

1. Disciplinary Code:

The basis of IR is the compiling, notifying and the implementation of a sound and practical disciplinary code.

Once accepted/implemented, a copy of the document should be placed on the school's notice board. Next to it an empty name list of all staff members. All employees should verify themselves with the contents of the code and once familiarised, sign the list with the date. The list should then be removed and kept on record/file for future purposes.

Looking at the code the first important thing to take note of is the classification of offences. If an employee transgressed, he/she must be charged in line with one/or more of the categories stated and provided

A copy of the disciplinary code is attached to this document as **Annexure 1**.



School logo

DISCIPLINARY CODE AND PROCEDURE

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SECTION ONE

OBJECTIVE AND PRINCIPLES

1.1 OBJECTIVE

It is the employer's objective to:

- 1.1.1 Maintain discipline within the framework of its procedures in a reasonable, fair and consistent manner.
- 1.1.2 To prevent unacceptable behaviour.
- 1.1.3 To positively influence unacceptable behaviour.

1.2 PRINCIPLES

- 1.2.1 Discipline is the responsibility of the owners / managers / supervisors.
- 1.2.2 Disciplinary action must be based on the seriousness of the offence.
- 1.2.3 Employees must be aware of the employer's existing standards and rules.
- 1.2.4 Disciplinary action will only be taken where enough cause exist.
- 1.2.5 Discipline must be applied in a consistent manner.
- 1.2.6 Employees must be afforded the opportunity to appeal against a judgement if they so wish.
- 1.2.7 The employee will be entitled to representation by a co - worker or a shop steward if the employee is a member of a representative union. No representation from outside the employer will be permitted.
- 1.2.8 Previous infringements could always be taken into considerations when decisions are made about new infringements, irrespective of the expiry date.



SECTION TWO

DISCIPLINARY SANCTIONS

This section provides guidelines for supervisors to ensure the uniform application of disciplinary measures. Depending on the circumstances of the case, an offence may warrant a less or more severe penalty than that contained in this section.

2 TYPES OF DISCIPLINARY SANCTIONS

2.1 INFORMAL DISCIPLINARY SANCTIONS

Depending on the nature and severity of the offence informal disciplinary sanctions should be the first step in the enforcement of discipline. The employee should be counselled if the supervisor determined that his/her behaviour was not acceptable. The employee could also be provided with the necessary training if the offence could be ascribed to a lack of knowledge or skills.

No formal complaint will be instituted against the employee. However, when a verbal warning is given the supervisor should ensure that the employee being reprimanded is made aware of the existence of the disciplinary code.

2.2 FORMAL DISCIPLINARY SANCTIONS

2.2.1 Written warnings

A written warning is a documented reprimand and is issued when a verbal warning is considered inadequate due to the nature of the offence or when previous verbal warnings have not achieved the desired effect. A copy of the complaint form, which contains the full particulars of the disciplinary action, shall be filed in the employee's personal record. ***Written warnings are valid for a period of six (6) months.***

2.2.2 Serious Warnings

Given for a repetition of the same offence or similar offence during a period when a recorded warning is still in force, or for a first offence of a more serious nature. ***Serious warnings are valid for a period of eight (8) months.*** Previous infringements could, however, be taken into consideration when decisions are to be made about new infringements irrespective of the expiry date.



2.2.3 Final Warnings

A final warning is given for a repetition of the same offence or a similar offence during a period when the serious warning is still in force, or for a first offence of a more serious nature. When a final warning is given it must be brought to the employee's attention that any other offence could lead to a more severe disciplinary action, which could include dismissal. ***Final warnings are valid for a period of twelve (12) months.*** Previous infringements could be taken into consideration when decisions must be made about new infringements irrespective of the expiry date

2.2.4 Suspension

Suspension (without pay) may be used as an **alternative to dismissal**, especially where an employee, after having received a final warning, commits another offence, which does not warrant a dismissal of where dismissal would be inappropriate due to mitigating circumstances. Suspension must be accompanied by a final warning. The maximum duration of suspension is normally three working days.

