

OFFICE OF THE PREMIER – NORTHERN CAPE

# Management of Bereavement in the Workplace Policy



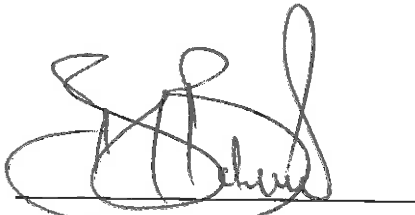
DEVELOPED BY: THE EMPLOYEE HEALTH AND WELLNESS UNIT  
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## PREAMBLE / POLICY STATEMENT

The Office of the Premier acknowledges the affect of bereavement and its profound impact on the individual. Management in the OTP further recognizes the importance of a workplace bereavement policy that supports an environment that promotes the holistic wellbeing of all employees. Through implementing this policy, management seeks to provide an important foundation on which a supportive response to grieving employees can be developed. The office further recognizes that all elements of well being must be integrated in order to respond to specific health and wellness needs of employees. The Office of the Premier supports and is committed to implement effective interventions to enhance productivity and prevent undue suffering. Thus the office has established a framework for promoting health and wellness for the benefit of all employees by identifying the mechanisms and resources that will be used to promote and encourage wellness among employees post the loss of a loved one.



Mr. Justice Bekebeke

Director-General

Office of the Premier – Northern Cape

22/02/16

Date:

## DEFINITION OF TERMS

Bereavement:	means an acute state of intense psychological sadness and suffering experienced after the loss of a loved one, or colleague
Employee Health and Wellness Programme:	means a programme designed to assist in the identification and resolution of productivity problems associated with employees impaired by personal concerns including, but not limited to health, drugs, legal, emotional, stress or other personal concerns which may adversely affect employee job performance.
Funeral:	means a ceremony or group of ceremonies associated with the burial or cremation of a deceased person.
Grief:	means a process involving intense sorrow, physical, emotional, psychological and spiritual feelings caused by someone's death.
Immediate Family Member:	means an employee's parent, adoptive parent, grandparent, parent-in-law, spouse, life partner, child, adopted child, grandchild or sibling.
Memorial Service:	means a service or ceremony held to commemorate the life of the deceased person.
Mental Health:	Mental health is a basic component of positive health and well-being. It is necessary to manage life successfully, and provide emotional and spiritual resilience to allow enjoyment of life and dealing with distress and disappointment.
Occupational Health Education and Promotion:	It is defined as a variety of communication dissemination and information transfer activities that are intended to enhance the

knowledge levels of individuals to reinforce behavior change whilst intentionally leading to improve individual health and productivity.

## 1. POLICY FRAMEWORK AND GENERAL PRINCIPLES

### 1.1 PURPOSE

The purpose of this policy is to provide a framework within which bereavement in the workplace should be managed.

### 1.2 OBJECTIVES

The objectives of this policy are to:

- Reduce Health costs and improve quality of life for employees with dealing with bereavement;
- Help employees manage their lives successfully, and provide them with the emotional and spiritual resilience to allow them to enjoy life and deal with distress and disappointments;
- Reduce absenteeism from work, abuse of sick leave, injuries on duty, ill-health retirements, occupational diseases and health risks;
- Enhance the knowledge of employees to reinforce behavior change leading to improve health and productivity.
- Commit the Office of the Premier to support the provision of resources and leadership to implement the Management of Bereavement in the workplace.

### 1.3 SCOPE AND APPLICATION

This policy shall be applicable to the Office of the Premier as the employer, the employees of the Office of the Premier and their immediate families. The policy sets out a basic standard of key issues and entitlements which apply to all employees. It also serves as a guide to ensure a consistent approach for managers and supervisors.

### 1.4 LEGAL FRAMEWORK

This policy should be read in conjunction with the **Constitution of South Africa Act No. 108 of 1996. The Bill of Rights Chapter II** sets out specific provisions which protect workplace rights. Section 23 (1) states that "Everyone has the right to fair labour practices". Other general rights which apply to the employment relationship, such as the right to equality and non-discrimination (Section 9), and privacy (Section 14).

**Employment Equity Act No. 55 of 1998** aims to ensure equality and non discrimination in the workplace through anti-discrimination measures and affirmative action provisions. It further prohibits unfair discrimination based on 'HIV status and further prohibits HIV testing without Labour Court authorization.

**The Occupational Health and Safety Act, No 29 of 1996** which places a duty on the employer to ensure that as far as is practicable, the working environment is safe and healthy for employees.

**The Compensation for Occupational Injuries Act, No. 130 of 1993** gives employees the right to apply for compensation if injured in the course and scope of their employment. This includes compensation for HIV infection if it can be shown that the employee was infected in the course and scope of their employment.

**Medical Schemes Act No. 131 of 1998**, provides that a medical scheme may not unfairly discriminate, directly or indirectly, against any person on the basis of their HIV status. This act also allows the Minister of Health to gazette a minimum standard of benefits to be provided to members of the medical scheme.

