



EFFECTIVE DISCIPLINARY HEARINGS FOR CHAIRPERSONS

COURSE OBJECTIVES

Many organizations have costly compensation orders from the industrial court due to Line Managers and HR staff not complying with legislation regarding disciplinary matters. This comprehensive course gives detailed insight into discipline in the workplace. This course will teach line managers and HR staff how to effectively chair a disciplinary hearing. It will also reduce legal cost incurred for hiring expensive consultants to chair your disciplinary hearings. This course will give your organization the skills to professionally chair a disciplinary hearing. The course gives a practical hands-on approach to chairing disciplinary hearings in your workplace. It focused on how to conduct disciplinary hearings in line with the principles of fairness and equity as envisaged by the employment Act is covered. Sanctions for misconduct issues of absenteeism, intoxicated on duty, theft and many other types of misconduct are dealt with from the perspective of what is acceptable for chairpersons to hand down as per the relevant case law and the Industrial court 's guidelines.

COURSE OUTLINES

MODULE 1-The Law of Evidence

Module Outline

- Understanding the principles of the law of evidence

- Applying the principles of the law of evidence
- Evidence that is admissible and inadmissible
- Chairpersons evaluating the evidence
- Types of evidence
- Prima facie evidence
- Circumstantial evidence
- Corroborating evidence

MODULE 2 -Chairing a Disciplinary Hearing – Rights & Responsibilities of the Chair

Module outline

- How to check the allegations/charges / notice to attend a hearing were fairly issued
- How to ensure the rights of employees are respected during enquiry
- How to ensure hearing is not derailed or sabotaged by shop steward reps
- Understand all fairness and equity principles
- Create a better understanding of required procedures during hearings
- Rights and responsibilities of the chairperson
- Making Appropriate sanction
- Consistency of the organization in applying sanctions
- Weighing up the evidence and the balance of probabilities
- How the Industrial court will weigh up the evidence
- Industrial Court rulings on unfair dismissals

MODULE 3-Chairing a hearing – Fair Procedure

- Preparation for the hearing
- Procedure and conduct during the disciplinary hearing
- Procedure and conduct during the appeal hearing
- Be able to prepare for such hearings
- Understanding and complying with the duty to keep records
- Chairing the hearing
- Conducting and managing the hearing
- Implement procedures to handle non-dismissible offences.
- Hear pleadings
- Mitigating & aggravating circumstances

- a decision as to sanction.
- Inform employee of and record decisions.
- Ensure that proceedings and decisions are recorded
- Fun Role Play of a Disciplinary Hearing

MODULE 4 -Difficult situations and the Employment Act Guidelines on Misconduct

- Procedures regarding further investigations needed at the end of the hearing
- Procedures regarding handling new charges arising during the hearing
- Procedures regarding time-frames regarding long delays
- Procedures regarding subpoenaing unwilling witnesses
- Procedures regarding legal representation in a hearing
- Legal guidelines on acceptable reasons to uphold a dismissal
- Legal guidelines on consistency and precedence
- Legal guidelines on when to give a final written warning
- Legal guidelines on aggravating circumstances and its weight
- Legal guidelines on mitigating circumstances and its weight
- Legal guidelines on weighting of Industrial Court cases
- Legal case law,history and precedents

Training methodology

The training course is conducted in a fun, participative way, using simulations, roleplays, case studies, videos, workbook activities and plenary discussions. These are used to encourage participation and interaction among delegates. A practical role play of a disciplinary hearing is conducted during the course.

An assignment and POE are submitted on completion of the course to ensure understanding and competence.