



TRAINING

UNLEASHING YOUR POTENTIAL



Imsimbi Training proudly presents

Shop Steward Training for 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 and 51% black owned.

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



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COURSE OBJECTIVES

This course gives shop stewards the required skills of successfully defending their members in a disciplinary hearing case. The course focuses on the importance of the 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. These skills are paramount for shop stewards so that they give their members the best defense possible in a disciplinary hearing.

This course will teach shop stewards how to effectively defend their members in a disciplinary hearing. Shop stewards often do not prepare their cases well. They do not gather sufficient evidence and prepare their witnesses well and therefore often lose dismissal cases of their members. Misconduct issues are dealt with from the perspective of relevant case law and the CCMA'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.

Module outline

- Misconduct in the Labour Relations Act
- 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 defend them
- We look at various case studies regarding the various forms of misconduct and how to deal with them appropriately
- Verbal warnings, written warnings and final written warnings
- Hearings need to proceed final written warnings
- The company disciplinary code and union consultation
- Appropriate sanctions for different offences
- Importance of handling each case on its own merits
- Arguments for final written warnings rather than dismissal sanctions
- 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
- 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 admissable and inadmissable
- Evaluating the evidence
- Types of evidence
- Prima facie evidence
- Circumstantial evidence
- Corroborating evidence
- CCTV evidence, sms's, photographs
- Documentary evidence
- Loco inspections



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
- Convincing witnesses not to be intimidated by management
- Cross examination techniques
- Exposing witnesses' weaknesses, contradictions and lies
- Exposing management manipulation of documentation
- Exposing weaknesses in trumped up charges

MODULE 4: **Procedural Fairness**

Module Outline

- Procedural fairness to be followed during a hearing
- The right to have time to prepare
- The right to have access to information
- The rights to have interpreters
- The right to have copies of minutes of hearings or findings
- The right to call witnesses
- Mitigating circumstances
- The right to have a neutral chairperson
- The right to appeal
- The right to refer it to the CCMA
- Overview of relevant case law
- Relevant sections of labour legislation
- Codes of good practice



MODULE 5: Grievance Handling

A grievance is the situation where the employee is discontented with either the employer's action or alternatively the actions of a fellow employee. The primary purpose of a grievance procedure is to prevent, where possible, grievances progressing along the path of conflict and developing into disputes.

Module 5 Outline

- What is a grievance?
- Choosing the correct procedure
- The path of conflict
- The purpose of a grievance procedure
- The procedure for public service employees

Role Play on actual disciplinary hearing

- Representing the accused
- Presenting your evidence
- Focusing on the details
- Highlighting contradictions and inconsistencies

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.