The employee who is to be suspended, must be made aware that he/she can refuse to be suspended without pay, but that the only other alternative to such a sanction would be dismissal – the employee must consent in writing to such a sanction.

Should the employer feel that an accused could have a negative influence on possible witnesses and/or such an employee's trustworthiness is under suspicion, such employee can be suspended with full pay, until the date and time of his/her hearing.

2.2.5 Dismissal

Dismissal is the most severe form of disciplinary action and comes into effect immediately.

2.3 COLLECTIVE ACTION

2.3.1 Disciplinary hearings

The employer reserves the right to hold individual hearings or to act collectively.

2.3.2 Disciplinary records

Collective disciplinary records will not be considered for individual disciplinary actions.



2.4 FACTORS TO BE CONSIDERED WHEN TAKING DISCIPLINARY ACTIONS

The disciplinary action to be taken in a case must be based on the seriousness of the offence as well as the disciplinary and service record of the offender.

It should be noted that certain factors may either aggravate or mitigate an offence for example, an employee with long service and a good record may be treated more leniently as a first offender than an employee with short service. On the other hand, an offence by an employee who should set an example may be considered more serious.

The probable consequence of the offence should be considered. Negligence on the part of the employee responsible for safety or health of others should be regarded as particularly serious.

Whenever the presiding officer decides, because of such considerations as those mentioned above, to impose a more lenient or more severe penalty than usual in relation to the type of offence, he must make a brief note to this effect on the case record.



SECTION THREE

3 CLASSIFICATION OF OFFENCES AND DISCIPLINARY ACTION

- 3.1 CATEGORY 1 : Absenteeism
- 3.2 CATEGORY 2 : Control at work
- 3.3 CATEGORY 3 : Unconstitutional Industrial Action
- 3.4 CATEGORY 4 : Offences relating to disorderly behaviour
- 3.5 CATEGORY 5 : Offences relating to trust, theft or fraud

The following guidelines list the more common offences, which occur and the disciplinary action, which would normally be applied. However, each case must be treated on its own merits and taking into consideration the aggravating or mitigating circumstances that might prevail. Once the decision has been taken to take disciplinary action, the disciplinary (complaint) form must be completed as soon as possible and the alleged offender must be informed accordingly.

3.1 CATEGORY 1 : Absenteeism

Absenteeism in this context means absence from work without permission for the whole shift or working day or longer.

OFFENCE	First Offence	Second Offence	Third Offence	Fourth Offence
1.1 Absent without permission for one day	Written warning	Serious warning	Final warning	Dismissal



OFFENCE	First Offence	Second Offence	Third Offence	Fourth Offence
1.2 Absent without permission for two days	Serious warning	Final warning	Dismissal	
1.3 Failure to inform employer of absenteeism	Serious warning	Final warning	Dismissal	
1.4 Misuse of sick leave	Serious warning	Final warning	Dismissal	
1.5 Absent without permission for three days	Final warning	Dismissal		
1.6 Desertion*	Dismissal			
1.7 Abscondment **	Dismissal			

* Desertion is deemed to have taken place when the employee has intimated expressly or by implication that he or she does not intend to return to work.

**Abscondment is deemed to have occurred when the employee is absent from work for a time that warrants the inference that the employee does not intend to return to work.

3.2 CATEGORY 2 : Control at work

2.2.1 Poor timekeeping and related offences

OFFENCE	First Offence	Second Offence	Third Offence	Fourth Offence
2.2.1.1 Reporting late for work	Written warning	Serious warning	Final warning	Dismissal



OFFENCE	First Offence	Second Offence	Third Offence	Fourth Offence
2.2.1.2 Leaving work early without permission,	Serious warning	Final warning	Dismissal	
2.2.1.3 Extended or unauthorised breaks during working hours	Serious warning	Final warning	Dismissal	
2.2.1.4 Failing to clock in/out/sign on/off on time before / after work	Serious warning	Final warning	Dismissal	
2.2.1.5 Purposefully signed/clocked in and out then leave workplace or does not turn up for work after checking in	Final warning	Dismissal		

