



**O & M Letsatsi PV Plant**

# **Disciplinary Code & Procedure Guidelines**

REVISION	DATE OF RELEASE	PURPOSE
Initial Draft	August, 2014	Initial Release
Re-Draft	October, 2014	Amendments made by Contracts Manager

Approvals:

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## 1 INTRODUCTION

Employees are entitled to protection from arbitrary treatment in the workplace and the employer is entitled to satisfactory conduct and work performance from its employees.

Employees must be aware of the standards of conduct and performance required of them. If they fail to uphold these standards or achieve the required levels of performance, the employer may take steps to remedy them by using corrective measures in the form of counselling sessions and progressive warnings.

The employer may use informal procedures before resorting to formal measures. Dismissal will be reserved for cases of serious misconduct and repeated offences only.

The employer acknowledges the principle that “...*justice delayed is justice denied*”. The employer will therefore apply the disciplinary procedures as soon as reasonably possible after it becomes aware of any allegation of misconduct or non-performance.

Disciplinary action should generally be taken within 7 working days from the date on which the alleged incident of misconduct occurred. The period may be extended for good reasons – which may include reasonable time to conduct the investigation, the availability of personnel who will participate in the procedures, logistical issues etc.

This disciplinary code is applicable to all employees.

The disciplinary code is regarded as a guideline and its interpretation must be adequately flexible in order to adjust to various circumstances.

## 2 PURPOSE AND OBJECTIVES OF THE DISCIPLINARY CODE AND PROCEDURE

- 2.1 The disciplinary code and procedure is designed to correct unsatisfactory behaviour in the employment relationship.
- 2.2 The code is based on the following principals –
  - a) The right of management to take appropriate disciplinary steps against any worker, who acts in a manner conflicting with the interest of the Employer.
  - b) At the same time the code also recognizes the right of a worker to a fair hearing and applicable and just disciplinary action.
  - c) The emphasis of any disciplinary system is on prevention, justice and rehabilitation.
- 2.2 The purpose of the code is –
  - a) To provide a systematic means of managing discipline to ensure fair and just treatment of employees;
  - b) To ensure that employees are aware of the Employer’s rules and standards of conduct which they are required to comply with;
  - c) To ensure that employees are aware of the process that will be followed if they are suspected of failing to comply with the rules and standards of conduct;
  - d) To ensure consistency in the way that all employees are treated.
- 2.3 Enforcement of discipline is management’s prerogative and it is all levels of management’s responsibility to maintain discipline and to ensure that employees are aware of and comply with the rules and standards in the workplace.

### **3 BASIC RIGHTS OF EMPLOYEES AND EMPLOYERS**

#### **3.1 Employee Rights**

An employee has the right to –

- (a) Advance notice of any charges against him or her in a form and in language which the employee can reasonably understand;
- (b) A reasonable time period within which to prepare her or his case – which should not be less than 48 hours;
- (c) Participate at a hearing or enquiry by presenting statements or evidence;
- (d) Be represented at a hearing or enquiry by a colleague of his or her choice - and, if an employee is a member of a trade union, by a shop steward (if there is one) or a trade union representative;
- (e) To call witnesses to give evidence on his or her behalf;
- (f) Be assisted by an interpreter (if required);

#### **3.2 Employer rights**

The employer has the right to –

- (a) Initiate disciplinary action in terms of the disciplinary procedure, when an employee is alleged to have contravened the disciplinary code;
- (b) Deal with discipline within the parameters of applicable labour legislation;
- (c) Set rules and standards of conduct and require that employees comply with them;
- (d) Set the required work rules and standards require that employees comply with them.

### **4 FORMS OF DISCIPLINARY ACTION**

It must be emphasized that the emphasis is on correcting an employee's behaviour through the system of disciplinary measures.

A distinction should be made between formal and informal discipline.

Formal procedures do not have to be invoked every time a rule is broken or standard is not met. Informal advice and correction is accepted as the best and most effective way for the company to deal with minor violations.

#### **4.1 Informal Discipline**

The application of informal discipline is the responsibility of all levels of management and will take the form of counselling.

The employee's manager discusses the issues in a problem solving manner and gives guidance to the employee on how he or she can perform to the required standards within a reasonable time.

Depending on the circumstances, the frequency and severity of the violation in question a manager may impose any of the sanctions set out in clause 5 below.

