



TRAINING

UNLEASHING YOUR POTENTIAL



Imsimbi Training proudly presents

Effective Disciplinary Hearings for Chairpersons – 2 DAYS

Imsimbi Training is a fully accredited training provider with the Services Seta, number 2147, as well as a Level 1 Contributor BBBEE company and 51% black owned.

This course is accredited by the Services Seta and material covers unit standard 11286 at NQF level 5 worth 8 credits.



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COURSE OBJECTIVES

Many organisations have costly compensation orders from the CCMA 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. Many organizations hire expensive legal consultants to chair their disciplinary hearings. This course will give your organization the skills to professionally chair a disciplinary hearing. This course gives a practical hands-on approach to chairing disciplinary hearings in your workplace. The course focuses on how to conduct disciplinary hearings in line with the principles of fairness and equity as envisaged by the Labour Relations Act. Sanctions for misconduct issues of absenteeism, intoxication 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 CCMA's guidelines.

COURSE OUTLINES

MODULE 1

Initiate a Disciplinary Hearing: The Law of Evidence and Disciplinary Investigations

Module Outline

- Identifying and classifying transgressions
- Drawing up the charges appropriately and correctly
- Notifying employees of a disciplinary hearing correctly
- Prosecuting your case
- Understanding the principles of the law of evidence
- Applying the principles of the law of evidence
- Rules of case presentation
- Leading evidence



Module 1 continued

- 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
- Circumstantial evidence
- Corroborating evidence
- CCTV footage, sms's, photographs
- Voice recordings, telephones
- Computer evidence, emails and internet
- Polygraph tests
- 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
- Balance of probabilities
- Evaluating the 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 rights of employee 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 of the chairperson
- Responsibilities of chairperson
- Making an appropriate sanction
- Consistency of the organisation in applying sanctions
- Weighing up evidence
- How Commissioners will weigh up evidence
- Commissioners 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 record
- Chairing the hearing
- Objectivity of the chairperson
- Conducting and managing the hearing
- Implement procedure to handle non-dismissible offences.
- Hear pleadings
- The balance of probabilities and beyond reasonable doubt requirements
- Mitigating & aggravating circumstances
- Take a decision as to sanction.
- Inform employee of and record decisions



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- Ensure that proceedings and decisions are recorded
- How to write a clear and professional judgment after a hearing
- Appeal Hearings
- Fun Role Play of a Disciplinary Hearing

MODULE 4:

Difficult situations and the CCMA Guidelines on Misconduct of January 2012:

- Procedure regarding further investigations needed at the end of the hearing
- Procedure regarding handling new charges arising during the hearing
- Procedure regarding timeframes regarding long delays
- Procedure regarding subpoenaing unwilling witnesses
- Procedure regarding legal representation in a hearing
- Employees arrested with bail and without bail
- Employee imprisoned after a criminal hearing
- Employees refusing to give evidence in hearings
- Suspensions
- CCMA guidelines on acceptable reasons to uphold a dismissal
- CCMA guidelines on consistency
- CCMA guidelines on precedence
- CCMA guidelines on when to give a final written warning
- CCMA guidelines on aggravating circumstances and its weight
- CCMA guidelines on mitigating circumstances and its weight
- CCMA guidelines on weighting of Labour Court cases
- CCMA case law history and precedents
- Labour law procedures and criminal/civil procedures

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.