2.2.2 **Sleeping on duty**

OFFENCE	First Offence	Second Offence	Third Offence	Fourth Offence
3.2.2.1 Without causing damage to property or endangering lives of co-workers (or own life)	Final warning	Dismissal		
3.2.2.2 Which results in or could have resulted in damage to property and/or endangering lives of co-workers (or own life)	Dismissal			

2.2.3 **Negligent loss, damage to or misuse of employer's property/products**



OFFENCE	First Offence	Second Offence	Third Offence	Fourth Offence
2.2.3.1 Negligent loss of employer's property	Serious/Final warning	Final warning/Dismissal		
2.2.3.2 Negligent damage to employer's property	Serious/Final warning	Final warning/Dismissal		

2.2.4 Unsatisfactory work performance / Negligence

OFFENCE	First Offence	Second Offence	Third Offence	Fourth Offence
2.2.4.1 Performing a task or duty without exercising due care and attention	Serious warning	Final warning	Dismissal	
2.2.4.2 Carelessness in performing a task in that the task must be repeated or equipment or persons are at risk of damage or injury	Dismissal			
2.2.4.3 Poor quality work or unsatisfactory work performance	Serious warning	Final warning	Dismissal	
2.2.4.4 Passing time idly or failing to complete tasks set without reasonable cause	Serious warning	Final warning	Dismissal	
2.2.4.5 Playing games at work during working hours	Serious warning	Final warning	Dismissal	
2.2.4.6 Purposefully or negligently disobeying safety rules or service regulations	Final warning	Dismissal		



OFFENCE	First Offence	Second Offence	Third Offence	Fourth Offence
2.2.4.7 Failure to report risks and/or potential risks	Final warning	Dismissal		

3.3 CATEGORY 3 : Unconstitutional industrial action

OFFENCE	First Offence
3.1 Strike action (unprotected strikes)	Dismissal
3.2 Illegal industrial action such as stay-away, go-slow, sit-in	Dismissal
3.3 Incitement to strike	Dismissal
3.4 Intimidation	Dismissal
3.5 Sabotage	Dismissal

NOTE

The Employer will normally deal with the above-mentioned actions on a collective basis, but it also reserves its right to take individual disciplinary action.

3.4 CATEGORY 4 : Offences relating to disorderly behaviour

3.4.1 Insubordination and related offences

OFFENCES	First Offence	Second Offence	Third Offence	Fourth Offence
3.4.1.1 Insubordination	Final warning	Dismissal		
3.4.1.2 Failing to obey an instruction	Serious warning	Final warning	Dismissal	
3.4.1.3 Refuse to obey an instruction	Final warning	Dismissal		
3.4.1.4 Non-compliance with established rules / procedures	Final warning	Dismissal		
3.4.1.5 Unreasonable refusal to work overtime/ normal time in terms of an existing agreement between the employer and an employee or in the case of emergency work (unless working of overtime, will constitute a contravention of legislation)	Final warning	Dismissal		
3.4.1.6 Unauthorised notices/ propaganda	Final warning	Dismissal		
3.4.1.7 Non-compliance to/ Contravention of legislation	Final warning	Dismissal		



3.4.2 Abusive behaviour and related offences

OFFENCE	First Offence	Second Offence	Third Offence	Fourth Offence
3.4.2.1 Abusive language (the offence is more serious when it is aimed at race, religion or colour of any party or gender)	Final warning	Dismissal		
3.4.2.2 Insolence (any disrespectful attitude towards the supervisor or any more senior person)	Final warning	Dismissal		

3.4.3 Disorderly behaviour and related offences

OFFENCE	First Offence	Second Offence	Third Offence	Fourth Offence
3.4.3.1 Horseplay (more serious when such action endangers the safety or health of others or the good spirit and smooth running of the workplace)	Serious warning	Final warning	Dismissal	
3.4.3.2 Threatening violence	Final warning	Dismissal		
3.4.3.3 Intimidation	Dismissal			
3.4.3.4 Assault or attempted assault	Dismissal			
3.4.3.5 Fighting	Final warning	Dismissal		



