



POLICIES & PROCEDURES
DISCIPLINARY CODE & PROCEDURE

REF: D01

1. POLICY OVERVIEW

1.1 NWPB has the responsibility for managing harmonious and effective working Relationship among employees/officials. This will be conducted in a substantive and procedurally fair manner.

2. PURPOSE OF THE POLICY

2.1 To establish rules and standards pertaining to employees' conduct.

2.2 To provide the fair, equitable, consistent and transparent treatment of all employees in disciplinary matters and

2.3 To determine guidelines as to what constitute misconduct and applicable corrective action.

3. BENEFITS OF THE POLICY

3.1 To promote a conducive working environment.

3.2 Sound relationships and satisfactory job performance within NWPB.

3.3 To have well disciplined work force.

3.4 Recourse of the employee and

3.5 The general aim of the discipline will be to rehabilitate, deter and prevent future misconducts occurrences.

4. POLICY APPLICATION

4.1 Policy is applicable to all employees in the NWPB

5. POLICY

5.1 Every disciplinary action shall be documented and

5.2 It is the responsibility of the line manger in conjunction with Human Resources Manager to determine the stage under which the disciplinary actions to be taken.

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6. POLICY MONITORING


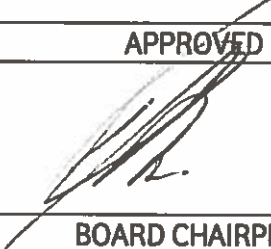
- 6.1 Line management reports and
- 6.2 Quarterly reports of Employee Relation Unit

7. MAINTENANCE

The policy shall be reviewed after two years by HR Division.

8. ANNEXURES

- A. Procedure
- B. Appeal Form

RECOMMENDED BY:	APPROVED BY:
	
ACTING CHIEF EXECUTIVE OFFICER	BOARD CHAIRPERSON

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ANNEXURE "A"
PROCEDURE

1. DISCIPLINARY STEPS

1.1. Depending on the minor or repeated minor misconduct and/or serious misconduct, the following levels of disciplinary action may be initiated by Management in terms of this Disciplinary Procedure: -

- 1.1.1 Minor Misconduct (refer to staff code of conduct) and
- 1.1.2 Serious Misconduct: (refer to staff code of conduct)

2. LEVELS OF OFFENCES

- 2.1 An infringement type may have different levels of seriousness and when deciding an appropriate disciplinary measures the first infraction of a less serious offence may merit counselling or warnings.
- 2.2 Serious Offences would merit written or final warnings and
- 2.3 The most serious offences would require a final written warning or dismissal. Each case should be treated on its merits. The list below details the common offences but is not exhaustive.

Category	Nature of Offence	Disciplinary Sanction
Time Keeping / Absenteeism Offences	Late for work or leaving work early without good reason	Written warning
	Unauthorised absence from place of work without good reason.	Final Written Warning
	Absence from work for four or more days without permission, without good reason and/or without notifying a senior manager during the period of absence.	Dismissal
	Fraudulent time keeping	Dismissal
	Abuse of sick leave	Dismissal

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Work Output Offences	Sleeping on duty	Final Written Warning
	Refusal to work	Dismissal
	Refusal to obey reasonable work related instructions	Dismissal
	Poor quality of work and/or not performing to standards.	Counselling & Written Warning Final Written Warning.
	Negligence, carelessness, lack of interest	Final Written Warning.
	Failure to carry out duties	Final Written Warning.
Quality of Work Offences	Poor maintenance of equipment for which the individual is responsible.	Written Warning.
	Wastage of material	Written Warning
	Damage to equipment or materials.	Final Written Warning.
	Injury to another through negligence or horseplay.	Final Written Warning
Social Offences	Under the influence of alcohol or intoxicating drugs at work	Dismissal
	Unauthorised consumption of alcohol or the administration of drugs for non-medicinal purposes on company premises during normal working hours.	Dismissal
	Assault	Dismissal
	Threat of assault to a superior or a colleague	Dismissal
	Possession of dangerous weapons at work or on company premises.	Final Written Warning
	Intimidation or incitement to violence.	Final Written Warning
	Committing unsanitary acts.	Final Written Warning
	Sexual or Racial Harassment.	Dismissal
	Additional Offences	Failure to carry out a reasonable and lawful instruction
Failure to observe security		Final Written Warning

