

**National Diploma Animal**

**Farm Staff Management**

**Handout 20**

**Disciplinary Forms**

**CHECKLIST FOR DISCIPLINARY ENQUIRY**

Name of alleged offender : \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Salary ref. no. : \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date of Enquiry : \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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| --- | --- |
| STEP | TICK |
| Introduce parties and explain purpose of the enquiry. |  |
| Establish the job grading of the alleged offender, the initiator and the chairperson. The Ministry and Department in which the alleged offender works must also be recorded. |  |
| Establish whether the employee/accused is a shop steward.  |  |
| Establish whether an interpreter is required. |  |
| Inform the alleged offender of his/her right to representation. Confirm if employee is satisfied with the representative. |  |
| **Note: If the employee indicates that no representative or interpreter is required, this should be recorded in writing and preferably signed by the employee**. |  |
| Explain that every party will be afforded the opportunity to state his/her case and to ask questions. It should however be done orderly and through the chairperson. Who will control the hearing? |  |
| Check whether “Notice of Enquiry” was issued and timeously received (3 working days). Read the charge(s) to the alleged offender and ask whether he/she understand the charges. If not, explain the charge(s) [form 2]. |  |
| Explain that the charges) is/are serious, and if the accused is found guilty it could lead to dismissal. |  |
| Ask all witnesses to leave the room. |  |
| Ask alleged offender to plead Guilty or Not Guilty. |  |
| Ask the initiator to present his/her Opening Statement. |  |
| Ask the alleged offender to present his/her Opening statement. |  |
| **MANAGEMENT’S CASE (Should include exhibits, testimony of witnesses and cross-examination, if applicable).** |
| Allow for the **initiator** to present his/her case and call all his/her witnesses. **(Examination in Chie**f) Witnesses should leave the room after testifying. |  |
| Allow the **alleged offender or representative** to cross-examine the witnesses of the initiator. |  |
| Give the **initiator** the opportunity to re-examine his/her witnesses. |  |
| **EMPLOYEE’S CASE (Should include exhibits, testimony of witnesses and cross-examination, if applicable).** |
| Allow for the alleged offender/representative to present his/her case and call all his/her witnesses. **(Examination in Chief)** Witnesses should leave the room after testifying. |  |
| Allow the initiator to cross-examine the witnesses of the alleged offender/representative. |  |
| Give the alleged offender/representative the opportunity to re-examine his/her witnesses. |  |
| Allow parties time to prepare closing arguments. |  |
| Listen to the closing arguments of the parties. |  |
| Send the alleged offender and initiator out and allow the HR Consultant and representative to caucus with the chairpersons to determine whether the alleged offender is guilty or not. |  |
| After hearing the opinion of the HR consultant and representative request them to leave the room. Determine guilt on “balance of probabilities”. Motivate reasons for finding. |  |
| The chairperson writes out the decision to be read to the alleged offender, touching on all the witnesses’ statements and evidence led. The following elements should be contained in the verdict:- Whether is there a rule/norm;- Whether the alleged offender has broken a rule/norm - Whether the alleged offender knew the rule/norm or could be reasonably expected to  know the rule/norm (clarify why/how was he/she supposed to have known the  rule/norm?)- Is the rule reasonable? |  |
| Chairperson calls in the HR consultant and representative and informs them of his/her decision. |  |
| The chairperson should call in the alleged offender, representative, initiator, interpreter, secretary and labour relations’ consultant and inform them of the decision. |  |
| If found guilty, the chairperson should request the personal file of the offender. Ask for mitigating and aggravating circumstances. Mitigating circumstances should be requested from the offender/representative. |  |
| Request the representative and HR consultant to stay behind to caucus on a suitable sanction. Request the parties to leave. |  |
| Consider appropriate penalty against: -?? Provisions of rules and regulations, disciplinary code and procedure.?? Seriousness of transgression (consider extent of damages/impact on organisation).?? Capacity of employee to perform.?? Extenuating circumstances (factors that may have led to employee committing  transgression): - - Provocation - Faulty systems/controls?? Mitigating circumstances (why a lesser penalty is appropriate) - Age - Length of service - Marital status - Work record - Number of dependants - Remorse/willingness to make amends (e.g. pay for damages)?? Aggravating circumstances (why a harsher penalty is appropriate) - Seniority of employee - Intent (pre-meditation, self gain) - History of similar transgressions - Lack of remorse?? Employee’s Personal Record - Past warnings (are they valid?) - Promotions - Work performance - Commendations?? Precedent - Action taken in previous cases of a similar nature - For the future |  |
| ?? Third party reaction - Customers - Supervisors - Employees - staff association, etc.?? Effect of the penalty - Can the employees’ behaviour be corrected? - How will it affect his/her dependants? - Does the “punishment fit the crime”??? Alternatives to dismissalNote: The test for a dismissal should be “has the employment/trust relationship completely broken down?” or has progressive discipline been applied?  |  |
| The chairperson calls in the labour relations consultant and representative and informs them of the sanction. |  |
| The chairperson should call in the alleged offender, representative, initiator, interpreter, secretary and labour relations’ consultant and inform them of the sanction. |  |
| If offender received a written/final written warning and is not satisfied about the outcome, he/she has the right to apply for representation within 5 working days, to the chairperson in writing. This right will not be applicable if the sanction is an alternative to dismissal and has been agreed upon with the written consent of the offender.If the offender is dismissed and regards the Disciplinary Hearing as unfair, he/she has the right to dispute the process. |  |
| The chairperson should conclude the meeting and see to it that a signed copy of the minutes, and documents presented at the meeting should be given to the offender/representative,  |  |
| If the chairperson receives a representation or application dispute process, it should be sent immediately to the HR Department. NO “TIME DELAY” WILL BE ACCEPTED. |  |