#### **4.2 Formal Discipline**

Formal discipline should be reserved for cases where the frequency and severity of an employee's alleged misconduct is sufficiently serious to warrant dismissal if found guilty.

Formal discipline shall take the form of a Disciplinary Enquiry. The following procedure should be followed when instigating a Formal Disciplinary Enquiry.

#### **4.2.1 Investigation**

The employer must first investigate the allegations as soon as possible after they are reported. The investigator should interview and take a detailed statement from the complainant, any potential witnesses and the employee concerned.

He or she should also examine relevant documentary and other evidence.

The purpose of the investigation is to determine whether there is sufficient evidence on the face of it to justify the need to convene a disciplinary enquiry to examine the allegations and the evidence more thoroughly.

#### **4.2.2 Notice to Attend a Disciplinary Enquiry**

After the investigation has been completed and it is found that there is sufficient evidence on the face of it to justify the need to convene a disciplinary enquiry, the Employer must issue a Notice to the Employee concerned to attend a disciplinary enquiry.

The Notice must -

- a) Clearly describe the charges;
- b) Remind the employee or his or her rights;
- c) State the time, date and place of the enquiry;
- d) State the name of the chairperson of the enquiry; and

The Notice must give the Employee at least 3 working days to prepare for the enquiry.

This period may be shortened by agreement with the employee – or it may be extended for good reason.

Attached hereto and marked Annexure “A” is an example of the Notice.

#### **4.2.3 The Chairperson**

The Disciplinary Enquiry should preferably be chaired by a manager more senior than the employee or the initiator.

#### **4.2.4 Suspension**

The employer may suspend the employee from the performance of his or her duties on full pay and benefits pending the conclusion and final outcome of the enquiry. The employer must first advise the employee of its intention to suspend him or her and give an opportunity to make representations before making a decision to suspend.

There must be good reasons for the suspension. These could include concerns that the employee may interfere with the investigation or with potential witnesses – or that the employee’s continued presence in the workplace could disrupt or have negative effects on other employees and normal work operations.

When deciding whether or not to impose the penalty of dismissal, the employer must, in addition to the seriousness of the misconduct, consider factors such as the employee’s circumstances, including length of service, previous disciplinary record and personal circumstances, the nature of the job and the circumstances of the infringement itself.

#### **4.2.5 The Enquiry**

The Chairperson will be responsible for ensuring a systematic and sequential flow of the proceedings.

Attached hereto and marked Annexure “B” is a Flow Chart to assist the Chairperson in this regard.

The Chairperson will be responsible for recording the exact events during the disciplinary enquiry.

The Chairperson shall within 2 (two) working days of the Enquiry give a decision on the matter. The decision shall be recorded on the disciplinary report and a copy, signed by all the parties, made available to the employee and/or employee representative.

Attached hereto and marked Annexure "C" is a template of a Disciplinary Report.

The Chairman shall ensure that the employee and/or employee representative are made aware of the right of the Employee to appeal against the disciplinary action taken.

#### **4.2.6 Sanctions**

Should the Chairperson find the Employee guilty on any of the charges, sanctions can be implemented taking into account the following factors:

- a) This Disciplinary Code & Procedure Guidelines and in particular clause 5 below.
- b) The nature/gravity of the offence.
- c) The circumstances of the infringement.
- d) The nature of the employer's business.
- e) The Employee's disciplinary record.
- f) The Employee's personal circumstances.

Attached hereto and marked Annexure "D" is a template of a Written Warning.

Attached hereto and marked Annexure "E" is a template of a Final Written Warning.

Attached hereto and marked Annexure "F" is a template of a Dismissal Form.

Attached hereto and marked Annexure "G" is a template of a Written Warning

#### **4.3 Appeal**

Any Employee disciplined in terms of this procedure but not dismissed, may appeal, in writing, to the next level of management, i.e. the more senior supervisor or manager to the one who implemented the disciplinary action.

Any Employee dismissed in terms of the disciplinary procedure shall have the right to appeal. The grounds for the appeal against dismissal or disciplinary action shall be submitted in writing to the manager concerned within 3 (three) working days from the delivery of the decision.

The manager concerned shall, as soon as possible, but with 2 (two) working days of receipt of the appeal application, conduct a formal appeal hearing. The appeal hearing shall be conducted along similar lines to the disciplinary enquiry. The manager concerned shall, within 2 (two) working days of the appeal hearing give a decision which will be final, unless the dispute is referred to the CCMA.

