



Institute of Accounting and Commerce

Disciplinary Procedure for IAC Staff

1. Scope:

This disciplinary code and procedure shall apply to all staff members who are employed by the Institute of Accounting and Commerce (IAC) and is subject to review from time to time. This document should be read and applied in conjunction with the IAC's "Conditions of Service for Full Time Staff Members" and the "Grievance Procedures" as well as within the broader context of the IAC Constitution.

2. Objectives:

The objectives of the disciplinary code and procedure are to:

- 2.1 Promote good conduct amongst IAC staff members by clearly setting out the rules and standards of behavior expected of all staff.
- 2.2 Ensure fair and just treatment of all staff members;
- 2.3 Promote and protect good relationships among all staff members employed by the IAC; and,
- 2.4 Promote good relations between staff and management.

This disciplinary code and procedure is intended to be a guideline. Its provision may be disregarded if there is a good reason.

3. Principle of Discipline:

- 3.1 This disciplinary code and procedure is in the first place intended to correct and improve the standard of performance and behavior of staff members in the IAC. Punitive action will only be taken when these steps have proved ineffective or where it is warranted owing to the seriousness of the offence.
- 3.2 Employee performance and conducts should be corrected in the normal course of the employee / supervisor relationship. All efforts must be made to settle complaints at the lowest level. Where attempts to achieve this have failed or where the seriousness of the offence warrants it, the formal disciplinary procedure shall be invoked.

- 3.3 Disciplinary action must always be applied in a prompt, fair and consistent manner without any form of favoritism or discrimination, and taking all the relevant circumstances into account.
- 3.4 No disciplinary action shall be taken against a staff member unless he / she is afforded an opportunity to state his / her case and defend him / herself.
- 3.5 Every staff member shall have the right to be represented at his / her hearing by a fellow staff member.
- 3.6 Every staff member shall have the right to an interpreter if required.
- 3.7 Every staff member shall have the right of appeal against any disciplinary action taken against him / her.
- 3.8 The Secretariat may choose to handle exceptional cases in a different manner.

4. Labour Relations Act (1995) Code of Good Practice:

The IAC is guided by the “Code of Good Practice” contained in the Labour Relations Act of 1995.

5. Disciplinary Action:

5.1 Informal Action

5.1.1 Corrective Counselling:

This is the first step to correct unsatisfactory employee performance and conduct and must include the following:

- (a) ensuring that the staff member is fully conversant with the performance or conduct that is unsatisfactory
- (b) determining from the staff member the reasons for the poor performance or misconduct;
- (c) agreeing on action that will solve the problem;
- (d) taking the necessary steps to implement the agreed action; and,
- (e) keeping record of all corrective counselling arising from this

5.1.2 Verbal Warning:

If the misconduct is of a minor nature, the supervisor may give the staff member an informal verbal warning after the discussion with the staff member.

The purpose of a verbal warning is to give notice to a staff member that he / she needs to take serious note of the contravention and needs to improve his/ her performance or conduct and that failure to do so may result in further disciplinary action.

5.1.3 Written Warning:

If a verbal warning fails or if incidents occur which appear to require firmer action than a verbal warning, but are not serious enough to warrant a disciplinary hearing, then the supervisor may, after discussion with the staff member, verbally warn the staff member and confirm this in writing to him / her as soon as possible afterwards.

The staff member must be requested to sign a copy of the warning to indicate that he / she has received it. If he / she refuse to sign, then the written warning must be handed to him / her in the presence of a witness. A copy of the written warning must be sent to the person handling HR matters for the IAC and filed.

5.2 Formal Action:

5.2.1. If a verbal or written warning as described in paragraph 5.1.2 and 5.1.3 fails or if incidents occur which appear to require firmer action, then the IAC will take disciplinary action and may impose one of the following sanctions depending on the nature of the case, the staff member's previous record and any mitigating or aggravating circumstances:

- (a) A written warning
- (b) A final warning
- (c) Demotion; and,
- (d) Dismissal

5.2.2 Demotion

This shall be applied only if:

- (a) the staff member agrees to this action;
- (b) sufficient grounds for dismissal exist; and,
- (c) the IAC is able to employ the person in another position

5.2.3 Dismissal:

Dismissal with or without notice pay will be imposed where the misconduct is of such a serious nature as to have seriously broken down the employment relationship or to have rendered its continuation intolerable.

Dismissal for poor performance will only be after reasonable corrective measures, such as training or counselling has failed.

Dismissal for poor performance will always be accompanied by notice pay.

5.2.4 Dismissal in absentia:

A staff member will be regarded as having deserted if he / she absents him / herself from work for 5 (five) consecutive days without prior notification or permission.

Dismissal may only be effected by the CEO of IAC after recommendations are received from management or the staff member's departmental head and shall be communicated to the staff member by registered letter sent to his / her home address.

If the staff member subsequently returns, an interview will be conducted by the CEO and management / departmental head in order to consider the matter.

If at such an interview the staff member can show good reasons why he / she could not attend work, the CEO may reinstate the staff member to his / her post or where this was possible, to another post, if another post is vacant.

