



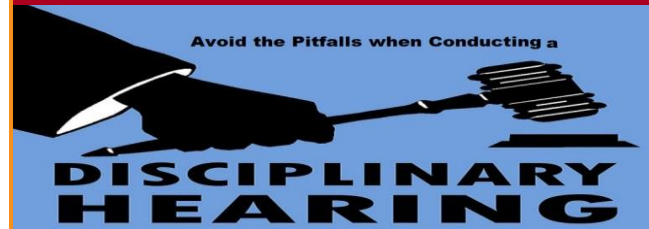
## LABOUR RELATIONS & EFFECTIVE DISCIPLINE

### COURSE OBJECTIVES

Many companies 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 how to effectively chair or initiate a disciplinary hearing. Complacency, inconsistency and turning “a blind eye” by management is some of the pitfalls to discipline companies often experience. Bullying tactics by the unions and shop stewards are also often encountered. These factors often lead to the lowering of disciplinary rules and standards in organisations. This course gives a practical hands-on approach for dealing with discipline in the workplace. How to conduct disciplinary hearings in line with the principles of fairness and equity as envisaged by the Employment Act Chapter 47:01 or Botswana - Public Service Act (Act No. 30 of 2008) (Cap. 26:01) is covered. Misconduct issues of absenteeism, intoxication on duty, theft and many other issues of misconduct are dealt with from the perspective of relevant case law and codes of good practice. The course also covers how managers can deal with issues of poor performance such as tardiness, idleness, inefficiency and laziness with confidence and consistency. Medical incapacity and prolonged illness in the workplace is also becoming a common place issue that line managers need to deal with. We also look at procedures needed for conducting fair retrenchments.

The course also gives an overview of the Basic Conditions of Employment Act.

### COURSE OUTLINES



#### MODULE 1 PROVIDE AN OVERVIEW OF THE BASIC CONDITIONS OF EMPLOYMENT ACT

##### Outline:

- Provide a detailed overview and application of the Basic Conditions of Employment Act including:
  - Regulation of working time
  - Overtime, Sundays and Public Holidays
  - Lunch breaks
  - Rest periods
  - Annual Leave
  - Family Responsibility Leave
  - Maternity Leave
  - Night duty requirements
  - Notice periods

#### MODULE 2 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 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.

##### Outline:

- Misconduct in the Employment Act Chapter 47:01

- 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
- 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 3 THE LAW OF EVIDENCE AND DISCIPLINARY INVESTIGATIONS

##### Outline:

- Understanding the principles of the law of evidence
- Applying the principles of the law of evidence
- Evidence that is admissible and inadmissible
- Cross examination techniques
- Rules of case presentation
- Leading evidence
- Cross examination techniques
- How to present closing arguments
- Investigations & gathering information
- Collating the information in date order
- Evaluating the evidence
- Types of evidence
- Prima facie evidence
- Circumstantial evidence
- Corroborating evidence
- Video evidence, sms's, photographs
- Documentary evidence
- Loco inspections
- Preparing the witnesses

- Preparing questions for the witnesses
- Overview of relevant case law
- Relevant sections of labour legislation
- Codes of good practice

#### MODULE 4-CONDUCTING A DISCIPLINARY HEARING – FAIR PROCEDURE

This module enables delegates to conduct proper disciplinary hearings and to administer disciplinary principles in a fair and consistent manner. It will lead delegates through the required procedural and substantive aspects pertaining to disciplinary action.

##### Outline:

##### The Guidelines on Misconduct of Appropriate sanctions

- Consistency of the organisation in applying sanctions
- Weighing up evidence and the balance of probabilities
- How Commissioners will weigh up evidence
- Commissioners rulings on unfair dismissals
- How to draft the allegations/charges / notice to attend a hearing
- Understand all fairness and equity principles
- Create a better understanding of required procedures during hearings
- 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 record
- Chairing the hearing
- Conducting and managing the hearing
- Implement procedure to handle non-dismissible offences.
- Hear pleadings
- Mitigating & aggravating circumstances
- Take 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 5-MANAGING POOR PERFORMANCE IN THE WORKPLACE

##### Outline:

- Understanding poor performance in the workplace
- Determining when performance is under par
- Measuring performance
- Performance appraisals
- Excellent, mediocre and sub-standard performance
- Counselling for poor performers
- Coaching and mentoring
- Identifying whether it is an attitude, skill or motivational problem
- Setting time frames for improvement
- Monitoring the improvements
- Poor performance and the LRA
- Relevant sections of labour legislation
- Codes of good practice

#### MODULE 6-MANAGING MEDICAL INCAPACITY IN THE WORKPLACE

##### Outline:

- Understanding medical incapacity in the workplace
- Dealing with prolonged medical absence in the workplace
- Counselling medical incapacitated employees
- Arranging for a medical discharge
- Medical disability benefits and procedures

#### MODULE 7-RETRENCHMENTS / OPERATIONAL REQUIREMENT TERMINATIONS

##### Outline:

- Valid reasons for operational requirement retrenchments
- Fair procedure in conducting retrenchments
- Duty to consult
- Duty to disclose information
- Alternatives to retrenchments
- Severance pay
- Notice pay

#### MODULE 8-DISPUTE RESOLUTION MECHANISMS

##### Outline:

##### We look at dispute resolution mechanisms for:

- Unfair misconduct dismissals
- Unfair poor performance and medical incapacity dismissals
- Unfair operational requirement retrenchments
- THE labour disputes processes

##### Training methodology

The training course is conducted in a fun participative way, using role-plays, case studies, 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.

##### Who should attend:

Line Managers, Supervisors, Team Leaders, HR Managers, ER Managers, HR staff, ER staff.