### **5 CODE (OFFENCES)**

The disciplinary code that follows is not exhaustive, that is, it does not contain a full and exhaustive list of the offences with which an employee can be charged. It merely sets out, by way of example, a list of some of the offences with which an employee may be charged. If an offence is not dealt with in the code, it is deemed advisable to approach the Human Resources Department before any disciplinary steps are taken.

The disciplinary code contains a penalty/sanction guideline chart which means that, should the Employer elect to charge an employee with an offence listed in such chart, the sanctions set out in respect thereof are merely guidelines as to the penalty/sanction to be imposed and do not constitute inflexible rules which have to be followed slavishly.

The disciplinary code does not derogate from the Company's right to dismiss on any grounds that the law regards as sufficient;

The Company reserves the right to add to, delete from, or amend, any of the recommended actions or transgressions/offences listed in the disciplinary code at any time.

Sanctions imposed in terms of this code shall be valid for a period of six (6) months.

OFFENCES	DESCRIPTION	GUIDELINES	SANCTION
<b>Timekeeping Offences</b>			
Desertion	Absence from work for 5 (five) consecutive working days without any notification to the employer.	Investigate circumstances of the absence. Stop salary and in accordance with the policy regulations and conditions of service, the employee's service must be deemed to be terminated. If, however, the employee returns and tenders his/her services, a post desertion inquiry must be held. If, in view of the circumstances, acceptable reasons are furnished for the absence, the employee may be reinstated and, if appropriate, disciplinary action may be initiated upon reinstatement.	
Absence without permission	Absent from work for at least one to four working days.	First Offence Second Offence Third Offence	Written Warning Final Warning Dismissal
Failing to inform management in good time of absence	Failing to inform direct supervisor of extension of leave, sick leave or any other reason.	First Offence Second Offence Third Offence	Written Warning Final Warning Dismissal
Poor time keeping or lateness for work	Reporting for work late or leaving early.	First Offence Second Offence Third Offence	Written Warning Final Warning Dismissal
Leaving the premises of place of duty without permission	Disappearance from workplace without permission	First Offence Second Offence Third Offence	Written Warning Final Warning Dismissal
<b>Work Output &amp; Performance Offences</b>			
Negligence, neglect, indifference, incompetence, unreliability, poor co-operation, and lack of interest.	Failure to carry out duties diligently or at all due to the aforesaid	First Offence Second Offence Third Offence	Written Warning Final Warning Dismissal
Failing to work according to standard		First Offence Second Offence Third Offence	Written Warning Final Warning Dismissal
Poor maintenance of Vehicle or maintenance for which the employee is responsible		First Offence Second Offence Third Offence	Written Warning Final Warning Dismissal
Sleeping while on duty		First Offence Second Offence Third Offence	Written Warning Final Warning Dismissal
Wastage of materials		First Offence Second Offence Third Offence	Written Warning Final Warning Dismissal
Injury to another through negligence or horseplay		First Offence Second Offence Third Offence	Written Warning Final Warning Dismissal
Using company property for a purpose other than intended		First Offence Second Offence Third Offence	Written Warning Final Warning Dismissal
Poor Work Performance (this is not a form of misconduct)	Continued output of work of a low quality as a result of the incapacity of an employee to comply with the post requirements.	See Schedule 8, items 8 & 9 of the Labour Relations Act as well as this policy on the Management of Poor Work Performance	



