



UMZIMVUBU

LOCAL MUNICIPALITY

STANDARD OPERATING PROCEDURE (SOP) ON DISCIPLINARY PROCEDURE

1. INTRODUCTION

The municipality has adopted Labour Relations Policy with the aim of a proper management function, which seeks to maximise the effectiveness relations between employer and its employees. The policy is also guided by the Labour Relations Act as the Supreme Law in labour related matters, South African Local Government Bargaining Council (SALGBC)-Main Collective Agreement and the SALGBC Disciplinary Procedure Collective Agreement.

Having employer/employee sound relations, the employer still have the responsibility to instil the discipline in the workplace and the process has to be both procedurally and substantively fair and, Human Resources (HR) section being the custodian of the process. In conducting the disciplinary enquiry against the employee, there are procedurally steps that employer has to follow in fulfilling the process and its time frames.

The SOP is therefore developed in order for the employer to meet all the prescripts that as required by the above mentioned laws.

2. INCIDENT REPORTING

In an event of misconduct alleged to be committed by an employee, following is required:

- 2.1. The immediate supervisor must instruct an employee to do formal submission regarding the alleged misconduct committed.
- 2.2. The immediate supervisor to assess the seriousness of the misconduct committed.
- 2.3. In the case of the misconduct found to be not serious and does not amount to a disciplinary hearing, the supervisor must give the employee a verbal warning as form of corrective measure.
- 2.4. In the case of serious misconduct, the supervisor must use the formal/ standard incident report form in reporting the misconduct.

STANDARD OPERATION PROCEDURE ON DISCIPLINARY ENQUIRY

- 2.5. The incident report form must be signed by the head of department with recommendations.
- 2.6. The municipal manager approve the report and be submitted to HR for formal investigation.
- 2.7. The complainant must sign for the submission of the report (Date & Time)
- 2.8. The report must be accompanied by the formal report that has been compiled in the department regarding the misconduct.
- 2.9. Attached to the report must be the evidence collected and to be used in proving the misconduct committed.
- 2.10. The report must specify the witnesses to be used in proving the misconduct committed.
- 2.11. HR to conduct investigation not exceeding the period of three (3) months.
- 2.12. The investigation report with clear findings and recommendations must be signed by the municipal manager for approval or disapproval.
- 2.13. In the case of disciplinary hearing required, HR will coordinate the sitting of the hearing in observance of the SALGBC Disciplinary Procedure Collective Agreement.

3. CORRECTIVE OR PROGRESSIVE DISCIPLINE

Section 2 of schedule 8 of the Labour Relations Act 66 of 1995 permit for the corrective or progressive discipline to be conducted. This is a process of discipline that is conducted without involving HR. The supervisor or the head of department may conduct progressive disciplinary against the employee committed misconduct. The corrective or progressive discipline must be conducted as follows:

- 3.1. The Head of Department (HOD) / Manager / Supervisor call the employee to the corrective or progressive disciplinary enquiry.
- 3.2. The HOD / Manager / Supervisor must inform the employee of the misconduct committed.
- 3.3. The employee should be informed that the corrective or progressive disciplinary enquiry is optional.
- 3.4. The employee must confirm that he/she understands the content of the corrective or progressive disciplinary process.
- 3.5. The corrective/ progressive disciplinary enquiry must be recorded in writing.
- 3.6. Both parties must sign the attendance register of the hearing.
- 3.7. Both parties must sign the outcome of the hearing.
- 3.8. In an event of need of Employee Assistant Program (EAP) as an intervention, such outcome should be referred to HR.

4. DISCIPLINARY ENQUIRY CONDUCTED BY HR

The Labour Relations Policy of the municipality defines the disciplinary procedure is a formal action plan through which employees' acts of misconduct and other deviant misconduct behaviour which constitute work offenses, infringements and transgressions of rules, regulations, standards of good practice, violation of organisational order, discipline, interest, values and norms as enshrined and alluded to, in the Disciplinary Code and are redressed in a systematic and orderly manner.

In the main, the SOP on disciplinary proceedings is developed in the order to handle the disciplinary cases efficiently. It is developed in order to tighten controls over how the cases must be handled and for how long the cases should be on record until it gets concluded. The disciplinary hearings must be handled as follows:

- 4.1. Within seventy two (72) hours from the date of receiving the incident report from the applicant, HR must have developed a letter seeking an alleged misconduct to do formal representation and be signed by the Municipal manager.
- 4.2. In a period not exceeding 72 hours from the day of receiving the letter, the employee must have responded and submitted the representation to HR.
- 4.3. HR thereafter must immediately begin with investigation regarding the allegations levelled against the employee.
- 4.4. In a period of a month, the HR must have concluded the investigation report and submitted to the municipal manager for the approval.
- 4.5. At the approval of the report, HR must begin with the process of securing the presiding officers and employer representatives where is required.
- 4.6. HR must then begin with the disciplinary enquiry processes as per the SALGBC Disciplinary Procedure Collective Agreement.

Immediately when the disciplinary enquiry ensue, collective agreement shall be applicable.

The SOP shall be applicable to all employees of the municipality.

APPROVAL OF THE POLICY


The Municipal Council has approved this policy and amendments thereof.

AUTHENTICATION

The amendments of the policy and or the new policy was adopted by the Council on the 29-01-2021

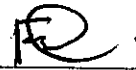
As per Council Resolution number ULMC: 359/2020/2021

Signed off



Mr. G.R.T. Nota

Municipal Manager



Cllr. N.F Ngonyolo

Speaker of the Council