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	and safety regulations	
	Use of abusive or derogatory language and/or signs	Final Written Warning
	Gross Negligence	Dismissal
	Gross Incompetence	Dismissal
	Gross dereliction of duty	Dismissal
Other Offences	Wilful damage to material, equipment, possession of property	Final Written Warning
	Unlawful or unauthorised possession of company property	Dismissal
	Operating equipment without authorisation	Written Warning
	Divulgence of company information	Dismissal
	Fraud	Dismissal
	Deliberately Supplying false or incorrect information	Final Written Warning

2.4 Level 1 – Written Warning:

2.4.1 Where an employee has committed minor misconduct and there is no need for hearing or the matter can be resolved at a divisional level and the likely outcome of the case is a verbal and written warning. In the event of minor misconduct on the part of an employee which does not warrant a disciplinary penalty being imposed, a written warning coupled with counselling may be convened, in which: -

2.4.1.1 Details of the misconduct are set out; the cause(s) of the misconduct is/are discussed; the required standard(s) of behaviour are explained to the employee; the consequences of failure to correct misconduct shall be explained to the employee; any agreed corrective action and possible follow up meeting.

2.4.1.2 This level of disciplinary action constitutes informal corrective action. However, management shall make a note of any such action taken on the employee's personal file, which may be taken into consideration at any further level of this Discipline.

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2.5 Level 2- Final Written Warning

2.5.1 If the misconduct on the part of an employee may warrant either a verbal or a written warning being imposed (i.e. an employee commits a non- mandatory offence as set out in the Board's Code Of Conduct), a Disciplinary Interview shall be convened, in which: -

2.5.1.1 The employee's immediate Superior or a more senior Manager shall inform the employee of the misconduct.

2.5.1.2 The employee shall be afforded the opportunity to make Representations and

2.5.1.3 After having heard and considered the representations, the Employee's immediate Superior or the more Senior Manager concerned shall decide whether to impose either a final written warning or not.

2.5.2 This level of disciplinary action shall not take the form of a formal Disciplinary Enquiry.

2.6 Level 3; Disciplinary Hearing

2.6.1 Where an employee has committed repeatedly minor misconducts and has been given final written warning or/and where an employee has committed a misconduct determined under serious offences. This process takes a formal approach as detailed below in clause 3 of this policy.

3. FORMAL DISCIPLINARY HEARING

3.1. All allegations of misconduct against employee and classified and fit for disciplinary hearing shall be brought in writing before the CEO through the Human Resources Manager for investigation.

3.2. If the CEO through Human Resources Manager or his nominee is satisfied that there is prima facie cause to believe that an act of misconduct has been committed and falls within this step, the CEO in accordance with Section 18 (1) (d) of the North West Parks Board Act No 3 of 2015, shall proceed henceforth with an appropriate disciplinary level in terms of the policy.

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- 3.3. The CEO shall proceed forthwith or as soon as reasonably possible with a disciplinary hearing but in any event, not later than six (6) months from the date upon which the Human Resources Manager or his nominee received in writing the allegations of misconduct.
- 3.4. In an event of misconduct by an employee that appears less serious in terms of the policy and warrants a sanction less than a final written warning, a disciplinary hearing will not be required.
- 3.5. In the event of a misconduct by an employee that appears sufficiently serious to warrant a sanction more serious than a final written warning, the CEO through the Human Resources Manager shall establish the disciplinary hearing to conduct the enquiry;
- 3.6. If the misconduct on the part of an employee warrants either a final written warning being imposed or dismissal (i.e.: as per the Code of Conduct) or alternatives to dismissal in the event of repeated misconduct following a Written Warning or Final Written Warning, a Disciplinary hearing shall be convened, in which: -
- 3.6.1 The CEO through Human Resources Manager or the nominee shall appoint a Chairperson for the disciplinary hearing. The person appointed as the chairperson should be a person senior than the accused employee.
- 3.6.2 The Chairperson shall make such interim determinations or rulings of law as he deems necessary.
- 3.6.3. The CEO through the Human Resources Manager or the nominee shall appoint an initiator to represent the employer representative in the disciplinary hearing.
- 3.6.4. The employee shall be given a notice of disciplinary hearing/ charge sheet in writing detailing the charge(s), the time and date of the disciplinary hearing, name of the presiding and initiator, venue etc.
- 3.6.5. The misconduct as alleged and contemplated in the Staff Code of Conduct shall further set out sufficient particulars/ details of the alleged offence(s) to enable the employee(s) a reasonable and fair opportunity to prepare a response to the charges.