6. Stages of the Disciplinary Procedure:

6.1 Initiating a charge

6.1.1 A charge must be initiated by the CEO, a manager or the department head.

6.1.2 The alleged offender must be given reasonable notice of at least 24 hours of the time and venue of the hearing. This notice must:

- (a) be in writing;
- (b) Set forth the essential elements of the misconduct or complaint of which he / she are charged. The alleged offender must have sufficient particulars in order for him / her to prepare his / her defence or representations;
- (c) Inform the staff member of his / her rights during the hearing; namely, that he / she has the right to be represented by a co-staff member, a right to call witnesses in his / her defence and a right to interpretation if required.

It is the accused staff member's responsibility to arrange for his / her representation and his / her witnesses;

6.1.3 A copy of the notice shall be delivered to the staff member. He / she shall be requested to acknowledge receipt by signing copy of notice. If he / she refuse to sign, it should be given to him / her in the presence of a witness.

6.2 Precautionary Suspension:

6.2.1 In the case of a staff member allegedly having committed a serious offence, he / she may be suspended pending the disciplinary hearing if his / her presence may, in the opinion of the CEO, jeopardize any investigation of the offence or endanger the staff member's or any other person's well being or safety.

7. Conducting the Disciplinary Hearing:

7.1 A disciplinary meeting shall be held as soon as is practically possible after the notice referred to in paragraph 6.1 is delivered to the staff member concerned.

7.2 The following persons shall be present at the hearing:

- (a) Chairperson
He / she shall be an independent and unbiased person appointed by the CEO.
- (b) Manager
Manager, or his / her appointee, who will assist the Chairperson and, together with whom, they will constitute the official panel.
- (c) Initiator
He / She will initiate the charge or complaint;
- (d) Staff member
Against whom charge or complaint is made;
- (e) The staff member's representative (if any);
- (f) Witnesses (if any);

7.3 Role of the Chairperson

- (a) The chairperson shall ensure that the proceedings are conducted in accordance with the Disciplinary Code and Procedure.
- (b) The chairperson shall check whether the staff member wants to be represented and whether he / she require interpretation, and if so, make arrangements for interpretation.
- (c) The chairperson shall check whether the staff member admits the charge or truth of the complaint made against him/ her.
- (d) If the staff member does not admit the charge the chairperson shall:
 - i) Allow the initiator and charge staff member to call their witnesses and lead evidence in support of the cases, and,
 - ii) Allow the initiator and staff member to ask questions of each other and other's witnesses.
- (e) Having heard the evidence of both sides, the chairperson shall make a ruling about whether the charge or complaint is correct or not

- (f) If the staff member admits the charge or complaint then paragraph (d) and (e) may be ignored
- (g) If and when the staff member is found to be guilty of the charge or complaint then the chairperson shall hear representations from the initiator and the staff member about what sanction should be imposed. The chairperson shall then make a ruling about the sanction.
- (h) The chairperson shall not rely upon evidence not canvassed at the hearing.
- (i) The chairperson shall ensure that witnesses are not in the hearing when not testifying.

7.4 Role of the Manager

The Manager, or his / her appointee, shall assist the Chairperson and ensure that all procedures pertaining to the hearing are adhered to.

7.5 Role of the Initiator

The initiator shall present the details of the accused staff member's charge or complaint and lead witnesses in support of the charge or complaint. The initiator shall also be allowed to question the accused staff member and his / her witnesses when their evidence is presented.

If and when the accused staff member is found to have committed the offences or acts complained of, the initiator may make representations to the chairperson about what sanction should be applied.

7.6 Role of Accused Staff Member and his / her Representative

The staff member or his / her representative shall present the evidence to rebut allegations contained in the charge or complaint and lead witnesses in support of his / her rebuttal. The staff member or his / her representative shall also be allowed to question the initiator and his / her witnesses when their evidence is presented.

If and when the accused staff member is found to have committed the offences or acts complained of, the staff member or his / her representative may make representations to the chairperson about what sanction should be applied.

8. Communicating the Ruling and Sanction to the Staff Member

When the chairperson decides on the ruling and/ or sanction he /she must communicate the decision to the staff member in writing. The staff member must be requested to sign a copy of the decision to indicate that he / she has received it. If the staff member refuses to

sign, then it must be handed to him / her in the presence of a witness. A copy of the decision must be sent to the person in charge of HR at the Institute.

9. Appeals

- 9.1 If a staff member is found guilty of the charge or complaint he / she may appeal against the decision.
- 9.2 The appeal shall be communicated in writing within 7 (seven) days of the decision of the hearing having been communicated to him / her.
- 9.3 A chairperson must be appointed for the appeal hearing as soon as possible.
- 9.4 In the event of a dismissal the affected staff member must not report for duty, pending the outcome of appeal. The findings of the appeal committee shall be communicated to the staff member concerned in the same manner as described in paragraph 8.

10. Verbal or Written Warnings where no Formal Disciplinary Hearings was held:

Staff members who disagree with a verbal or written warning where there has been no formal disciplinary hearing may use the IAC's Grievance Procedure.