<b>Dishonesty</b>			
Dishonesty or attempted dishonesty	Any dishonesty or attempted dishonesty including conspiracy, theft, unauthorised possession of property, misuse of sick leave for other purposes than recuperation or medical treatment, bribery, fraud, corruption, forgery or giving false or misleading statements to anybody	First Offence	Dismissal
Non-disclosure/ misrepresentation of relevant information	Failure to declare previous convictions, a record of misconduct or chronic ill health before employment. Nondisclosure of direct or indirect outside interests/ sources of income or gifts and benefits received.	First Offence	Dismissal
Misuse of position	Misuse of position to promote personal interests	First Offence	Dismissal
Competing / conflict with the interests of the Company	e.g. Doing private work without permission	First Offence	Dismissal
<b>Offences to the person or dignity of others</b>			
Rudeness, insolence, impoliteness, the use of foul language, making disparaging remarks and making improper or indecent gestures at a supervisor, a colleague or any other person	Abusive behaviour that may upset relationships or injure the dignity of others.	First Offence Second Offence	Final Warning Dismissal
Harassment, including sexual-, religious, or racial harassment.	Unwanted deliberate and subtle physical and psychological harassment of others by innuendos or physical acts or otherwise belittling his/her person	First Offence	Dismissal
Assault, attempt or a threat to assault a person or fighting	Physical or verbal attack on a person	First Offence	Dismissal
Unfair Discrimination	Promoting or engaging in hate speech, incitement or being abusive or engaging in discriminatory behaviour based on inter alia race, gender, creed, political beliefs or sexual orientation, including racist jokes	First Offence	Dismissal
Skylarking or horseplay	horseplay Conduct that has a detrimental effect on the maintenance of order, health & safety and discipline	First Offence Second Offence	Final Warning Dismissal
<b>Alcohol or Drug –related offences</b>			
Under the influence of drugs/alcohol while on duty		First Offence	Dismissal

Unauthorized possession or consumption of drugs/alcohol while on duty		First Offence	Dismissal
<b>Unacceptable Behaviour</b>			
Improper behaviour damaging the interests of the Company	Improper behaviour with the effect of potentially damaging the interests of the Company	First Offence Second Offence	Final Warning Dismissal
<b>Rules, Regulations and Policies</b>			
Contravention of any provision of regulation contained in any applicable legislation, internal policies, procedures & practices	Contravention of any provision of regulation contained in any applicable legislation, internal policies, procedures & practices	First Offence Second Offence	Final Warning Dismissal
Act which is a crime in terms of South African law	Performance of an act which is a crime in terms of South African law and where such act relates to the employer/employee relationship or poses a threat to the interests of the Company.	First Offence	Dismissal
Possession of forbidden articles	Unauthorised possession of a camera, firearm, weapon or other dangerous materials	First Offence Second Offence	Final Warning Dismissal
Traffic related misconduct	Reckless or careless driving or ignoring traffic rules, traffic signs and speed limits on the Company premises	First Offence Second Offence	Final Warning Dismissal
<b>Offences relating to property and assets</b>			
Revealing confidential information	Without obtaining the prior approval of the Company, reveals confidential information he/she has gathered or obtained as a result of his/her duties for reasons other than the execution of his/her official duties	First Offence	Dismissal
Copyright and patent infringements	Commits any act which infringes on copyright or any other form of immaterial property law and where such act may be detrimental to the Company	First Offence Second Offence	Final Warning Dismissal
Unauthorised use/misuse of property or assets	Uses the property, facilities, vehicles, electronic equipment and applications, or other assets without authorisation	First Offence Second Offence	Final Warning Dismissal
Damaging of property or Assets	Wilful or negligent damaging of property or assets	First Offence Second Offence	Final Warning Dismissal
<b>Resisting Authority</b>			
Insolence /undermining Authority	Repudiation by an employee of his/her duty to show respect or to recognise the authority of superiors.	First Offence Second Offence	Final Warning Dismissal
Insubordination/ refusal to obey instructions	Refusal to execute reasonable and fair orders or ignoring such orders, or inciting or intimidating other employees to	First Offence Second Offence	Final Warning Dismissal

	act accordingly		
Intimidation	Directly or indirectly influencing others to engage in disorderly Conduct	First Offence Second Offence	Final Warning Dismissal

## 6 MANAGING INCAPACITY AND POOR PERFORMANCE

### (a) Definition

“Incapacity” means the inability of an employee to meet the required performance standards.

“Poor work performance” means the inability of an employee to meet the required standard or output for the position in which she or he is employed, e.g. less than expected output or quality, failure to meet set targets, and non-conformance to reasonable or agreed standards.

### 6.1 Management responsibility

It is management’s responsibility to maintain employee work performance and to ensure that:

- Job descriptions and clear performance standards are communicated to employees;
- Appropriate instruction, training and guidance are provided to employees;
- Employees are given a reasonable period of time to learn aspects of their jobs;
- Feedback, counselling and if appropriate, retraining are provided to employees to enable them to perform to standard;
- If termination is contemplated, the employer must inform the employee of an enquiry and his or her rights.

### 6.2 Performance counselling

An employee’s services may not be terminated for poor performance unless the employer has given the employee appropriate evaluation, instruction, guidance or counselling. In addition, the employer must give the employee reasonable time to improve his or her performance - except if the employee is still on probation. It is recommended that the manager should first conduct a proper investigation consider remedial action short of termination before making the decision to terminate the employee’s employment.