**The Public Service Regulations, 2001** under Chapter1: Part VI (A) states that " the working environment should support effective and efficient service delivery while, as far as reasonably possible, taking employees' personal circumstances, including disability, HIV and AIDS and other health conditions into account." Chapter1: Part VI (D) further states that "a head of department shall establish and maintain a safe and healthy work environment for employees of the department.

**The common Law** protects personality rights of individuals. These include the rights to privacy and bodily integrity.

## **1.5 PRINCIPLES**

The office of the Premier affirms:

### **1.5.1 Confidentiality and Disclosure**

Confidentiality underpins all principles of the Employee Health and Wellness programme. Any information shared and/or disclosed during consultation or counselling shall be dealt with in a confidential manner. No information shall be divulged to any person (management included) without the employee's written consent except when disclosure is required in terms of the law or in terms of a court order. The information provided by the employee during consultation shall not be utilized for any other purpose than those agreed upon between the employee, the wellness practitioner and/or the supervisor, except in the case of risk to self and/or others in terms of legislation. All employee records shall be kept strictly confidential. Only registered health care professionals shall be allowed access to the records and only when necessary. Only registered Counselling professionals shall provide therapeutic interventions.

### **1.5.2 Promoting a Non-Discriminatory Work Environment**

No employee utilizing the Employee Health and Wellness unit shall be unfairly discriminated against. All employees will be protected against discrimination, victimisation or harassment. The employer undertakes to develop measures that promote non-discrimination through implementing systems and programmes at the workplace which entail:

- awareness, education and training on the rights of persons with regard to mental illness;
- Providing support for all employees infected or affected by death.

Normal disciplinary and grievance procedures shall apply equally to all employees, as will the provision of information and education about mental illness, disability and bereavement.

### **1.5.3 Stigma Mitigation**

The department strives to be an open and safe environment for discussion about general health conditions, lifestyle diseases, mental illness, and to decrease the stigma attached to it. The Office of the Premier, through its directorates and the Unions, will strive to develop mechanisms to encourage openness, acceptance and support for those employees who dealing with grief after the loss of a loved one or colleague.

No rights – (from confidentiality to access to benefits), will be affected by an individual's medical and/or mental condition, real or suspected. Stigma and discrimination compromise employee welfare and a safe and healthy work environment. It also undermines medical and psychosocial prevention efforts, which depend on an atmosphere of openness, trust and respect for basic rights.

### **1.5.4 Timely Intervention**

Efforts shall be made to ensure early identification and treatment of problems, thus facilitating good prognosis. All managers and organized labour shall be involved to ensure timely problem identification, referral, assessment and treatment.

### **1.5.5 Employee Participation**

Participation in the Employee Health and Wellness programme shall not jeopardize the employee's job security or chances for promotion or other related benefits

### **1.5.6 Equal Treatment**

Employees who utilize the Employee Health and Wellness services shall receive the same considerations as those with medical problems. No employee shall receive preferential treatment due to his/her participation in the programme.



### **1.5.7 Prevention of Abuse**

The Employee Health and Wellness programme services shall be used for no other purpose than that expressed in this policy.

### **1.5.8 Responding to the Needs of Designated Employees**

The needs of women, youth and persons with disabilities shall be considered when designing proactive and reactive wellness interventions.

### **1.5.9 Return -To-Work Programmes**

Re-integration services shall be provided to employees who were off duty for prolonged periods due to: bereavement; extended sick leave due to bereavement and mourning; or due mental health issues following bereavement and mourning.

## **2. POLICY IMPLEMENTATION**

This policy is a product of consultation with all corporate stakeholders in the workplace pledging full support to the policy.

### **2.1 BEREAVEMENT DUE TO DEATH OF AN EMPLOYEE**

#### **(a) Death of an Employee**

- (i) In the event where the death of an employee occurs in the workplace, no person must, without the consent of an inspector, disturb the site at which the incident occurred or remove any article or substance involved in the incident unless such action is necessary to prevent a further incident, to remove the dead or to rescue persons from danger.
- (ii) The relevant unit must make every attempt to notify the next-of-kin once the employee is declared dead by an authorized person. Where possible and with written approval from the responsibility manager or his/her designee, conveyance of immediate family members through official transport could be arranged to transport them to and from the scene of the accident or incident.
- (iii) In the event where the death of an employee occurs outside the workplace, it is important to formally notify other employees of the death immediately after obtaining confirmation from the deceased individual's next-of-kin or immediate family member(s).
- (iv) In consultation with the deceased's next-of-kin, the relevant Unit must arrange a memorial service, which must be held either at the workplace premises or at an alternate suitable venue and where possible, employees must be allowed to attend. The Unit shall organize the transportation of the

immediate family member(s) to attend the memorial service, and the responsibility manager or his/her designee must authorize their conveyance.

