



Abstract

Disciplinary processes form an essential part of employment or labour relations management and cannot be isolated from an organisation's grievance processes. The effective management of discipline relates to communication of expected standards of conduct and performance and the management of misdemeanours of organisation policies, rules, and procedures through a defined, regulated process whose output is appropriate sanctions or alternative outcomes that are perceived as fair and ethical by all parties to the process.

The changing world of work requires of such HR processes to be dynamic in nature and be adjusted to existing organisational working models.

We have built into this 2-day interactive course, the fundamental requirements of good disciplinary practices in line with the SABPP Professional Practice Standard:

- As is the case globally, discipline is a line management responsibility and should not be handed over to the HR or legal department.
- The role of the HR/legal department is to assist and support line managers through the provision of process, training, and advice.
- All managers and employees must view and believe that discipline is consistent and facilitates the achievement of organisational objectives, such that employees' rights to fair treatment are balanced with the organisation's need to have rules adhered to.
- Discipline should be aimed at correction and not punishment.
- All alleged breach of company rules should be investigated to establish all facts before a decision is made on the next course of action.
- The all-embracing legal requirements around disciplinary handling must be adhered to without over-legalising procedures and related processes.

Course Outline

<p style="text-align: center;">Module 1: The context of workplace discipline</p> <ul style="list-style-type: none"> • Defining employee relations • contract of employment and common law requirements • Common law and the employment relationship • Common law duties and obligations of employers and employees • Sources of South African labour law • Overview of labour and related legislation 	<p style="text-align: center;">Module 2: Code of Good Practice: Dismissal</p> <ul style="list-style-type: none"> • Provisions of the Code of Good Practice: Dismissal • Disciplinary procedures prior to dismissal • Fair procedure • Discipline in the case of industrial action • Collective misconduct • Dismissal for misconduct • Incapacity
<p style="text-align: center;">Module 3: Corrective discipline</p> <ul style="list-style-type: none"> • The concept of progressive discipline • Principles of progressive discipline. • Disciplinary counselling interview • Disciplinary interview 	<p style="text-align: center;">Module 4: Review of company disciplinary code and procedure</p> <ul style="list-style-type: none"> • Disciplinary policy and procedure including different timelines. • List of disciplinary transgressions and respective penalties • Currency of Code and Procedure • Relevance to company and or industry • Appeal processes • Independence of HR Department and its role
<p style="text-align: center;">Module 5: The disciplinary hearing</p> <ul style="list-style-type: none"> • When should a disciplinary hearing be instituted? • Participants and their roles in a disciplinary hearing. • The disciplinary hearing processes. • Initiating: witnesses; evidence; opening and closing arguments • Plea bargaining Role of chairperson and guidelines on chairing a disciplinary hearing • Testimonies of witnesses and rules of natural justice 	<p style="text-align: center;">Module 6: Dealing with specific scenarios.</p> <ul style="list-style-type: none"> • Compliant, fair, and effective virtual/remote disciplinary hearings • Zero-tolerance policies on alcohol and drug abuse: <i>Air Products South Africa (Pty) Ltd v Neo Archibald Matee and Others</i> • Duty of good faith: <i>HOD of Sports, Culture & Recreation - Free State v NEHAWU obo Masekoa & Others</i> • Insubordination v insolence: <i>Independent Risk Distributors SA (Pty) Ltd v CCMA and Others</i> • Employee refuses/fails to attend a disciplinary hearing. • Disciplinary hearings that are criminal offences. • Double jeopardy

	<p>Second hearing for harsher penalty</p> <ul style="list-style-type: none"> • Employer appealing against own chairperson's sanction. • Vicarious liability • Recovering funds misappropriated by employees. • Reinstatements/reappointments and related exceptions • Does the employee's fiduciary duty extend beyond resignation? • Dealing with violence in the workplace • Is derivative misconduct still alive? • Dealing with cases involving one witness
	<p>Module 7: Behaviour modelling: Role plays of various scenarios by participants.</p> <ul style="list-style-type: none"> • Formulation and application of checklist for chairing hearing. • Role playing given scenarios.

Target group

- Union officials
- Shop stewards
- Bargaining council officials
- Senior managers /managers
- Supervisors
- HR Officers.
- HR Business Partners
- Labour relations specialists.

Course Duration

2 Days
14 CPD Points

Course Fee

- SABPP members R3 090.00 excl vat
- Non-members R3 708.00 excl vat