### 6.3 Employees on Probation

The purpose of probation is to allow both parties the opportunity to assess whether to continue with the working relationship and for the employer to determine whether the employee is suitable for continued employment.

During the probationary period, the employer should give relevant evaluation, feedback, instruction and guidance to the employee in an attempt to assist the employee to reach the required standards.

If the employee still does not achieve the required standard of performance, the employer may either terminate the employee’s contract of employment or extend probation period subject to conditions.

### 6.4 General

Once the manager has established that the employee’s performance is unsatisfactory in spite of the support and the period given for improvement, and that there is no other alternative short of dismissal to remedy the matter, the employee may be dismissed. The employee must first be given the opportunity to make representations about the reasons for the poor performance.

## **7 MANAGING INCAPACITY FOR ILL HEALTH OR INJURY**

Whether the incapacity is due to ill health or injury, the manager should establish whether it is of a permanent or temporary nature. He or she should make every effort to seek alternative means of accommodating the employee before terminating the services of the employee. In investigating the extent of the employee's incapacity, the manager must allow the employee to state a case in response and to be assisted by a fellow employee.

Consideration should be given to the nature of the job, the length of the incapacity, the seriousness of the incapacity and the possibility of using temporary staff in the interim. Furthermore, if incapacity is permanent, the employer should attempt to adapt the duties or work circumstances to accommodate the employee's disability.

The manager must inform the employee if his or her continued absence exceeds the employer's sick leave policy. Medical opinion should be sought if necessary. The manager may invoke the disciplinary procedure if an employee fails to perform despite a medical report which indicates that his or her condition has improved and the employee is capable of performing his or her duties.

The employer may terminate the employee's services if he or she is permanently disabled. In this case, the manager must assist the employee by consulting with the relevant parties and institutions to determine whether the employee qualifies for compensation in cases of partial or permanent incapacitation.

## **8 TERMINATION OF EMPLOYMENT FOR OPERATIONAL REASONS**

The Labour Relations Act places an obligation on an employer to explore all possible alternatives to dismissal and to ensure that employees who may be dismissed for operational requirements are treated fairly.

### **8.1 Consultation**

- (a) Whenever an employer contemplates dismissal of employees based on operational requirements, it must consult with employees, their trade unions or representatives at least six weeks before notice of termination of service is given to employees, and before the decision to dismiss is finally taken.
- (b) Consultation must include the opportunity for affected employees to meet with management to make recommendations and to request relevant information.
- (c) The aim of the consultation process is to attempt to reach consensus on appropriate measures to:
  - Avoid dismissals;
  - Minimize the number of dismissals;
  - Change the timing of the dismissals; and
  - Mitigate the adverse effects of the dismissals.

### **8.2 Criteria**

- (a) If one or more employees are to be selected for dismissal from a number of employees, the criteria for their selection must be either agreed with the consulting parties. If no criteria have been agreed, the criteria must be fair and objective.

- (b) Criteria that infringe a fundamental right protected by relevant labour legislation when they are applied can never be fair. Criteria that may appear neutral should be carefully examined to ensure that when they are applied they do not have a discriminatory effect.
- (c) Criteria that are generally accepted to be fair include length of service, skills, qualification and "last in first out" (LIFO). Exceptions to the LIFO principle may include retention of skills and disciplinary records.
- (d) The employer must allow the other consulting parties an opportunity to make representations about any matter which they are consulting about.
- (e) The employer must consider and respond to the representations made by the other consulting party. If the employer does not agree with them, the employer must state reasons for disagreeing.

**ANNEXURE "A"**

**NOTICE TO ATTEND A DISCIPLINARY ENQUIRY**

TO:

JOB TITLE:

Please take note that your services have been suspended with full pay pending the outcome of this disciplinary enquiry.

You are hereby instructed to attend a Disciplinary Enquiry to be held on \_\_\_(insert date)\_\_\_ ,at \_\_\_(insert venue)\_\_\_.