- (v) The relevant Unit may, during the memorial service, arrange catering services for the immediate family member(s), provided that prior approval is sought from the Head of Department.
- (vi) The Head of Department shall have the power to approve further expenses as needs arises.
- (vii) Gestures of condolences must take into consideration religious and cultural observances and these may include:
  - A letter of condolence signed by a senior official in the department;
  - Paying a visit to the family;
  - Voluntary financial contributions from colleagues; and
  - Floral wreath and condolence card not exceeding the amount of R350.00 subject to a 5% escalation annually, in consultation with the CFO (Head of Finance).

**(b) Attendance at Funerals**

- (i) If the funeral is open to colleagues and is taking place during working hours, employees may be given time off to attend such funeral. However, prior approval must be obtained from the responsibility manager and/or supervisor.
- (ii) The responsibility manager and/or supervisor must allow a reasonable number of employees to attend the funeral.
- (iii) Official transport, such as a hired bus or state vehicles may be utilised for employees to attend the funeral, provided funds are available. Also the responsibility manager and/or supervisor must consider section 40 of the PSA which states that "Whenever any person is conveyed in or makes use of any vehicle, aircraft or vessel which is the property of the State, the State is not liable to such person or his or her spouse, parent, child or other dependant for any loss or damage resulting from any bodily injury, loss of life or loss of or damage to property caused by or arising out of or in any way connected to the conveyance in or the use of such vehicle, aircraft or vessel, unless such person is so conveyed or makes use thereof in, or in the interest of, the performance of the functions of the State: Provided that the provisions of this section shall not affect the liability of a person in the service of the State who wilfully causes the said loss or damage."
- (iv) No subsistence and travel allowance may be claimed for the attendance at funerals hence employees must provide for their own expenses.

## **2.2 BEREAVEMENT DUE TO DEATH OF AN IMMEDIATE FAMILY MEMBER**

### **(a) Family Responsibility Leave**

The employee's entitlement to family responsibility leave must be granted in accordance with the Determination on Leave of Absence in the Public Service.

### **(b) Attendance at Funerals**

Arrangements to attend a funeral of an employee's immediate family member by other employees/colleagues must be done in a private capacity. This means that no official transport may be organised and in case the funeral is during working hours, employees should either use their vacation leave days or request time off from their managers and/or supervisors, in order to attend.

### **(c) Gestures of Condolence**

- (i) Gestures of condolence as stated in paragraph 2 (1) (a) (vii) above, may be arranged.

### **(d) Return-to-Work Support**

- (i) Upon an employee's return to work, his/her right to grief should be respected.
- (ii) Management and other employees in the OTP undertake to support at all times and even explore availing a private space, where employees may deal with their feelings if need arises. In collaboration with the Employee Health and Wellness unit, the manager and/or supervisor may consider measures to re-schedule work inclusive of measures which entail but not exhaustive to the allocation of less demanding tasks for a specified period of time.
- (iii) Managers and/or supervisors must encourage employees to seek assistance through the departmental Employee Health and Wellness Programme should it be required.

## **3. ROLES AND RESPONSIBILITIES**

### **3.1 THE HEAD OF THE DEPARTMENT**

The Head of the Department shall:

- a) Appoint representation of the department during the funeral of a deceased employee, either by attending or sending a delegation who will speak on behalf of the department, if and when necessary.
- b) Exercise discretion over the planning, budgeting and any other arrangement or eventualities related to the funeral and or memorial service of a deceased employee.

### **3.2 THE HEAD OF UNIT**

The Unit Head shall amongst others:

- a) Notify the next-of-kin in the case where an employee dies in the workplace and must arrange for the conveyance of the remains of the employee to the mortuary.
- b) Arrange for the transportation of immediate family members to the scene of the accident or incident considering cultural practices/norms in the case of an employee's death on duty.
- c) Formally notify other employees of the death immediately after obtaining confirmation from the deceased employee's next-of-kin.
- d) In consultation with the deceased's next-of-kin, arrange for the memorial service of the deceased employee.
- e) Prepare and sign a letter of condolence to the family of the deceased employee.

### **3.3 THE EMPLOYEE HEALTH AND WELLNESS UNIT**

The Employee Health and Wellness Unit will:

- a) Make every effort to make contact with an employee who has lost an immediate family member upon his or her return to work so as to initiate a platform for counselling where necessary.
- b) In the case where an employee died, the EH&W unit will also make an effort to contact other employees who worked closely with the deceased so as to offer counselling sessions where necessary.

## **4. POLICY MONITORING**

### **4.1 GRIEVANCES AND DISPUTES**

Any unfair or inconsistency in application of the policy will be dealt with in line with the applicable grievance procedures or dispute resolution procedures in the workplace.

### **4.2 MARKETING OF POLICY**

This policy and related information on wellness, bereavement and mourning will be communicated to all Office of the Premier employees and the wider public using the full range of communication methods available to the department and its network of contacts.

### **4.3 POLICY REVIEW**

This policy will be reviewed every 5 years from the date of signature and could be revised as necessary in the light of changes in the policy environment.

## **5. BUDGET AND FINANCE**

The Office of the Premier recognizes that in order to prevent absenteeism, and mitigate impairment due to bereavement and mourning, a budget will be availed for the implementation of this policy.