




## KWAZULU-NATAL PROVINCIAL TREASURY

### BEREAVEMENT POLICY IN THE WORKPLACE

<b>Signed:</b>	 <b>MR LS MAGAGULA</b>
<b>Designation:</b>	<b>HEAD OF DEPARTMENT</b>
<b>Date:</b>	<b>26/07/2017</b>

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## **1. INTRODUCTION**

1.1 The department understands the deep impact that death can have on an individual or family. Bereavement or grief is an emotional reaction to death, which will inevitably be experienced by all employees. When grieving, a person may experience physical, emotional, behavioural and social reactions to a loss and most individuals are unable to separate their personal and professional lives, hence when grief strikes, responses may spill over into the workplace in several different ways.

1.2 This policy is an endeavour by the department to be supportive and compassionate to its employees during their state of grief which usually affects employees' ability to perform optimally, and which may negatively impact on service delivery. It also seeks to address the inconsistencies within the department in managing bereavement in the workplace. As much as the department may be supportive of grieving employees, it must ensure proper financial management.

## **2. PURPOSE**

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

## **3. AUTHORISATION**

- a. The Constitution of the Republic of South Africa, 1996.
- b. Public Service Act, 1994 (Proclamation No. 103 of 1994) as amended, hereinafter referred to as the PSA.
- c. Public Service Amendment Act, 2006.
- d. **Public Service Regulations, 2016.**
- e. Government Employees Pensions Laws, Proclamation No. 21 of 1996.
- f. Basic Conditions of Employment Act 75 of 1997.
- g. Occupational Health and Safety Act 85 of 1993, as amended.
- h. Determination on Leave of Absence in the Public Service, July 2008.
- i. Compensation for Occupational Injuries and Diseases Act 130 of 1993

- j. Public Finance Management Act 1 of 1999.
- k. Promotion of Access to Information Act 2 of 2000.

#### 4. DEFINITION OF TERMS

For the purposes of this policy framework, unless the context indicates otherwise, the following definitions are set out for the terms indicated:

**“Bereavement”** means an acute state of intense psychological sadness and suffering experienced after the loss of a loved one, friend/colleague.

**“Beneficiary”** means the person or legal entity who receives the annuity death benefit upon death of contract owner or annuitant.

**“Employee”** means an employee as contemplated in the Public Service Act, 1994, as amended.

**“Employee 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 dead 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, spouse, life partner, child, adopted child, grandchild or sibling.

**“Inspector”** means a person designated by the Minister of Labour to perform, subject to the control and directions of the chief inspector, any or all of the functions assigned to an inspector by the Occupational Health and Safety Act 85 of 1993.

**“Memorial service”** means a service or ceremony held to commemorate the life of the deceased person.

**“next-of-kin”** means

- (a) a person to whom the deceased was married immediately prior to his/her death;
- (b) a person with whom the deceased lived as if they were married immediately prior to his/her death;
- (c) a parent, child, brother or sister of the deceased individual;
- (d) an individual who is related to the individual in the second degree of affinity (relationship in blood/kinship) consanguinity, if:
  - (i) there is no next-of-kin referred to in paragraphs (a), (b), (c) or
  - (ii) the requester concerned took all reasonable steps to locate such next-of-kin, but was unsuccessful.

## **5. SCOPE OF APPLICABILITY**

This policy is applicable to all employees of KwaZulu Natal Provincial Treasury, employed in terms of the Public Service Act, 1994 as amended.

## **6. PRINCIPLES**

Bereavement in the workplace should be managed:

- (a) in a fair and equitable manner;
- (b) with respect for an individual’s right to cultural and religious observations; and with due regard to human dignity.

## **7. POLICY PROVISIONS**

### **7.1 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 deceased or to rescue persons from danger.
- (ii) The department must make every attempt to notify the next-of-kin once the employee is declared dead by an authorised person **that is a medical practitioner**. 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 department may arrange a workplace 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 department must organise transport for the immediate family member(s) to attend the memorial service, and the responsibility manager or his/her designee must authorise their conveyance.
- (v) The department may, during the memorial service, arrange catering services for the immediate family members, provided funds are available.

(vii) Gestures of condolences must take into consideration religious and cultural observations and these may include:

(aa) A letter of condolence signed by a senior person in the department;

(bb) Paying a visit to the family;

(cc) Voluntary financial contributions from colleagues; and

(dd) Floral arrangements.

**(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 at his or her discretion to attend the funeral taking into consideration service delivery.

(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 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 with 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 of funerals.

## 7.2 Employee's Bereavement Due To Death of 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 a Funeral

Arrangements to attend 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 supervisors, in order to attend.

### (c) Support and Assistance

- (i) Gestures of condolence as stated in paragraph 7(1)(a)(vii) above, may be arranged.
- (ii) Upon an employee's return to work, his/her right to grief should be respected. Management and other employees must be supportive and understanding at all times and if possible a private place, where employees may address their feelings, may be provided. Based on the advice of the Employee Health and Wellness Unit the supervisor may, if it is necessary, re-schedule work, for example, allocate less demanding tasks or lightening up of the employees' workload.
- (iii) Supervisors must encourage employees to seek assistance through the Employee Health and Wellness Programme should it be required.



## **8. ROLES AND RESPONSIBILITIES**

### **8.1 Head of Department**

The Heads of Department must ensure representation of the department during the funeral of employees either by attending or sending a delegation who will speak on behalf of the department, where necessary.

### **8.2 Directors and Line Managers**

- (a) **Directors** must notify the next-of-kin in the case where an employee dies in the workplace and must arrange for the conveyance of the deceased employee to the mortuary.
- (b) As responsibility managers, senior or line managers must, where possible, arrange for the transportation of immediate family members to the scene of the accident or incident.
- (c) In the case of an employee's death outside the workplace, senior or line managers must formally notify other employees of the death immediately after obtaining confirmation from the deceased employee's next-of-kin.
- (d) Senior or line managers may, in consultation with deceased next-of-kin, arrange for a workplace memorial service of the deceased employee.
- (e) Directors must prepare and sign a letter of condolence to the family of the deceased employee.

### **8.3 Human Resources Component**

- (a) Human Resource components must ensure that the content of this policy is communicated to departmental employees.

#### **8.4 Employee Health and Wellness Unit**

- (a) Employee Health and Wellness unit must 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(s) died, Employee Health and Wellness unit must also make an effort to contact the other employees who worked closely with the deceased so as to offer counselling sessions where necessary.
- (c) Supervisors are to notify Employee Health and Wellness Unit of any employee who has lost an immediate family member upon return to work to initiate counselling and support.

#### **9. FINANCIAL IMPLICATIONS**

The Head of Department must ensure that funds are available to implement this policy.

#### **10. GRIEVANCE AND DISPUTE RESOLUTION**

Grievances and Disputes arising from the implementation of this policy shall be dealt with in terms of the existing dispute resolution procedures in the public service.

#### **11. COMMUNICATION**

The Directorate: Human Resources is responsible for communicating this policy to all employees within the department.

#### **12. MONITORING AND EVALUATION**

The Directorate: Human Resources is responsible for the development and regular review of this policy document.

Any inputs or amendments regarding this policy can be directed to the abovementioned component for the attention: Director: Human Resources.