The charge(s) are as follows:

You are entitled to:

1. The right to be advised timeously of any charge/allegations to which you must answer.
2. The right to be advised of the particulars of the charge/allegation being faced (i.e. date, time and the derailed nature of the alleged transgression)
3. The right to sufficient time to prepare your defence. (3 days)
4. The right to be given a formal disciplinary hearing prior to any possible dismissal, if and when appropriate.
5. The right to be present at such formal disciplinary hearing. This right is forfeited if you fail, without good reason, to attend such enquiry.
6. The right to be represented at any formal disciplinary hearing by colleague of your choice, provided that such representative is an employee of the Company.
7. The right to cross-examine and question any person giving evidence at a formal disciplinary hearing.
8. The right to an interpreter, if needed. Please advise us timeously so that the Company can make the necessary arrangements.
9. The right to call witnesses on your behalf.
10. The right to be given a finding and the reasons thereof, at the end of any formal disciplinary hearing.
11. The right to have any previous exemplary conduct on service considered prior to the determining of the disciplinary penalty.
12. The right to appeal to another Presiding Officer, against any formal disciplinary hearing finding and/or penalty in terms of the Disciplinary Procedure.

The Chairperson of the enquiry shall be: \_\_\_(insert name)\_\_\_.

\_\_\_\_\_  
MANAGER

\_\_\_\_\_  
DATE

\_\_\_\_\_  
ACKNOWLEDGEMENT OF RECEIPT

\_\_\_\_\_  
DATE

(SHOULD EMPLOYEE REFUSE TO SIGN RECEIPT HEREOF TWO WITNESSES SHALL SIGN ATTESTING TO THE FACT THE EMPLOYEE HAS RECEIVED THE NOTIFICATION)

WITNESS SIGNATURE: \_\_\_\_\_

WITNESS SIGNATURE: \_\_\_\_\_

## ANNEXURE "B"

## DISCIPLINARY ENQUIRY FLOW CHART

1.	The Chairman introduces all present; records their attendance; establishes the designation and capacity of each attendee.	
2.	Confirms that the accused was properly notified of the nature of the complaint against him/her and records that confirmation.	
3.	Confirms that the accused has had sufficient opportunity to prepare his/her case and records that confirmation.	
4.	Confirms the right to representation and that the representative qualifies to represent the employee - e.g. a friend or colleague who is also a fellow employee; a shop steward and fellow employee.	
5.	Ensure that the accused and his representative are satisfied with the interpreter (if one is required).	
6.	Explain the rights of the representative - i.e. can ask questions and speak on behalf of the accused; address the hearing on the merits of the evidence adduced; address the hearing in mitigation.	
7.	Inform everyone of the necessity to direct any question via the Chairman as and when the opportunity arises.	
8.	Request any witness who has not yet given evidence to leave the room and to remain outside until called.	
9.	Read the statement of the alleged misconduct to the accused and ensure that it is understood.	
10.	Record the plea of the accused: if "guilty", move to Step 18; if "not guilty", continue as follows:	
11.	Require the complainant to state the facts known to him which resulted in the case being brought against the accused.	
12.	Require the complainant to complete his/her evidence and only then permit the accused or his representative to question the complainant in regard to the evidence given. (NB If the accused is not represented, the Chairman has the right to do this. If the accused is represented, the Chairman may still do so but should normally wait until the representative has finished and should ask any question needed to clarify any issue which may have arisen).	
13.	Call the witnesses of the complainant one by one to give their evidence; proceed with each as per Step 12.	
14.	Having heard and recorded the evidence of the complainant and his/her witnesses, decide whether the evidence given establishes a <i>prima facie</i> case against the accused. If "no", record a finding of "not guilty" and conclude the hearing; if "yes", proceed as follows:	
15.	Ask the accused if he/she wishes to give evidence and, if so, record that evidence. The Chairman has the right to put questions to the accused to clarify any issue which may have arisen.	
16.	Call one by one any witnesses for the accused to give their evidence; follow Step 15 in regard to each.	
17.	On completion of the defence evidence, the Chairman either withdraws to a private office or adjourns the hearing so that he/she may consider all the evidence given and decide whether the finding is one of "guilty" or "not guilty", recording briefly the reasons for that decision.	
18.	Re-convene the hearing and, in the presence of the accused, read out the finding and the summarised reasons. If it is "not guilty", conclude the hearing. If it is "guilty", or if, at Step 10, the accused pleaded "guilty", the accused or his/her representative must be given the opportunity to address the hearing in mitigation of sentence <b>before</b> any decision is taken in regard to a finding.	
19.	After hearing any mitigation statement, call for and record the service record of the accused, noting particularly the length of service and previous disciplinary record. Confirm this service record with the accused, noting remarks made.	
20.	The Chairman again either withdraws to a private office or adjourns the hearing so that he/she may consider the statement in mitigation and the service record and decide on an appropriate sentence; this is written into the record together with brief reasons therefore.	
21.	Re-convene the hearing and, in the presence of the accused, read out the sentence with the summarised reasons.	
22.	Advise the accused of his/her right of appeal and record the fact of having done so - the right of appeal is regarded as important in relation to <u>fair</u> dismissal. Grounds for appeal probably fall within four categories: (a) lack of jurisdiction (b) procedural irregularities (c) findings of fact (d) penalty awarded.	
23.	Sign and date the record; file it appropriately.	

