



Managing All Disciplinary Processes, including Initiating and Presiding Over Hearings – Page 1

**Suitable for:
Managers, Supervisors, Team Leaders, HR Personnel
and Employee Representatives**

Course duration: 3 days

NQF level: 5

Course alignment:

This programme is aligned to the following Unit Standards:

US: 11286: *Institute disciplinary action*. NQF Level 5; 8 Credits

US: 255514: *Conduct a disciplinary hearing*. NQF Level 5; 15 Credits

Course content and outcomes:

Instilling discipline in the workplace

- An introduction to the disciplinary process and its purpose
- Fundamental premises that should apply to all disciplinary action
- Typical causes of disciplinary problems and poor work performance problems
- 3 main causes of indiscipline and poor performance – how to correct them
- The classification of transgressions relating to unacceptable conduct
- The code of good practice relating to disciplinary action



Handling non-dismissible offences

- Understanding your company's disciplinary code, and best practice procedures for performance and disciplinary meetings: counsellings, verbal warnings, written warnings, final written warnings
- How to carry out disciplinary and poor performance meetings, and issue the appropriate corrective processes and / or disciplinary warnings
- Role-play exercise on issuing a disciplinary warning for time-keeping
- Role-play exercise on issuing a counselling for poor performance
- Role-play exercise on issuing a written warning for poor performance
- Drafting a Performance Improvement Plan, and ensuring follow up

Dismissals: Unfair dismissals and unfair labour practices

- The right not to be unfairly dismissed
 - Automatically unfair dismissals, other unfair dismissals
 - Code of good practice: dismissal (Schedule 8)
- Disputes about unfair dismissals, the burden of proof, remedies

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Initiating a disciplinary hearing and leading evidence

- Investigating and collecting evidence
- Formulating the charges:
 - The impermissible splitting of charges, and independence of transgressions
- Preparing witnesses
- Opening statements, presenting the evidence, cross-examining witnesses, admissible and inadmissible evidence, closing arguments

Presiding Over Disciplinary Hearings

- Procedural and substantive fairness
- The disciplinary hearing process flow
- The rules of evidence applicable to disciplinary enquiries in the workplace
 - The admissibility of evidence, allegations, evidence and facts
 - Real evidence, admissions and confessions
- Managing the disciplinary hearing process:
 - Considering only relevant and acceptable facts
 - Considering the reliability and credibility of witnesses
 - The balance of probabilities
 - The onus / burden of proof
- Deciding the merits of the case
- Formulating and documenting the decision on guilt
- Mitigating and aggravating circumstances
- Determining and ruling on the sanction (action taken)

Representing employees at a disciplinary hearing

- Meeting with the accused to analyse and discuss the charge
- Preparing the accused and witnesses for the hearing
- Leading the accused's evidence, leading witnesses, and cross-examining witnesses
 - Controlling Witnesses on Cross-Examination
 - Using scenario painting / story-telling techniques in cross-examination
 - Preparing and presenting mitigation
 - When relevant, lodging an appeal in terms of the disciplinary procedure

Role play and reflection

Contact us to register or arrange in-house training:

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