



TRAINING

UNLEASHING YOUR POTENTIAL



Imsimbi Training proudly presents
Effective Disciplinary Hearings – 3 days

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

This course is accredited by the Services Seta and material covers unit standards 10985 at NQF level 6 worth 5 credits and 11286 at NQF level 5 worth 8 credits.



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COURSE OBJECTIVES

This comprehensive course on disciplinary hearings enables managers to do the following:

- **chair disciplinary hearings effectively**
- **initiate and prosecute disciplinary hearings effectively**

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 how to effectively chair a disciplinary hearing. The course also gives line managers effective skills in prosecuting and initiating a disciplinary hearing. Many cases are lost at the CCMA because managers do not chair hearings correctly or they do not know how to investigate a case and gather sufficient evidence to prosecute a case. 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 Labour Relations Act is covered. 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 CCMA's Guidelines. The course also covers how managers can deal with issues of poor performance such as tardiness, inefficiency and laziness with confidence and consistency. Medical incapacity and prolonged illness in the workplace is also becoming a common issue that line managers need to deal with.



COURSE OUTLINE

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

- Misconduct in the Labour Relations Act
- Understanding various offences of misconduct in the workplace including: theft; damage to company property; insubordination, poor time keeping, fraud, social media and many other forms of misconduct.
- An in-depth look at:
 - absenteeism;
 - being under the influence of alcohol and drugs - testing;
 - sexual harassment;
- Looking at various case studies regarding the various forms of misconduct & how to deal with them appropriately and gather evidence
- How to address and deal with the misconduct before it becomes serious
- Verbal warnings, written warnings and final written warnings
- Serious and non-serious offences
- Consistency and fairness
- 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



COURSE OUTLINE

MODULE 2

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
- 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



MODULE 3

Chair 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.

Module outline

The CCMA Guidelines on Misconduct of January 2012:

- 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

Chairing a disciplinary hearing:

- 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.



COURSE OUTLINE

- Inform employee of and record decisions.
- Ensure that proceedings and decisions are recorded

MODULE 4

Managing Poor Performance in the Workplace

Module 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
- Humorous Video John Cleese on poor performance



MODULE 5

Managing Medical Incapacity in the Workplace

Module Outline

Understanding medical incapacity in the workplace

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

MODULE 6:

Three Hour Role Play of a Disciplinary Hearing

- Practical and fun Role Play – each delegate takes a different role as a chairperson, initiator, shop steward or witness.

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.