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- 3.6.6. The employee shall be afforded a (48hours) to prepare for the Disciplinary hearing.
- 3.6.7. The period mentioned above and any other in the code can be varied with the agreement of the other party.
- 3.6.8. The employee has the right to be represented by a colleague "(who may not be a member of the Executive Management)" or shop-steward (from the recognised union or a legal representative) who shall make the application for such representation to the Board which may be approved at the disciplinary hearing.
- 3.7. Before any representative absents themselves from the workplace, in terms of this procedure, they shall consult the line manager for permission.
- 3.8. All employees participating in any stage of this procedure shall be paid their normal wage for the period of their participation, if such participation fall within their normal scheduled working hours.
- 3.9. Before a shop steward is disciplined, the recognised trade Union shall be informed and consulted.
- 3.10 The employee has the right to have an interpreter.
- 3.11 The employee has the right to be present during the hearing, and shall at the hearing be informed of all allegations pertaining to the case.
- 3.12 Where the employer believes that a reasonable notice has been given and there is no just cause for the employee not to be present or absent him/herself at the disciplinary hearing such hearing will be conducted in his/her absentia.
- 3.13. The employer shall record all sitting proceedings and keep such record safe.
- 3.14. Where the employee with good cause believes that the chairperson may be biased, the employee can ask him/her to recuse him or herself from the case.

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- 3.15 The employee shall be given an opportunity to present his/her case at the hearing, and the representative will cross examine evidence and witnesses called by Management, and call witnesses.
- 3.16 Chairperson may ask the witness any questions for clarification.
- 3.17 After having heard all the evidence, the Chairperson shall reach finding. If the finding is guilty, the Chairperson shall advise the employee of the reasons for the finding.
- 3.18 In the event the verdict is guilty on the part of the employee, he or she will afforded an opportunity to present mitigation and the employer will present aggravating circumstances.
- 3.19 The Chairperson shall provide his/her sanction ten (10) days after the conclusion of the case.
- 3.20 The employee shall be notified of the disciplinary outcome and appeal outcome by the Human Resources Management or nominee.
- 3.21 The Chairperson's decision is final and shall be forwarded to the Human Resource Manager who in turn will submit it to the CEO for confirmation sentence.

4. PRECAUTIONARY SUSPENSION

- 4.1 In the circumstances where misconduct has occurred and management believes that the respondent may interfere with the investigation; the NWPB shall suspend the employee from work pending the disciplinary hearing.
- 4.2 In an event that the board decide that suspending the employee is not desirable but believe that the employee cannot continue to operate in his original position pending the finalization of the case the employee can be utilized at another position.
- 4.3 An employee who is suspended by the NWPB shall be paid salary for the period of suspension.

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4.4 A suspension of an employee may not be more than six (6) months without a Valid reason advanced to the employee for such continuation which shall not be more than twelve (12) months all together.

4.5. The CEO or his representative has authority to suspend an employee and such suspension including disciplinary hearing should not exceed a period of twelve (12) months and

4.6. All disciplinary cases which are to be handled internally must be finalised within the period of nine (9) months.

5. COLLECTIVE DISCIPLINARY ACTION

5.1 Where more than one employee is alleged to have committed the same or similar transgression (s), the NWPB shall take disciplinary action against them as a group.

