.3 No reasonable accommodation measure should be put in place without the knowledge and consent of the said Panel.

## **6. INCAPACITY RELATED EMPLOYMENT TERMINATION**

- 6.1 Circumstances may arise in the workplace where the possible incapacity of an employee becomes apparent. This may include injury within or outside of the workplace, extended absence, patterns of sick leave emerging, self-identification and the like.
- 6.2 If the UJ is unable to retain an employee with a disability in line with the EE Act and Disability Code, the employee's services may be terminated following a fair procedure and for a substantively fair reason.
- 6.3 The UJ will not dismiss merely on the basis of a disability, and a disability, per se, should not determine retrenchment decisions.
- 6.4 Incapacity - be it mental or physical or sensory in nature or a combination thereof - may result due to various factors, including injury on duty, terminal disease, accidents, chronic or progressive disorders and the like.
- 6.5 The UJ will enter into a process of consultation with the affected employee in order to determine the nature of the circumstances and appropriate corrective actions to be taken as set out below.
- 6.6 Incapacity relates to the inability of an employee to perform his/her work based on some medical impairment/condition. Permanent incapacity implies that the impairment/condition is permanent in nature.
- 6.7 Incapacity may vary between partial and total incapacity. Partial incapacity means that an employee who has a disability may not be able to perform the current inherent requirements of the job but may be in a position to perform the role if certain accommodations are made or may be able to perform in other roles. Total incapacity

means exactly that-the employee will not be in a position to perform any role in terms of the inherent requirements of the role. Medical assessments will be required to determine the extent of the incapacity and/or loss of function, the nature, duration and prognosis.

- 6.8 In all cases the UJ will investigate the extent and duration of the incapacity and determine on a factual basis whether it is possible to reasonably accommodate the incapacity and/or whether alternatives are available prior to terminating the employee's services.
- 6.9 The employee may be required to participate in functional work assessments at the UJ's cost in order to determine the effect of the impairment/condition on the workplace and whether or not accommodation measures are available.
- 6.10 If no alternative measures are found in order to retain the person's services he/she may qualify for disability benefits under the employer's risk insurance scheme as set out below.
- 6.11 Services may be terminated based on incapacity whether or not the employee is paid a disability insurance benefit.

## **7. EMPLOYEE INSURANCE BENEFITS**

- 7.1 The UJ offers risk insurance benefits via its Pension Fund and Provident Fund and it should ensure that incapacitated disabled employees are appropriately advised before they apply for the disability insurance benefits available and before taking any other form of departure from employment because of an impairment or medical condition.
- 7.2 An employee with a disability can remain employed unless an impairment incapacitates him/her to such a degree that it renders the employee unable to fulfil the requirements of the job, in which event a benefit application may be made.
- 7.3 Applications for disability-related income benefits are made to the benefit insurer in terms of the employer's retirement fund scheme rules.
- 7.4 Full details are contained in the Guidelines to Dealing with Disability Claims (an annexure to this Policy). Employees must familiarise themselves with the applicable Scheme Rules. Eligibility is determined in accordance with such rules by the applicable insurance company and the UJ cannot guarantee that any benefits will necessarily become due to any employee.
- 7.5 Should an employee not be satisfied with the outcome of an Application for Disability Benefits; the employee has the right to lodge an Appeal.

## **8. ABSENCE OF LEAVE**

- 8.1 In the case of absenteeism due to medical reasons the employee must utilise his/her normal sick leave entitlement and on exhaustion thereof annual leave or unpaid leave.
- 8.2 Under exceptional circumstances, the UJ may grant, at its absolute discretion, additional

paid sick leave (this could be on a full or half pay basis) in order to complete any disability management, retention or incapacity termination procedure embarked upon.

- 8.3 Details of leave benefits are set out in the UJ Leave Policy. Any such additional paid leave is at the discretion of the Vice-Chancellor. The Executive Director: Human Resources' (HR) permission may also be required as set out in the mentioned Leave Policy.

## **9. CONSENSUS SEEKING PROCESS**

- 9.1 Any process of identifying and implementing retention measures, including reasonable accommodations, involves consultation with different role players including the person seeking the retention/accommodation in an effort to reach a mutually acceptable solution. The same applies to consultation on possible incapacity and termination of services.
- 9.2 The employee may be assisted by a fellow employee in the consultation process if he/she so wishes.

## **10. CONFIDENTIALITY**

- 10.1 Confidentiality is an important guiding principle in all of the above and should be adhered to at all times.
- 10.2 With their consent, any relevant information concerning a disabled person's reduced function or impaired health status should be assembled and kept by the UJ in a manner that maintains confidentiality. The UJ personal data protection measures should be complied with, failure of which will constitute misconduct which could lead to disciplinary action being taken against the individual concerned.

