



Effective  
Human  
Intervention  
LEADERS IN TRAINING

# Chairing of Disciplinary Hearings

EHI has been accredited by MERSETA Accreditation No: 17-QA/ACC/0603/11 BBEE LEVEL 2 STATUS

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# Chairing of Disciplinary Hearings

The objective of the course is to ensure that your Managers and Supervisors are competent to initiate and preside over disciplinary enquiries.

## Who should attend?

Disciplinary hearings are a common occurrence in the workplace and part and parcel of the manager and shop steward's daily functions. Employees and employers alike are entitled to fair labour practices. Employers must know how to investigate misconduct and charge employees appropriately. This two day practical course should be attended by Chairpersons, Complainants, Managers, HR Managers and Practitioners, Legal Advisers, Shop Stewards, and Union Representatives.

## About the Facilitator:

Hendrik de Bruin is a Chartered HR Professional specializing in employment relations, labour law, and executive coaching. Hendrik has extensive experience in the fields of Industrial Relations, Labour Law, and Executive Coaching, having worked as a corporate Group Human Resources Manager from 1995-2004 and as an independent management consultant since 2004. He offers a range of services including dispute resolution, industrial action/strike management, chairing disciplinary inquiries, advice on dismissals, employment/labour litigation, negotiating executive mutual separation agreements, collective bargaining and wage negotiations, IR and statutory compliance audits, training for supervisors and managers on discipline and fundamentals of Industrial Relations, drafting employee contracts, formulation and implementation of a code of conduct, advice on disciplinary action, facilitation of wage and substantive conditions negotiations with trade unions, advice on any labour-related matters, updates on new developments in Labour Law, and coaching and mentoring of senior HR executives and line management on people management, technical, tactical, and strategic issues, and leadership approaches. Hendrik de Bruin holds post-graduate qualifications in both Labour Relations Management and Labour Law, including a BA Hons (Labour Relations) and an Adv Dip Labour Law. He has 25 years of experience in the Human Resources, Industrial Relations, and Labour Law fields, including experience as a corporate National HR Manager for a large manufacturing group and as an independent management consultant. He has worked with a diverse range of clients, including South African and multinational companies in sectors such as mining, manufacturing, publishing and media, logistics, private education, information technology, hospitality, restaurants, law firms, engineering, and financial services.

## Benefits include:

- Participation in an interactive workshop
- Learn from a recognised expert with cross industry experience
- Comprehensive course documentation
- Certificate of Completion

## In House Training

EHI In-House training services delivers the full course range allowing you to gain the benefits of:

- ✓ Training at your premises
- ✓ Scheduling a convenient date
- ✓ Customising aspects of the content
- ✓ Determining the frequency of training required



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# Chairing of Disciplinary Hearings

## Module 1 : The LRA

- What does the Act say about disciplinary hearings?

## Module 2 : Schedule 8 – Code of conduct on misconduct

- Role of your disciplinary code and procedures.

## Module 3 : Reporting and investigating misconduct and role players

- Deciding on formal or informal procedure to follow.
- Deciding on the charges, how to draft charges and how to charge an employee, compounding and splitting of charges.
- Pitfalls to avoid when charging employees

## Module 4 : Pre disciplinary procedures

- Charging the employee,
- Suspension, postponements,
- Legal representation, union representation,
- Appointing the chairperson,
- Delaying tactics and how to deal with it.
- Employees falling ill during disciplinary procedures
- Resignation during disciplinary procedures

## Module 5 : Substantive and procedural elements of a disciplinary hearing.

## Module 6 : The role of the Initiator/complainant

- How to collect, present and evaluate evidence – statements, affidavits, exhibits, witnesses, electronic evidence.
- Preparation for the hearing – do's and don'ts
- Opening and closing statements, the burden of proof, sources of evidence.
- Evidentiary tools and pitfalls

## Module 7 : How to lead and cross examine a witness

## Module 8 : The role of the Chairperson

- How to chair the hearing?
- The conduct of the chairperson, bias, pitfalls and do's and don'ts;
- Independence of chairperson
- How to evaluate and assess the evidence
- What to do if the evidence is not presented properly
- How far can the chairperson be involved or interfere in the hearing?
- How to make a decision about guilt or innocence

## Module 9 : Mitigation and aggravation and different sanctions

## Module 10 : Warnings, counselling and dismissal

## Module 11 : Trouble shooting

- Discussion on hearsay evidence, traps, different defences
- Polygraph evidence, expert evidence, admissions and confessions
- Witnesses refusing to testify.

## Module 12 : Role play and practical exercises

- Delegates will conduct a mock disciplinary hearing on the second day.