Name of chairperson: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature of chairperson : \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Telephone number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Fax number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**NOTICE TO ATTEND A DISCIPLINARY HEARING**

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

1. A formal disciplinary complaint has been laid against you. The complaint/s is/are as follows:

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

1. You are hereby informed that you are required to attend a disciplinary hearing:
	1. Place of enquiry; \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
	2. Date of enquiry; \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
	3. Time of enquiry; \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
2. The enquiry will be presided over by\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
3. Kindly note that you may be represented by a fellow employee or union representative at the enquiry, and, if required, make use of a translator. You may call witnesses and you have the right to cross-examine the Company’s witnesses.

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Complainant Date**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Acknowledgement of Receipt Date & Time**

**NOTICE OF SUSPENSION FROM DUTY**

Employee name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Employee No: \_\_\_\_\_\_\_\_\_­­­\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Department : \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. Kindly note that you are hereby suspected from duty on full pay and benefits, pending the outcome of an investigation into your conduct.
2. For the duration of your suspension, you are not permitted to contact any employees of the Company, or to enter the Company premises.
3. You are to remain contactable at all times and you are hereby required to confirm your contact details with your senior.

Yours faithfully

**Manager**

Employee signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_­­\_\_\_

Telephone No: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Employee address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

**WRITTEN WARNING**

Employee name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Employee No: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Department: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. This serves to confirm, that you have breached a company rule and standard on\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ relating to\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ which is a contravention in terms of the Company’s Disciplinary Code and Procedure. You have been advised of the required standard and corrective action after you were given an opportunity to respond to the incident
2. A written warning has subsequently been recorded on your personal file. This written warning will be valid for a period of three (3) moths from the date of issue thereof.
3. Should you be found guilty of either the same offence or a related offence during this period, you may be subjected to further disciplinary action, up to and including a possible dismissal.
4. We trust that you will take the necessary action as so to avoid any future disciplinary action.

Yours faithfully

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

MANAGER DATE

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

WARNING RECEIVED SIGNATURE

**FINAL WRITTEN WARNING**

Employee name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Employee No: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Branch: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Branch No: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. This serves to confirm, that at a disciplinary enquiry held on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, you were found guilty of\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_which is a contravention, in terms of the Company’s Disciplinary Code and Procedure.

1. A final written warning has subsequently been recorded on your personal file. This final written warning will be valid for a period of six (6) moths from the date of issue thereof.
2. Should you be found guilty of either the same offence or a related offence during this period, you may be subjected to further disciplinary action, up to and including a possible dismissal.
3. We trust that you will take the necessary action as so to avoid any future disciplinary action.