## **11. RESOURCES**

- 11.1 Specialist medical or technical advisory services within the broader UJ community will be utilised to provide up-to-date advice and information on adjustments to the workplace or possible accommodation measures, equipment and devices. Their services will also be utilised as applicable to assess and determine a person's capacity to work.

## **12. SUPPORTING DOCUMENTS**

- 12.1 Employment Equity Act, 1998 (as amended);
- 12.2 Code of Good Practice on Persons with Disabilities in the Workplace;
- 12.3 Technical Assistance Guidelines on the Employment of People with Disabilities;
- 12.4 Labour Relations Act, 1995 (as amended);
- 12.5 UJ Policy on the Employment of Persons with Disabilities;



- 12.6 UJ Policy on Incapacity Management;
- 12.7 UJ benefits and risk insurance scheme rules; and
- 12.8 UJ Policy provisions or collective agreements on incapacity related employment terminations.

### **13. DISPUTES**

- 13.1 The Grievance Procedure sets out a grievance process through which an aggrieved employee can address their concerns.

## **PART B – DISABILITY MANAGEMENT & INCAPACITY PROCEDURES**

### **14. RESPONSIBILITIES**

- 14.1 The major responsibilities each party has in connection with the disability management and incapacity procedures are as follows: -

#### **14.1.1 Employee with disability:**

- a) Liaise with line management, Human Resources Business Partner (HRBP), HR Benefits Office, ER Unit and Occupational Health Practice regarding management and retention issues that may arise.
- b) Provide medical information, as necessary.
- c) Provide all other documentation, as required.
- d) Participate in applicable consultation processes embarked upon.

#### **14.1.2 HR Benefits Office:**

- a) Act as the first “Port of call” and provide guidance to the university community with regard to disability management interventions.
- b) Act as the conduit through which all activities occur and facilitator of the process.
- c) Liaise with Pension Fund Office.

#### **14.1.3 Occupational Health Practice:**

- a) Provide guidance to the university community with regard to disability management interventions.
- b) Receives referrals from HR, line management or self, to conduct a baseline debriefing and clinical assessment. Further assessments occur as determined by the Occupational Health Practitioner. HR Benefits or ER department is advised on client fitness to return to work, reasonable accommodation status and vocational rehabilitation advice.

#### **14.1.4 Employee Relations Unit:**

- a) Provide consultative services, advice and assistance to the UJ community with regard to disability management and incapacity procedures.

- b) Liaise with the relevant UJ role players on issues such as retention measures, return to work procedures, employees' compensation and temporary and permanent disability benefits.

#### **14.1.5 HR Business Partner:**

- a) Refer matters arising to the ER Unit or the Occupational Health Practice, HR Benefits Office as applicable.
- b) Provide on-going assistance to the employee and line management, as applicable.

#### **14.1.6 Line Managers/Heads/Deans:**

- a) Immediately notify the appropriate HR Business Partner or the Occupational Health Practice, HR Benefits Office, or the Director: ER of any disability management issues or possible incapacity cases. Do not wait for an extended period of absence before referral. As soon as an employee becomes incapacitated for more than fifteen (15) working days, due to injury or illness, refer to Occupational Health Practice. Any extended/recurring absence, even with the support of a doctor's certificate should be referred to Occupational Health Practice for a clinical opinion.
- b) Give input into the consultative process to determine the most suitable solution.
- c) Implement agreed remedial actions including retention measures.

#### **14.1.7 Disability & Reasonable Accommodation Panel:**

- a) Review requests for disability accommodations with due regard for the Employment Equity Act, 1998 (as amended), the UJ Policy on the Employment of Persons with Disabilities as well as the Labour Relations Act, 1995 (as amended).
- b) Make determinations regarding appropriate and reasonable accommodations for employees with disabilities.
- c) Liaise with the relevant the UJ role players on issues such as retention measures, return to work procedures, workers' compensation and disability benefits.

### **15. PROCESS**

#### **15.1. Steps**

##### **15.1.1 Disability related issue arises**

- 15.1.1.1 Employee/line management/HRBP to notify the Director: ER, Occupational Health Practice and HR Benefits Office of newly acquired disability, progression in known disability, regular/lengthy absenteeism, poor performance issues and the like. Do not wait for an extended period of absence before referral. As soon as an employee becomes incapacitated for more than fifteen (15) working days, due to injury or illness, refer to Occupational Health Practice. Any extended/recurring absence, even with the

support of a doctor`s certificate should be referred to Occupational Health Practice for a clinical opinion.

15.1.2. Embark upon consultative process

15.1.2 The ER Unit and the Occupational Health Practice institute an investigation and embark upon a consultative process. This includes a discussion(s) with the employee concerned. Parties must identify the issues of concern.