11. Schedule of Offences amongst others that could lead to dismissal:

- a) Theft, bribery, fraud, removal of IAC property without authority or being in unauthorized possession of IAC property
- b) Forgery or falsification of IAC records;
- c) Assault or intention to assault;
- d) Sexual harassment and or rape;
- e) Refusal to perform a legitimately assigned task or obey instructions given by a manager without just or reasonable cause.
- f) Unauthorized and / or un-communicated absenteeism where such absence is longer than 5 successive working days;
- g) Negligence;
- h) Attempting to bring or causing the name of the IAC to be brought into disrepute;
- i) Being intoxicated whilst on duty or on the IAC premises;
- j) Poor work performance;



RECORD OF VERBAL WARNING

NAME OF EMPLOYEE: _____

DATE: _____

EXPIRY DATE: _____

Following thorough investigation and discussions with the above employee, I issued a verbal warning on the following grounds:

He/she did/did not have a representative present, by choice.

Complainant

Manager

Date

Date



WARNING LETTER

NAME OF EMPLOYEE: _____

DATE: _____

EXPIRY DATE: _____

You are hereby issued with a _____ written warning for the following unacceptable behaviour/performance on your part on the _____ 20__:

Should this behaviour/performance not be corrected or improved, please note that you may be further disciplined in the form of further warnings and ultimately, dismissal.

Kindly acknowledge receipt of this written warning by placing your signature as indicated to you by the issuer hereof.

Manager Signature

Date

Employee Signature

Date



FINAL WRITTEN WARNING LETTER

NAME OF EMPLOYEE: _____

DATE: _____

EXPIRY DATE: _____

You have, to date, received ___ prior written warnings on the _____ and the _____ for the following offences:

- 1. _____

- 2. _____

You are hereby issued with your third and final written warning letter for the following unacceptable behaviour/performance on your part on the _____ 20__ in terms of paragraph _____ of the IAC's standing disciplinary code and procedure:

Your attention is further drawn to the fact that should you commit another offence/fail to improve your performance within _____ months of this letter, further disciplinary action will be taken against you that will lead to your dismissal.

Kindly acknowledge receipt of this final written warning by placing your signature as indicated to you by the issuer hereof

Manager's Signature

Employee's Signature



SUSPENSION

NAME OF EMPLOYEE: _____

DATE: _____

You are hereby notified that your services are suspended pending an investigation into your alleged behaviour/unacceptable performance, which investigation could lead to a disciplinary hearing being convened, the details of which will be notified to you in writing.

This suspension will be with immediate effect due to your disorderly conduct/unacceptable performance that poses a threat to the Employer and the continuation of its business operation. You are furthermore prohibited from communicating or in any way contacting fellow employees or clients or customers. Should you wish to elect/communicate with your representative, you are to make arrangements with _____ who will ensure that your representative is notified and requested to make arrangements with you to prepare your defense.

Kindly acknowledge receipt of this notice of suspension by placing your signature below.

Manager's Signature

Employee's signature

Date

Date



NOTICE OF DISCIPLINARY HEARING

NAME OF EMPLOYEE: _____

DATE: _____

You are hereby instructed to attend a disciplinary hearing on the _____
at _____ at the office premises of the IAC on the following charges of
misconduct / unacceptable performance:

You will receive a fair hearing and you have the right to be represented by any one of your co employees of the IAC, which representative you may choose. You have the right to an interpreter should you require it. You have the right to bring any witnesses to the hearing and may cross examine any witnesses leading evidence against you. Kindly make the necessary arrangements.

Please note that should you be unable to attend this hearing, you are to communicate with _____ to make arrangements for an alternative date. Your failure to attend this hearing and/or to make alternative arrangements for a fresh date may result in the IAC proceeding with this hearing in your absence.

Kindly place your signature on this notice as confirmation of your receipt hereof.

Manager's Signature

Employee's Signature

Date:

Date:



NOTICE OF APPEAL

NAME OF EMPLOYEE: _____

DATE: _____

I hereby wish to lodge an appeal against the disciplinary action taken against me following the disciplinary hearing held on the _____.

The grounds for my appeal are as follows:

1. _____

2. _____

3. _____

Employee's Signature

Date:

Received by: _____

Date: _____

Appeal date: _____



NOTICE OF TERMINATION OF SERVICES

Dear _____

RE: Notice of Termination of Services:

You are hereby notified that your services have been terminated summarily as at _____, following the disciplinary hearing/s held on the _____.

You shall be paid and/or receive your salary up to the date of your dismissal, notice pay (if dismissed on notice*), leave pay, and your U.I.F. Card.

In this regard, kindly contact _____ to make arrangements to collect the above-mentioned articles.

You are further notified of your right to appeal against any aspect of the disciplinary action taken against you within _____ days from the date of termination. You are further notified of your right to refer this matter to the offices of the Commission for Conciliation, Mediation and Arbitration within 30 (thirty) days from date of termination of your services.

We await your instructions as regards the manner in which you are to receive/collect those monies and/or documents due to you.

Yours faithfully

Manager's Signature

Date: