



## CHAIRING DISCIPLINARY HEARING

Many Public Sector organisations lose a lot of money every year due to orders granted against them by the Labour Court and or Office of the Labour Commissioner. This is simply caused by non-compliance with prevailing legislations, regulations, policies and procedures regarding disciplinary matters by those entrusted to manage the disciplinary or misconduct matters. Line managers, especially management cadres and HR practitioners are strictly required to comply and execute the misconduct cases in line with the stipulated and or laid down rules and procedures as non-compliance may in most cases result in costly labour arbitrations which can be avoided by developing the skills in handling misconduct issues.

Many organisations have tried to solve the problem of costly compensation and reinstatement orders by engaging expensive legal consultants to chair their disciplinary hearings. This alternative also turned out to be costly, particularly when disciplinary cases are protracted.

The Chairing Disciplinary Hearing course was designed to provide detailed insight into effectively managing the disciplinary process in the workplace and give line managers and HR practitioners a practical hands-on approach and skills to professionally chair disciplinary hearings in their organisations (Ministries and Regional Councils).

**Venue:** Windhoek, NIPAM Campus

**Duration:** Five (5) Days

### COURSE LEARNING OUTCOMES

- Develop skills in understanding and applying organisational policies, applicable legislations, regulations and procedures for handling or chairing disciplinary hearing
- Have knowledge in understanding various misconduct or disciplinary issues/concepts relating to discipline in the workplace
- Have knowledge in techniques of how to chair a disciplinary hearing in the workplace
- Ability to make an appropriate disciplinary hearing decision.

### WHO SHOULD ATTEND?

The Course in Chairing Disciplinary Hearing is intended for line managers and human resources practitioners who may be called upon to chair and record disciplinary hearing cases.

### COURSE CONTENT

#### Legal Framework governing misconduct and discipline in the work place

- The Constitution of the Republic of Namibia
- The labour Act of 2007 (Act 11 of 2007)
- The Public Service Act of 1995 (Act 13 of 1995) and applicable regulations
- The Public Service Act of 1980 (Act 2 of 1980) (regional councils only) and applicable regulations
- Code of Conduct for Public Service Staff Members.

## COURSE CONTENT

### Introduction to Disciplinary Hearing

- Introduction
- Guidelines in dealing with actions that constitute misconduct
- Suspension of Staff members
- Formulating of charges of misconduct
- Notifying employees of a disciplinary hearing correctly
- Admission of guilt by a staff member
- Denial of guilt by a staff member

### Appointment and Composition of a Disciplinary Committee

- Appointment of the disciplinary committee
- The Chairperson of the disciplinary committee
- Roles and functions of the chairperson
- Human Resource Practitioner as a member: roles and responsibilities
- Human Resource Practitioner as a scribe
- Expert on the subject matter: roles and responsibilities
- Representative of trade union: roles and responsibilities
- Staff member charged
- Witnesses
- Investigator/initiator
- Interpreter

### Chairing a Hearing – Dealing with Substantive Fairness

- What is substantive fairness in disciplinary hearing
- Cross-examination of witnesses
- Methods of cross-examination
- Guidelines for cross-examination
- Evaluating evidence
- Re-examination of evidence
- Findings of the disciplinary committee
- Validation of substantive evidence
- Determining appropriate disciplinary action sanction
- Dismissal or none dismissal as a sanction

### Chairing a Hearing – Procedures Fairness

- Preparation for the hearing
- Procedure and conduct during the disciplinary hearing
- Ensuring availability of appropriate records when preparing for a hearing.
- The duty to keep record of the hearing
- Approval of disciplinary action
- Handling misconduct of Staff members arrested and granted bail with specific conditions
- Appeals procedure by the staff member charged
- General provisions

**For enquiries please contact:**

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## TRAINING APPROACH

The primary objective of our training is to ensure that the knowledge acquired is applied successfully, adding real value and making a visible difference to work performance in the work environment.

The course has strong focus on an outcome-based approach and is facilitated on a highly interactive basis encouraging active learner participation using interactive and participatory power point presentations, group work, drafting and fact analysis of scenarios. Use of misconduct videos to ensure the practical understanding of the subject matter.

## ABOUT THE PRESENTER



Hon. James Sankwasa

NIPAM maintains a dynamic team of facilitators, trainers and consultants composed of highly experienced and hands – on experts. The Course in Chairing Disciplinary Hearing will be delivered by:

Hon. James Sankwasa

The facilitator is a seasoned and very experienced trainer/presenter of misconduct and disciplinary hearings in both the public and private sector. He holds two Master's Degrees including Advanced Diploma in Labour Law with experience spanning over 15 years in labour consultancy

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