

Disciplinary Procedures and Grievances

Based on SAQA's Unit Standard 10985, NQF Level 6, 5 Credits

Introduction

Poor management of discipline, grievances and dismissal can be costly in time, money and damage to employee relations. A thorough understanding of the legal environment is essential for good management. This two-day course covers all key aspects of this fundamental area of employment law and offers participants the opportunity to evaluate, assess and review disciplinary, grievance and dismissal procedures in the context of the latest labour legislation. HR and personnel professionals, employee relations managers, line managers, anyone responsible for dealing with or advising on disciplinary, grievance or dismissal matters.

Course Objectives

By the end of this course you will be able to:

- Understand key law and practice relating to discipline, grievances and dismissal
- Assess the day-to-day practical management aspects and be confident in advising line managers
- Improve employee relations and avoid unnecessary CCMA action
- Know how to handle difficult situations effectively

Course Outline

Introduction to grievances, discipline and dismissal

- The employment law environment
- Contractual and statutory contexts

Grievance procedures – the law

- What is a grievance?
- Handling grievances quickly and fairly
- CCMA Code of Practice
- Standard and modified statutory grievance procedures
- Conducting grievance interviews and the right to be accompanied

Disciplinary procedures – the law

- When does a disciplinary situation arise?
- Examining the disciplinary process and procedures: a best practice overview
- Standard and modified statutory discipline procedures
- The investigation: a comprehensive, structured approach
- Formal disciplinary hearings: an overview
- Using documentation: effective warning letters

Key aspects of dismissal law

- The basics of dismissal: 'wrongful', 'unfair' and 'constructive'
- Statutory reasons for dismissal
- Considering essential elements of unfair dismissals
- What are fair reasons for dismissal?
- Fairness: the essence of 'reasonableness'
- Examining automatically unfair dismissals and group dismissals
- Handling redundancies: key components of the process

Key aspects of dismissal law – continued

- Payments in lieu of notice
- Settling and compromise agreements
- Remedies for unfair dismissal
- Managing short-term persistent absence and long-term continuous absence
- Stress and stress-related absence: guidelines for best practice
- Dealing with poor performance, misconduct outside the workplace and email/internet abuse
- Labour law update