6. COMPULSORY EMPLOYEE COUNSELLING RECORD:

The policy requires all supervisors to provide job counselling and report in the below instances of absenteeism and file such with the Human Resources

6.1 When an employee has absented him/herself for more than one day in a week or four days in one calendar month

6.2 The supervisor has a responsibility to learn the reasons and try where possible to assist the employee or refer him/her to relevant institutions.

7. DEALING WITH ABSCONDMENT

7.1 If the employee has absented him/herself for a period of four (4) consecutive days without notification to the employer, such an employee shall be deemed to have absconded from duty.

7.2 The employer will make every reasonable attempt to establish the whereabouts of the employee and by among others (call the employee, write a letter, evidence from colleague, family or any other possible) and

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7.3 The employee, if he/she reports or does not report for duty after the steps referred to in clauses above undertaken the employer will hold a disciplinary hearing where the employee could be dismissed if no acceptable reason for absence is given.

8. SANCTIONS

8.1 After the end of the disciplinary hearing the chairperson may impose, inter alia, any of the following sanctions

8.1.1 Verbal Warning:

In the event of minor misconduct on the part of an employee, the counselling step/action taken will be a verbal reprimand coupled with an instruction to correct his/her behaviour.

8.1.2 Written Warning:

A written warning may be issued if the conduct of an employee has not improved following a verbal warning, or where the misconduct requires that more verbal interview action be taken.

8.1.3 Final Written Warning:

A final written warning may be issued if the conduct of an employee has not improved following a verbal and a written warning, or where the misconduct requires that more severe disciplinary action (verbal interview) than a counselling be taken.

8.2 Retention of Warnings on Employee's file

Warnings must be retained on the employee file and are valid for the following time periods.

Verbal/Written Warning recorded on file 3 months

Written Final Warning 6 months

9. FURTHER SANCTIONS

9.1 Demotion (as alternative to Dismissal) to another position with or without salary loss.

9.2 Salary fine (as alternative to Dismissal).

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- 9.3 Salary reduction (for a period not exceeding 12 months as alternative to Dismissal).
- 9.4 Dismissal with Pay In lieu of Notice.
- 9.5 Summary Dismissal (i.e. without notice) and
- 9.6 Or combined sanction.

10. DEMOTION, SALARY FINE OR SALARY REDUCTION:

Where an employee is found guilty of an offence which would warrant his/her dismissal from the Board and the extenuating circumstances or mitigation presented is such that a sanction other than dismissal becomes more appropriate.

11. Dismissal on Notice or with Pay In lieu of Notice; or Summary Dismissal:

An employee may be: - dismissed without notice based on the severity of the transgression or if the conduct of an employee has not improved following a final written warning; or dismissed (i.e. without notice) where the misconduct is of an extremely serious nature so as not to warrant a warning being imposed.

12. Any warning imposed shall be placed on the employee's personal file for period not exceeding six months.

13. PRE-DISMISSAL ARBITRATION

13.1 An employer may, with the consent of the employee, request the Commissioner to conduct arbitration into allegations about the conduct or capacity of an Employee as provided in section 188A of the Labour Relations Act 66 of 1995 and

13.2 The provisions of section 138 of the Labour Relations Act 66 of 1995, read with the changes required by the context, will apply to any pre-dismissal arbitration.

14. APPEAL

14.1 An appeal by the employee shall be lodged in a prescribed form within seven (7) working days from the date of the outcome of the hearing been received.

14.2 The appeal of grade 6 to 16 shall be heard by the CEO or his nominee within ten (10) working days from the date of the hearing together with two senior staff members.

14.3 The appeal of grade 3 to 5 shall be heard by the CEO or his nominee within ten working days from the date of the hearing together with two Board Members.

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14.4 All appeals and CCMA referrals must be submitted to the office of the Employee Relation Manager.

14.5 The appeal authority or his/her nominee may uphold the appeal and/or reduce the sanction to a lesser sanction allowed in terms of the disciplinary code and staff code of conduct, or confirm the outcome of the disciplinary proceeding.

14.6 The Board shall immediately implement the decision of the appeal authority. An employee who has been dismissed has the right to waive his/her right to appeal but to refer the matter to CCMA in terms the rules and the Act.

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