

# CONDUCT A DISCIPLINARY HEARING

*US 255514 / NQF Level 5 / Non-Credit Bearing*

On successful completion of this unit standard delegates will be able to differentiate between the different types of incidents, investigate the incident, decide on whether an enquiry is necessary, hold enquiries, decide on the nature of the disciplinary action to take and take the action within organisational timeframes and following organisation policies and procedures.

## **WHO SHOULD ATTEND**

Managers at all levels within an organisation who have any involvement in staff discipline  
Supervisors who investigate and carry out disciplinary hearings  
Entrepreneurs and business owners

## **HOW YOU WILL BENEFIT**

- Understand and explain organisational and legal policies and procedures for instituting disciplinary action
- Investigate allegations of misconduct
- Prepare a case, evidence and witnesses for a hearing
- Conduct a disciplinary hearing

## **WHAT WILL BE COVERED**

- The Labour Relations Act in relation to discipline and grievances
- Codes of good practice with regard to discipline and dismissal
- Poor performance versus misconduct
- Guidelines for incapacity
- Procedures and legal requirements for instituting disciplinary action
- Hearing procedure
- Investigation of charges
- Witnesses and statements
- Preparing for a hearing
- Communicating with stakeholders
- Understanding and complying with organisational procedures
- Conducting a hearing in compliance with all related procedures
  - Pleadings
  - Leading evidence
  - Evaluating the evidence
  - Making a decision
  - Communicating the outcome
  - Mitigation
  - Sanction
  - Conclusion and recordal of outcomes

## **PTO For Table of Contents**

*Two-day course 08:30 -16:00*

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<b>Module 1</b> <b>Organisational and legal policies, procedures for instituting disciplinary action</b>	<b>Module 2</b> <b>Investigating the allegation</b>
<ul style="list-style-type: none"> <li>• Explain the difference between poor performance issues and misconduct issues in terms of how each are handled</li> <li>• Explain the procedure for instituting disciplinary action and applicable timeframes in terms of the organisation's procedures and legal requirements</li> <li>• Explain the role players in the disciplinary process and their roles and rights in terms of the organisation's procedures and legal requirements</li> </ul>	<ul style="list-style-type: none"> <li>• Take statements that meet legal and organisational requirements</li> <li>• Conduct the investigation in a fair and impartial manner</li> <li>• Discuss the various options open with relevant specialists and decide upon a way forward with the disciplinary action in terms of the organisation's disciplinary procedure</li> <li>• Complete the paperwork where no further action is required and forward it or file it according to organisational requirements</li> </ul>

<b>Module 3</b> <b>Preparing for a hearing</b>	<b>Module 4</b> <b>Conducting a disciplinary hearing</b>
<ul style="list-style-type: none"> <li>• Give verbal/written notification to employees undergoing a hearing in terms of organisational prescripts</li> <li>• Notify the employee of his/her rights regarding the hearing in terms of legal and organisational requirements</li> <li>• Identify the required information and give it to the employee prior to the hearing in terms of legal and organisational requirements</li> <li>• Carry out preparation for the hearing in terms of human and physical resources and ensure that it meets the requirements of the organisation</li> <li>• Identify internal and external resources available to help with the process/decision making in terms of organisational policy</li> </ul>	<ul style="list-style-type: none"> <li>• Clarify the roles of all parties in the process at the start of the hearing in terms of legal and organisational requirements</li> <li>• Conduct the disciplinary hearing in a manner that meets all legal and organisational requirements</li> <li>• Conclude a decision meeting the requirements from both a legal and organisational perspective</li> <li>• Ensure that the process meets procedural requirements from both a legal and organisational perspective</li> <li>• Decide and advise the employee of the decision following legal and organisational requirements</li> <li>• Notify all relevant role players of the decision in a manner that ensures all the legal and organisational requirements are met</li> </ul>

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