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Imsimbi Training proudly presents

Labour Relations & Effective Discipline – 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 NQF Level 5 worth 8 credits

SERVICES SETA

julius@imsimbi.co.za - tammy@imsimbi.co.za - margaret@imsimbi.co.za - prince@imsimbi.co.za - gloria@imsimbi.co.za
ofentse@imsimbi.co.za

011 678 2443 WWW.IMSIMBI.CO.ZA

COURSE OBJECTIVES

This course includes all the 2025 amendments to the Labour Relations Act. The 2024 amendments to the Basic Conditions of Employment Act.

Many companies 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 an overview of the Basic Conditions of Employment Act, focusing on contracts, probation, fixed term contracts, working hours and over time pay.

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, sexual harassment 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 with confidence and consistency. Medical incapacity and prolonged illness in the workplace are also becoming a common place issue that line managers need to deal with. We also look at procedures needed for conducting fair retrenchments.

COURSE OUTLINE

Module 1: Provide an overview of the Basic Conditions of Employment Act

<u>Module Outline</u>

- Provide a detailed overview and application of the Basic Conditions of Employment Act:
- Regulation of working time
- Overtime, Sundays and Public Holidays
- Lunch breaks
- Sick leave
- Annual Leave
- Family Responsibility Leave
- Maternity Leave
- Night duty requirements
- Notice periods
- Fixed term contracts
- Consultants
- Probation 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.

Module outline

- Misconduct in the Labour Relations Act
- The difference between misconduct, incapacity and operational requirements
- Automatically unfair dismissals
- Discrimination
- Understanding various offences of misconduct in the workplace including: absenteeism; 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
- Implement procedure to handle non-dismissible offences.
- Verbal warnings, written warnings and final written warnings
- Time frames for warnings – when to hold a hearing
- 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

Module Outline

- Understanding the principles of the law of evidence
- Applying the principles of the law of evidence
- Evidence that is admissible and inadmissible
  - Rules of case presentation
  - Leading evidence
  - Cross examination techniques
  - Investigations & gathering information
  - Evaluating the evidence
  - Types of evidence
  - Prima facie evidence
  - Circumstantial evidence
  - Corroborating evidence
  - CCTV footage, SMS's, photographs
  - Emails, telephone calls, voice recordings
  - Documentary evidence
  - Loco inspections
  - Preparing the witnesses
  - Preparing statements and questions for witnesses
  - Polygraph tests; Entrapment
  - How to present closing arguments
  - Collating the information in date order
  - 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.

Module outline

- The CCMA Guidelines on Misconduct of January 2012:
- Consistency of the organisation in applying sanctions
- How CCMA Commissioners will weigh up evidence
- Commissioner's rulings on unfair dismissals
- Weighing up evidence and the balance of probabilities
- Appropriate sanctions
- 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
- Neutrality of chairperson
- Preparation for the hearing
- Procedure and conduct during the disciplinary hearing
- Procedure and conduct during the appeal hearing
- Understanding and complying with the duty to keep record
- Chairing and managing the hearing
- Hear pleadings
- Mitigating & aggravating circumstances
- Take a decision as to sanction.
- Inform employee of and record decisions.
- Ensure that proceedings and decisions are recorded
- **Three Hour Practical Fun Role Play of a Disciplinary Hearing with all participants**



Module 5: 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
- Grounds for fair poor performance – standard is reasonable and vaild
- Grounds for poor performance – comparison with other employees
- Factors outside employee's control
- Counselling for poor performers
- Coaching and mentoring
- Training
- 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

Module 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 boarding
- Medical disability benefits and procedures

Module 7: Retrenchments/ Operational Requirement terminations

Module 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

Module Outline

We look at dispute resolution mechanisms for:

- Unfair misconduct dismissals
- Unfair poor performance and medical incapacity dismissals
- Unfair operational requirement retrenchments
- CCMA processes
- Conciliation
- Arbitration
- Time frames
- Compensation for unfair dismissals
- Labour Court 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. Facilitators are highly experienced labour law practitioners and experts.

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,