Yours faithfully

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_--\_

MANAGER DATE

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

WARNING RECEIVED SIGNATURE

Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**DISMISSAL**

1. This letter serves to confirm that during the hearing a Disciplinary Hearing held on\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, you were found guilty of\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, which constitutes an offence in terms of the Disciplinary Code.

1. After all the relevant facts as well as aggravating and mitigating circumstances were considered, it has been decided to terminate your services.
2. Your last working day shall be \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
3. Should you not be satisfied with this decision you may approach the Commission for Conciliation, Meditation and Arbitration.

Yours faithfully

**Manager**

**NOTIFICATION OF A DISCIPLINARY ACTION**

|  |  |
| --- | --- |
| **Name:** | **Sal Ref no:** |
| **Department:** |  |

**You are hereby notified to attend a FORMAL ENQUIRY, concerning the following allegation/s:**

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**THE ENQUIRY WILL BE HELD ON**

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| --- | --- | --- |
| **DATE:** | **TIME:** | **VENUE**: |

**and you are hereby instructed to be present.**

**You are also notified of the following rights which you may exercise:**

1. You may be represented by an employee/shop steward of your choice.

2. You may bring any witnesses or evidence to substantive your evidence to the enquiry.

3. You or your representative may cross question evidence/witnesses and have access

 to all statements presented at the enquiry.

4. You may caucus with your representative during the enquiry.

5. You may submit a representation/appeal against the findings of the enquiry.

**Please use the time before the query to discuss this notice with your Representative if you so wish.**

|  |  |  |
| --- | --- | --- |
| **EMPLOYEE SIGNATURE:** | **DATE:** | **TIME:** |
| **SUPERVISOR:** | **DATE:** | **TIME:** |
| **WITNESS:** | **DATE:** | **TIME:** |

**DISCIPLINARY HEARING NOTES**

 (Witness’s signature only required when employee refuses to sign)

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| **Name:** | **Sal Ref no:** |
| **Department:** | **Date:** **Time:** |
| **Chairperson:** | **Management Representative (initiator):** |
| **Representative:** |  |

|  |
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| **CHECKLIST** **YES/NO**Employee received adequate notification of enquiry \_\_\_\_\_\_Employee is aware of allegation against him/her \_\_\_\_\_\_Confirm rights in terms of notification \_\_\_\_\_\_ |
| **ALLEGED BREACH (Nature, Date, Time)** |
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| **SUMMARY OF CIRCUMSTANCES**(To be completed by Labour Relations Consultant or Chairman attending enquiry)(Attach all notes and statements to the summary) |
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| **EMPLOYEE’S EXPLANATION**: |
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| **MITIGATING/ AGGRAVATING CIRCUMSTANCES**: |
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| **SANCTION**: |
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| --- | --- | --- |
| **EMPLOYEE SIGNATURE:** | **DATE:** | **TIME:** |
| **SUPERVISOR:** | **DATE:** | **TIME:** |
| **WITNESS:** | **DATE:** | **TIME:** |

**GRIEVANCE FORM**

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| --- | --- |
| **STAGE OF GRIEVANCE**: | **GROUP/ INDIVIDUAL**: |
| **EMPLOYEE’S NAME**: | **SALARY REF NO**: |
| **JOB TITLE:** | **CONTACT TEL**: |

 **STATEMENT OF GRIEVANCE**:

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 **SOLUTION DESIRED**:

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SIGNATURE OF EMPLOYEE: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ DATE: \_\_\_\_\_\_\_\_\_\_\_\_\_

**GRIEVANCE FORM: RESOLUTION**

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| --- | --- |
| **STAGE OF GRIEVANCE**: | **GROUP/ INDIVIDUAL**: |

**MANAGEMENT’S RESPONSE:**

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| --- | --- |
| **SIGNATURE OF SUPERVISOR/MANAGER**: | **DATE:** |
| **JOB TITLE:** |

**EMPLOYEE’S RESPONSE:**

1. Are you satisfied with Management’s response? YES/NO

2. Do you wish to take the grievance further? YES/NO

|  |  |
| --- | --- |
| **SIGNATURE OF EMPLOYEE:** | **DATE:** |

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| --- | --- |
| **SIGNATURE OF CO-WORKER/REPR**.: | **DATE**: |

**COMMENTS**:

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| **SIGNATURE OF EMPLOYER**: | **DATE**: |
| **SIGNATURE OF /NOMINEE**: | **DATE**: |