15.1.3. Consent Form

15.1.3.1 A consent form for the UJ to have access to medical information must be obtained from the employee, if applicable.

15.1.4. Disability management measures identified

15.1.4.1 Role players to liaise on applicable remedial actions required. This includes the employee, line management, Director: ER and Occupational Health Practitioner and HR Benefits Office.

15.1.4.2 Identify required disability management measures - including performance management, retention measures, return to work program and vocational rehabilitation measures, as appropriate.

15.1.4.3 Acquire inputs from technical or specialist providers.

15.1.4.4 All measures are determined on a case by case basis and an individualised assessment is required.

15.1.4.5 The UJ Disability & Reasonable Accommodation Panel must authorise all reasonable accommodations to be put in place. Funding must be made available by the Panel, as appropriate.

15.1.4.6 The desired outcome is to retain the person`s services and/or to ensure optimal performance of the employee with the disability.

15.1.5. In case of potential incapacity – obtain medical evidence and verification

15.1.5.1 Obtain medical documentation relevant to the employee`s ability to work where possible inability to work is suspected (i.e. incapacity). The documentation required may vary depending on the nature and extent of the medical condition and the related accommodation requested.

15.1.5.2 If necessary, the UJ may request additional professional opinion(s) related to the person`s capacity to work in the form of a functional work assessment. In the event that such independent opinion(s) is deemed necessary a relevant specialist may be contracted by the employer through the Occupational Health Practice. The ER Unit will bear the costs incurred in this regard.

15.1.5.3 As part of the assessment process the following will be considered:

- a) Essential functions or core duties of the employee (as provided by the relevant manager/Head/Executive Dean in conjunction with the HRBP).
- b) An evaluation of the ability of the employee to perform the identified essential functions/core duties. The following must be considered:
  - i) the type and nature of the medical condition;
  - ii) duration;
  - iii) prognosis; and
  - iv) related factors.
- c) Identify alternatives to the termination of a person's services as far as reasonably possible.
- d) Prior to final agreement being reached on any alternative or reasonable accommodation measure being put in place to avoid termination of services, it must be submitted to and approved by the Disability & Reasonable Accommodation Panel.
- e) If no alternatives are found, the parties can agree on terminating the employee's services based on his/her ability to perform due to medical reasons.

15.1.6 Incapacity hearing, if applicable

- 15.1.6.1 If no such consent is reached, the ER Unit must schedule an incapacity hearing with an independent chairperson. The employee must be granted an opportunity to submit reasons why his/her services should not be terminated because of medical incapacity.

15.1.7 Insurance claims, if applicable

- 15.1.7.1 If applicable, a disability insurance benefit claim is to be lodged in accordance with the applicable retirement fund scheme rules. If the claim is declined, employee will be able to appeal this decision and will be assisted by the HR Benefits Office in this regard. However, during the duration of the Appeal process, the employee will be expected to return to work.

15.1.8. Communication of outcome

- 15.1.8.1 Written notification of any decisions taken in any of the above consultation processes must be issued by the ER Unit. The latter is responsible for proper records to be kept of the processes embarked upon.

15.1.9. Implementation

- 15.1.9.1 Role players to implement the outcome, as appropriate, within their sphere of authority.

**16. CONTACT**

- 16.1 Queries relating to this Policy, Guideline & Procedure can be addressed to the ER Unit, HR.

**17. CONCLUSION**

- 17.1 The aim is to manage and retain persons with disabilities in the workplace. Proper disability management processes and practices will be followed in an attempt to retain employees in services as far as reasonably possible and to ensure their optimal performance in the workplace. Where an employee with a disability has become incapacitated and is unable to continue rendering services, the UJ will institute an appropriate consultation procedure that may result in the termination of an employee's services based on medical incapacity. An employee may qualify for disability insurance benefits under the applicable retirement scheme rules. However, the best interests of affected employees will always be our departure point.

Approved by MEC dated 30 April 2019

Aligned to ELG Organogram dated 02 December 2019

**Annexure A-Dealing with Disability Claims-Process Guideline**

**DEALING WITH DISABILITY CLAIMS-PROCESS GUIDELINE**

The Human Resources Benefit Office in collaboration with Occupational Health, Employee Relations and the Pension Fund Office has put in place a process flow for all Disability Claims and the monitoring thereof. The procedure to be followed is the same for members of both the UJ Pension Fund and UJ Provident Fund.



The Disability Code defines a ‘disability’ as a recurring or permanent physical, mental, intellectual or sensory impairment that affects a person in relation to his or her work environment in a ‘substantial’ manner. For all practical purposes, an employee who is, according to medical evidence, permanently medically incapacitated and therefore unable to perform his or her current role, suffers from a ‘disability’ as defined here.

