



INITIATING A DISCIPLINARY HEARING

COURSE OBJECTIVES

This course gives initiators (or complainants) the required skills of successfully investigating and prosecuting a disciplinary case. The course focuses on the importance of Law of Evidence. The course looks at how to gather evidence, how to lead evidence and how to argue your case in opening and closing statements in a workplace disciplinary hearing. It also looks at preparing witnesses' evidence and cross examination techniques for workplace hearings.

Many organisations have costly compensation orders from the Industrial Court due to Line Managers and HR staff not complying with legislation regarding disciplinary matters. This course will teach line managers how to effectively initiate a disciplinary hearing. Complacency, inconsistency and turning "a blind eye" by management is some of the pitfalls to discipline, organisations often experience. Misconduct issues of absenteeism, intoxication on duty, theft and many other types of misconduct are dealt with from the perspective of relevant case law and the Botswana employment Act CHAPTER 47:01 and Botswana - Public Service Act (Act No. 30 of 2008) (Cap. 26:01)'s Guidelines.

COURSE OUTLINES



MODULE 1-MISCONDUCT IN THE WORKPLACE

This module focuses on various instances of misconduct in the workplace and how to handle these effectively. Misconduct issues of absenteeism, intoxication on duty, sexual harassment, poor time keeping, theft, insubordination, damage to company property and many other forms of misconduct are dealt with. Case studies and relevant case law are used as examples of how to correctly deal with various misconduct offences and appropriate sanctions for each

Module outline

- Misconduct in the Botswana employment Act CHAPTER 47:01 and Botswana - Public Service Act (Act No. 30 of 2008) (Cap. 26:01)
- Understanding various offences of misconduct in the workplace including: absenteeism; being under the influence of alcohol; sexual harassment; theft; damage to company property; insubordination, poor time keeping and many other forms of misconduct
- Look at various case studies regarding the various forms of misconduct and how to deal with them appropriately
- We look at various case studies regarding the various forms of misconduct and how to deal with them appropriately
- How to address and deal with the misconduct before it becomes serious
- Verbal warnings, written warnings and final written warnings
- The company disciplinary code, ensuring employees are familiar with it
- Setting clear rules and guidelines for employee behaviour
- Overview of relevant case law
- Relevant sections of labour legislation
- Codes of good practice

MODULE 2-DISCIPLINARY INVESTIGATIONS AND THE LAW OF EVIDENCE

Module Outline

- Investigations & gathering information
- Interviewing potential witnesses
- Hostile witnesses
- Subpoenaing witnesses
- Preparing your witnesses statements

- Collating your statements & case information in date order
- Understanding the principles of the law of evidence
- Applying the principles of the law of evidence
- Evidence that is admissible and inadmissible
- Evaluating the evidence
- Types of evidence
- Prima facie evidence
- Circumstantial evidence
- Corroborating evidence
- Video evidence, sms's, photographs
- Documentary evidence
- Loco inspections
- Preparing evidence in camera – hostile or life threatening situations

MODULE 3-PRESENTING YOUR CASE

Module Outline

- Rules of case presentation
- Legal terminology
- Leading evidence
- How to present opening & closing arguments
- Preparing the witnesses
- Preparing questions for the witnesses
- Cross examination techniques
- Exposing witnesses weaknesses, contradictions and lies
- Overview of relevant case law
- Relevant sections of labour legislation
- Codes of good practice

Training methodology

The training course is conducted in a fun participative way, using simulations, role-plays, 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 is submitted on completion of the course to ensure understanding and competence.