**ANNEXURE "C"**

**DISCIPLINARY REPORT**

NAME & NUMBER OF EMPLOYEE: \_\_\_\_\_

DEPARTMENT: \_\_\_\_\_

DATE: \_\_\_\_\_

PRESENT: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

ALLEGED OFFENCE: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

SUMMARY OF DEFENCE: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

DISCIPLINARY ACTION: \_\_\_\_\_

\_\_\_\_\_

EMPLOYEE: \_\_\_\_\_

DATE: \_\_\_\_\_

CHAIRPERSON: \_\_\_\_\_

DATE: \_\_\_\_\_

INITIATOR: \_\_\_\_\_

DATE: \_\_\_\_\_

REPRESENTATIVE: \_\_\_\_\_

DATE: \_\_\_\_\_



**ANNEXURE "D"**

**WRITTEN WARNING**

(Valid for 6 Months)

NAME OF EMPLOYEE: \_\_\_\_\_  
DEPARTMENT: \_\_\_\_\_  
JOB TITLE: \_\_\_\_\_  
DETAILS OF MISCONDUCT: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

EMPLOYEE'S	COMMENTS	(if	any)
_____	_____		
_____	_____		

WARNING ISSUED BY:

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

POSITION IN CONFERENCE: \_\_\_\_\_

EXPIRY DATE \_\_\_\_\_ of warning

ACKNOWLEDGEMENT BY EMPLOYEE OR REPRESENTATIVE;

REPRESENTATIVES IGNATURE \_\_\_\_\_

WITNESS SIGNATURE \_\_\_\_\_

EMPLOYEE SIGNATURE \_\_\_\_\_

(SHOULD EMPLOYEE REFUSE TO SIGN RECEIPT HEREOF TWO WITNESSES SHALL SIGN ATTESTING TO THE FACT THE EMPLOYEE HAS BEEN WARNED)

WITNESS SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

WITNESS SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

**ANNEXURE "D"**

**FINAL WRITTEN WARNING**

(Valid for 12 Months)

NAME OF EMPLOYEE: \_\_\_\_\_  
DEPARTMENT: \_\_\_\_\_  
JOB TITLE: \_\_\_\_\_  
DETAILS OF MISCONDUCT: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

EMPLOYEE'S	COMMENTS	(if	any)
_____	_____		
_____	_____		

**WARNING ISSUED BY:**

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

POSITION IN CONFERENCE: \_\_\_\_\_

EXPIRY DATE \_\_\_\_\_ of warning

**ACKNOWLEDGEMENT BY EMPLOYEE OR REPRESENTATIVE;**

REPRESENTATIVES IGNATURE \_\_\_\_\_

WITNESS SIGNATURE \_\_\_\_\_

EMPLOYEE SIGNATURE \_\_\_\_\_

**(SHOULD EMPLOYEE REFUSE TO SIGN RECEIPT HEREOF TWO WITNESSES SHALL SIGN ATTESTING TO THE FACT THE EMPLOYEE HAS BEEN WARNED)**

WITNESS SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

WITNESS SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

**ANNEXURE "D"**

**DISMISSAL FORM**

TO: \_\_\_\_\_

Following the outcome of a disciplinary enquiry, your services are terminated with effect from \_\_\_\_\_ on the grounds of \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

In terms of the employment policy, you are to leave our premises immediately. Attached please find details of remuneration due.

SIGNED:  
(for the Employer) \_\_\_\_\_

ACKNOWLEDGEMENT:  
(by former Employee) \_\_\_\_\_

AUTHORISED BY: \_\_\_\_\_

**CONFIDENTIAL**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_