OFFENCE	First Offence	Second Offence	Third Offence	Fourth Offence
3.4.3.6 Riotous behaviour (more serious when employer's property is wilfully damaged)	Final warning	Dismissal		
3.4.3.7 Any offence which conflicts with the accepted community norms or behaviour as well as the disturbance of relationships within the workplace	Final warning	Dismissal		

3.4.4 Alcohol or drug offences

OFFENCE	First Offence	Second Offence	Third Offence	Fourth Offence
3.4.4.1 To be in possession of alcohol or drugs whilst on duty	Final warning	Dismissal		
3.4.4.2 To be under the influence of alcohol or drugs whilst on duty (more serious when the safety of his/her or other lives are at risk)	Dismissal			



3.4.5 Wilful loss, damage to, or misuse of the employer's property

OFFENCE	First Offence	Second Offence	Third Offence	Fourth Offence
3.4.5.1 Wilful loss	Dismissal			
3.4.5.2 Wilful damage	Dismissal			
3.4.5.3 Wilful misuse	Dismissal			

3.5 CATEGORY 5 : Offences relating to theft or fraud

OFFENCES	First Offence	Second Offence	Third Offence	Fourth Offence
3.5.1 Bribery or corruption	Dismissal			
3.5.2 False evidence	Dismissal			
3.5.3 Fraud or attempted fraud	Dismissal			
3.5.4 Theft or unlawful possession of employer's/client's/employer's/client's/another person's property	Dismissal			
3.5.5 Misappropriation	Dismissal			
3.5.6 False declarations	Dismissal			
3.5.7 Dishonesty	Dismissal			



SECTION FOUR

DISCIPLINARY PROCEDURE

4 PROCEDURES

4.1 ROLE OF THE OWNER / MANAGER / SUPERVISOR

When an offence is alleged to have been committed the supervisor will investigate the case and decide whether the case should be dismissed, a verbal warning be given, or a formal disciplinary hearing be arranged.

4.2 SUSPENSION / LAY-OFF

In certain circumstances, it would be advisable that the offender be removed from the workplace pending the investigation of the case.

An employee should be suspended when his/her continued presence could lead to conflict in the workplace or where it could cause injury or loss or damage to the employer's property. An employee should be paid for the period he/she is suspended.

4.2.1 Types of offences where suspension is advisable

- Serious assault
- Under the influence of liquor or drugs
- Being emotionally unfit to carry out his/her duties
- Riotous behaviour
- Any act which endangers the safety or health of others
- Abusive or provocative language (which could lead to conflict)
- Theft/fraud

4.2.2 Special arrangements relating to the use of, or being under the influence of alcohol or drugs whilst on duty

When an employer believes that an employee is under the influence of liquor and incapable of performing his/her duties, the employee must preferably be tested. If no test apparatus is available a witness should be called in to also give his / her assessment of the employee's general appearance and conduct.



If the employee refuses to take the test, it will be presumed that he/she to be intoxicated.

If the test proves positive, the employee should be returned to his residence immediately.

If an apparently intoxicated person is involved in an accident in which a person or persons are injured, a medical officer must examine him/her.

4.3 FORMAL COMPLAINTS

4.3.1 Recorded warnings

The supervisor intending to issue recorded warnings shall investigate all the relevant facts of the case. Hereafter he/she will decide on the appropriate action and complete a disciplinary form.

4.4 FORMAL INVESTIGATION

4.4.1 The supervisor will record in writing statements from the complainant the alleged offender and the witnesses on the official statement form.

4.4.2 The complainant must name all those witnesses who he thinks are necessary to ensure a fair hearing.

4.4.3 The alleged offender must also be afforded the opportunity to name witnesses to testify in the case.

4.4.4 The alleged offender must be notified of the date, time, and venue regarding the hearing and be informed that he/she can bring a representative to assist him/her in the case.

4.5 THE HEARING

The person responsible for handling the case, will make the necessary arrangements regarding the time and place for the hearing. He/she must ensure that all those concerned are present at the hearing. The presiding officer will use his/her discretion as to how and when the persons concerned will be heard, but in all occasions the case will be heard behind closed doors. Should the accused fail to attend the hearing, after being advised of the time and venue, the case could be heard in his/her absence and a decision take on the available evidence.

