



HUMAN RESOURCE POLICY DISCIPLINARY CODE AND PROCEDURE

Policy No: NLMHRER001	Effective Date: 01 April 2008
Approved:	Review Date: 01 April 2009

Notwithstanding the review date herein, this policy shall remain effective until such time as approved otherwise by Council and may be reviewed on an earlier date if necessary, subject to Labour Law Dispensation or operational requirements.

1. SCOPE

This policy is applicable to all employees (permanent, temporary and fixed term contract employees) of Ngwathe.

All terms contained in this Policy and the SALGBC Disciplinary Procedure Collective Agreement shall bear the same meaning as the definitions contained in the Labour Relations Act, 1995, as amended from time to time.

2. PREAMBLE

This policy must be read in conjunction with the SALGBC Disciplinary Procedure Collective Agreement which is contained within the reference section at the end of this Manual.

This policy is intended to deal with acts of misconduct that require an intervention by management in order to bring about corrective action, and to establish a common and uniform procedure for the management of employee discipline.

Any disciplinary action must meet the requirements of fairness as laid down in legislation. This determines that any action taken must be both procedurally and substantively fair. Discipline must therefore be applied in a consistently fair manner.

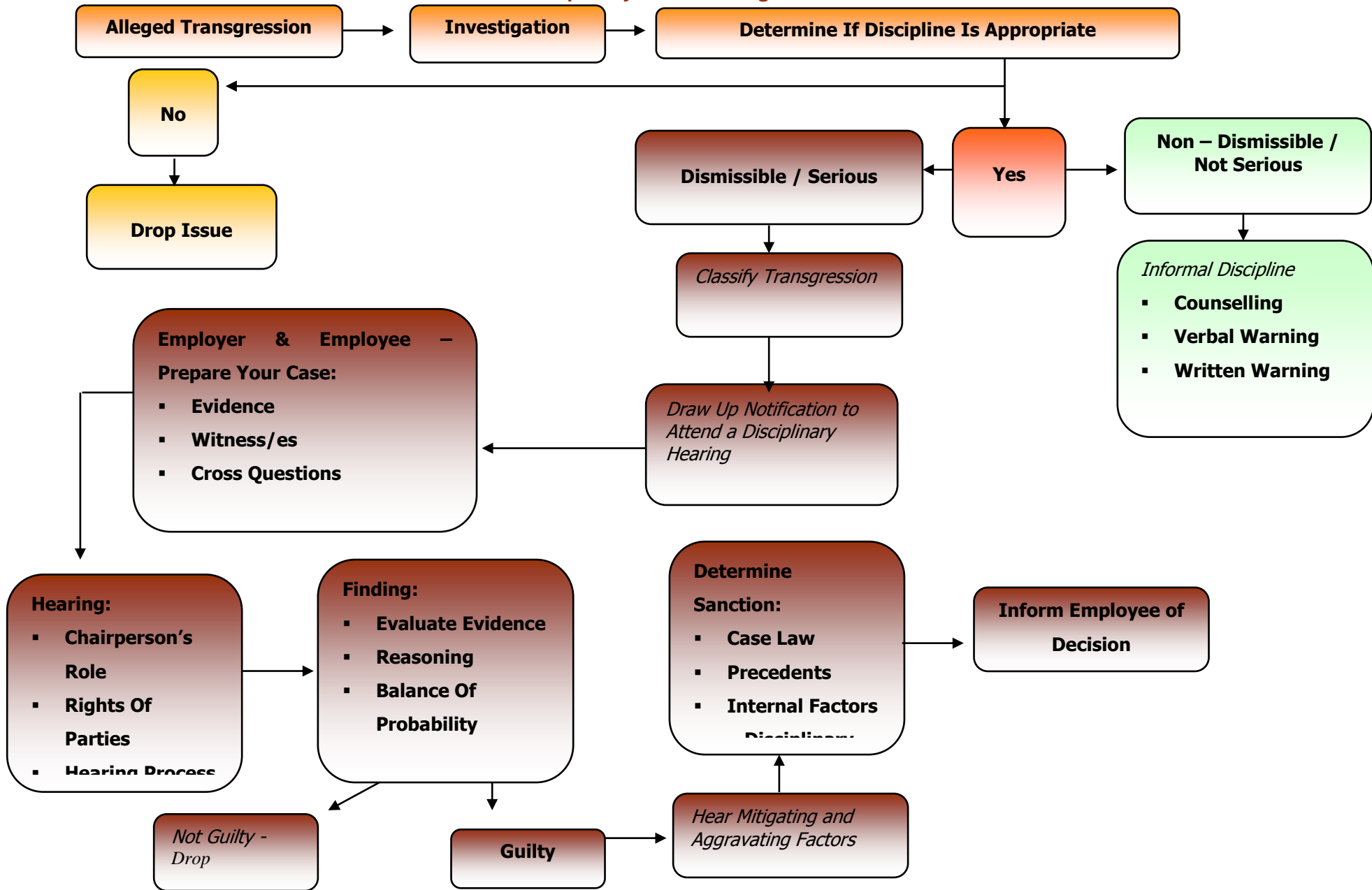
3. POLICY AND PROCEDURE

The Disciplinary Procedure Collective Agreement must be referred to and adhered to in all instances of discipline handling.

4. STAKEHOLDER ANALYSIS

Role	Responsibility
Municipal Manager / Director Corporate Services (subject to its delegations if any)	Responsible for ensuring compliance to the Collective Agreement
SALGBC	Responsible for collective bargaining in the event that requirement and or legislation changes which may impact on the agreed disciplinary processes
Line Manager	Responsible for administering discipline in line with agreed processes
Human Resources	Responsible for communicating the Disciplinary Policy and Procedure and for ensuring that employees understand the Conduct code and applicable sanctions. Responsible for monitoring substantive and procedural fairness.
Labour Representatives/ Employees	Unions are responsible for participation in collective bargaining processes at SALGBC. Employees are responsible for familiarising themselves with the rules of Ngwathe and complying with these workplace rules. Labour Representatives may assist employees who may be subject to disciplinary action to present their case in a fair manner.

Disciplinary Process Diagram



TIME FRAMES

The following times frames should serve as a guideline for handling Discipline:

ACTIVITY	RESPONSIBILITY	TIME
Investigation into allegation of misconduct	Municipal Manager or his authorised representative	
Institute Disciplinary proceedings	Municipal Manager or his authorised representative	As soon as reasonably possible
Establish a Departmental Enquiry or Disciplinary Tribunal	Municipal Manager or his authorised representative	Dependant on seriousness of misconduct. Departmental Enquiry shall be reserved for matters where the competent sanction is a verbal or final written warning. A Disciplinary Tribunal shall be established where the misconduct is serious and may result in a sanction of suspension, demotion or dismissal.
Appoint a Presiding Officer and a Prosecutor	Municipal Manager or his authorised representative	When decision is taken to set up a Disciplinary Tribunal these appointments shall be made
Formulate and present charges to the employee	Prosecutor	Within five days of appointment as Prosecutor
Enquiry to commence	Presiding Officer / All parties involved	On a date not less than 5 days or more than 15 days calculated from the date of service of the Notice of Misconduct on the employee
Confirm in writing the findings of fact, sanction imposed and the reasons in support of this	Presiding Officer	Within 10 days of the last day of the hearing

6. REVIEW PERIODS

The policy will be reviewed as the Collective Bargaining Agreement, Labour Law dispensation and/or operational requirements of the Ngwathe change from time to time.

7. AUTHORITY

Formulation Policy	:	Municipal Manager
Authorisation Policy	:	Council
Ownership and Maintenance Manager	:	Director Corporate Services