**WHAT HAPPENS IF AN EMPLOYEE BECOMES SERIOUSLY ILL OR DISABLED WHILST IN EMPLOYMENT?**

To answer the question, and to ensure the process goes smoothly for all parties, the following procedure outlines the standardised processes, practices and forms. These standardised processes, procedures and forms are to be used in order to meet the requirements of the UJ Pension/Provident Fund Disability Claim process. It also outlines the roles and responsibilities of all stakeholders involved in the disability management process.

**1. WHEN TO CONSIDER SUBMITTING A CLAIM**

It is imperative that a claim should be submitted when the direct Line Manager:

a). Notices that the employee has been absent from work for more than three consecutive weeks (15 working days) due to injury and illness
b). Notices that an employee is not coping with the requirements of their occupation due to injury, illness or an unknown reason
c). Has been informed that an employee has been declared disabled by the treating doctor.
d). Has been informed that an employee has had an injury on duty/traumatic incident (please refer to UJ Occupational Safety Policy)

**Line Manger to send a written notification informing:**

- HR Business Partner**
- Occupational Health Practice**
- Employee Relations**
- HR Benefits Office**

The HR Business Partner can also assist the Line Manager by referring the employee to the UJ Occupational Health Practice, in the first instance, even if the employee is being treated by his/her own medical practitioner. Occupational Health Practice will then provide the necessary guidance.

The main reason for referring an employee to Occupational Health Practice is to help a manager resolve a situation where an employee’s health might be affecting their fitness to carry out their job, or their job may be adversely affecting their health in some way.

UJ Occupational Health Practice consists of a team of professionals:

<b>Venter, Elana</b>	<b>APK Occupational Health Practice</b>	<b>Ext: 2200</b>
<b>Tshabangu, Miranda</b>	<b>DFC/SWC Occupational Health Practice</b>	<b>Ext: 6748</b>
<b>Langeveldt, Margereth*</b>	<b>APK Occupational Health Practice</b>	<b>Ext: 4969</b>
<b>Henning, Anne</b>	<b>APB Occupational Health Practice</b>	<b>Ext: 1272</b>

\* Margereth Langeveldt is the preferred contact. Margereth will coordinate the process on behalf of the Occupational Health Practice.

**The Medical Certificate or Report obtained from either the Occupational Health Practitioner or the employee's medical practitioner should clarify the following:**

Is this employee medically fit to work in this role?

When, if absent, are they likely to be able to return to work?

Are any adjustments needed to help the employee in their work?

Should the employee be considered for ill-health retirement?

If the employee is taking medication, is it likely to impair their ability to do their job safely and effectively?

**After consultation any/all medical certificates should be recorded and submitted to HR Benefits Office.**

## **2. CLAIM DOCUMENTATION**

When it is determined that the employee should apply for Disability Benefits, his/her line manager should assist with the claim. Disability Benefit claims can take a long time to process (three to six months), and must, therefore, be done as soon as possible after the employee becomes disabled. To apply for disability benefits, the following will need to be completed and submitted, via the employer, to the insurer:

- a. Statement by Employer
- b. Statement by Employee
- c. Job Description
- d. Letter/Medical Report from Doctor/Specialist (if applicable: UJ Occupational Health)
- e. In Line with the Labour Relations Act, the employer must make reasonable attempts to accommodate the incapacitated employee and it is recommended that a **written report** be kept of these proceedings.
- f. Copy of employee's ID
- g. Sick Leave Record – It is therefore essential that all sick leave taken is applied for and recorded in the prescribed manner
- h. Copy of Payslip as at Last Active Day at Work/Pensionable Salary History

The completion of these documents must be done as accurately and in as much detail as possible. The information is a vital link in the assessment process and informs the basis on which the claim is assessed. As such, it warrants careful consideration. Every effort should be made to ensure that the information given is complete and accurate. Any inaccurate statement could be used as a basis for the repudiation of a claim.

HR Benefits Office will submit the pack on behalf of the employee to the relevant insurer.





**6. DISABILITY INCOME BENEFIT**

- a. UJ Pension Fund member 82.5% of their monthly pensionable salary
- b. UJ Provident Fund member 75% of their monthly pensionable salary

The employee will remain a member of the fund. The disability claimant will continue to contribute towards retirement and will remain covered for death benefits linked to Pension/Provident Fund. The Disability income benefit is not taxable. All other benefits and allowance will fall away.

**7. REVIEWS**

Whilst the claimant is in receipt of a Disability Income Benefit, the claim may be reviewed from time to time by the insurers. Human Resources Benefits Administrator will be notified timeously of the review date and any requirements. The Disability Fund will carry the cost of any medical requirements or investigations that are deemed necessary for the review.