

The Investigation, Preparation and Presentation of the Case for the Complainant at the Disciplinary Hearing

2 Day Course

Module 1: Introduction

Module 2: The Code of Good Practice

Module 3: Fair procedure prior to disciplinary hearing

- Introduction
- Procedural rights
- Procedural fairness

Module 4: The role players in the disciplinary process

- Who does what?
- The appointment of the investigator

Module 5: Identify and investigate the misconduct

- Absence without leave or permission
- Failure to inform the employer of the reasons for absence
- Abusive language and racist remarks
- Assault
- Competing with the employer / conflict of interest
- Damage to property
- Negligence
- Disclosing confidential information
- Dishonesty
- Alcohol or drug abuse / drinking on duty
- Falsification of records
- Fraud
- Bringing the employer's name into disrepute
- Insubordination / insolence
- Refusal to work overtime
- Sexual harassment
- Sleeping on duty
- Theft/unauthorised possession

Module 6: The investigation

- Introduction: substantive fairness
- Guidelines in cases of dismissal for misconduct: Item 7 of the Code

Module 7: Witness statements

- How to take down statements?
- Be concise
- Objectivity
- Comprehensibility
- Honesty
- Statements made voluntarily
- Language
- Sworn statements or statements taken under oath
- The form of the statement

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Module 8: Finalising the investigation and charging the employee

- Deciding on the charges
- How to draw up a charge sheet for misconduct
- When to hold a formal disciplinary hearing?
- When to hold an informal hearing?
- Suspension of the employee
- Informing the employee of the charges

Module 9: Preparing for the disciplinary hearing

- Final preparation
- Do's and don'ts for initiators
- Must the police be involved?

Module 10: The disciplinary hearing

- Leading and testing evidence and versions
- The opening statement
- Evidence in chief
- Cross-examination
- Re-examination
- Written statements

Module 11: Evaluating evidence

- Introduction
- Evidentiary burden
- Sources of evidence, different types of evidence and its admissibility during arbitrations

Module 12: Finalising the disciplinary hearing

- The reconvening of the hearing
- Sanctions available
- Counselling, training and verbal warnings
- Written warnings
- The final written warning
- Temporary suspension of employment
- Dismissal for misconduct
- Requirements for proving the procedural fairness of a dismissal

Module 13: Misconduct incident investigation diary

Module 14: Disciplinary code

Module 15: Notice of enquiry

Purpose of the course:

Delegates found competent in this unit standard are able to understand the fundamentals of initiating a hearing and preparing and presenting the company's case.

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Upon completion of the course delegates will be able to:

- conduct an investigation
- identify the misconduct
- prepare and formulate the charges for a disciplinary hearing
- represent the company at a disciplinary hearing.

The course will be useful for:

- ER managers, HR managers, general managers, line managers, supervisors
- union representatives, individuals that act as initiators in disciplinary hearings, labour consultants and labour law practitioners.

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