4.5.1 The procedure to be followed at the hearing



The presiding officer will inform the alleged offender of the charge against him/her and ensure that it is fully understood.

The accused is then asked to answer the charge and is asked to make any further comments he/she may wish.

Should the presiding officer find it necessary to obtain further information the case may be adjourned to allow further investigation.

If the accused wishes further evidence to be submitted, this will also be allowed, provided that the presiding officer is of the opinion that such further evidence could be of relevance.

Having satisfied himself that he has all the relevant facts, the presiding officer will invite the accused's representative (if present), to comment.

The presiding officer will then advise the employee (in the presence of the representative only) whether he/she has been found guilty.

Where an employee is found guilty the presiding officer will take notice of

- **The offender's record of service and disciplinary record**
- **Any mitigating circumstances**
- **Comments by the representative**
- **In all cases unexpired warning will be considered, when deciding on the sentence. Depending on the nature and seriousness of the offence, the whole of the employee's disciplinary record may be considered.**

The offender will be informed of the disciplinary action by the presiding officer.

The presiding officer will advise the employee that if he/she wishes to lodge an appeal against the decision this must be done **within two working days** and that out of time appeals will not be considered unless the employee can advance reasonable grounds for the delay.

4.6 COMMUNICATION

The presiding officer will communicate individually, verbally or in writing, with the employee regarding the disciplinary action taken against him/her. The employee's representative will be the only other person present.



SECTION FIVE

APPEALS

5. PROCEDURE:

- 5.1 Every employee has the right to appeal with a valid reason against any decision which involves any entry on his/her disciplinary record, and which may thus affect his/her future employment prospects. The employee must however provide acceptable grounds for appeal such as:
- If new evidence is available which was not taken into consideration at the initial hearing.
 - If the hearing had not been procedurally correct in any way.
 - If the employee submits additional mitigating circumstances that could change the sanction.
 - The decision whether an appeal is granted will be taken by an official of the employer who was not involved in the previous hearing.
- 5.2 Any employee who wishes to appeal must notify the employer in writing of his/her intention within three working days after the imposition of the penalty and must state the grounds for the appeal. Late appeals will only be considered when there is a good reason for the delay.
- 5.3 The employee will attend the hearing of his/her appeal. He/she may be accompanied by a representative who will be an employee of the employer.
- 5.4 The employee may make a statement by way of explanation or in mitigation.
- 5.5 The official hearing the appeal will inform the appellant of his/her decision.
- 5.6 No right of appeal shall be available to employees who embarked on unconstitutional industrial action unless individual disciplinary hearings were held.



SECTION SIX

THE ROLE OF THE REPRESENTATIVE

6. PROCEDURE:

- 6.1 Any employee against whom formal disciplinary proceedings are held, may at his/her request be accompanied at the initial and any subsequent hearings by a colleague or a union **representative (SHOPSTEWARD)** from the relevant area.
- 6.2 An employee against whom formal or informal disciplinary action is instituted, may not be represented by an attorney or any other outside representative.
- 6.3 Colleagues of the alleged offender have no right on accompanying the employee. Representatives may therefore not attend the hearing unless the accused concerned has requested it. Representatives will be given the opportunity to ask questions during the hearing proceedings and will be invited to comment at the conclusion and before the final decision is taken.
- 6.4 Should the representative's comments, in the sole opinion of the official hearing the case, be of such a nature as to warrant reconsideration of certain matter or further investigation, time should be allowed for this and if necessary, the enquiry recessed.
- 6.5 The representative must ensure that the accused state his / her case effectively and must assist the accused and management in following correct procedures during the whole disciplinary process.
- 6.6 Under no circumstances can the representative assist the accused however to intimidate any witnesses, manufacture evidence, encourage the accused to give false testimony or to frustrate the proceedings unnecessarily with the sole aim of concealing the employee's guilt. Any such action will lead to disciplinary action being instituted against the representative.

