

DISCIPLINE AND DISMISSALS POLICY

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DISCIPLINE AND DISMISSALS POLICY

Purpose

Acts of incapacity arising from ill-health and / or unacceptable performance levels as well as acts of misconduct arise in any workplace from time to time. The purpose of this policy is to support managers in applying appropriate disciplinary action which is both procedurally and substantively fair, does not discriminate unfairly and is consistent at all occupational levels.

A Municipality needs to have rules and a standard of conduct and all employees, from the highest to the lowest levels, have to observe these if the Municipality is to function successfully. The purpose of discipline is to ensure that all employees contribute effectively and efficiently to the goals of the Municipality.

All employees shall have the right to fair discipline and to be treated with respect at all times. No unfair discrimination, favouritism, victimisation or intimidation may be present in any disciplinary action.

Every reasonable attempt shall be made to improve performance and retain and rehabilitate employees except in the case of serious criminal actions or other behaviours or actions that warrant immediate dismissal. When the Municipality deems it to be appropriate, a disciplinary action may be followed up with a criminal charge.

Any formal, serious disciplinary action in respect of incapacity including job performance and work habits may be initiated only after the relevant manager provides evidence of a reasonable management process that has attempted to correct the performance or behaviour. Attempts to correct the performance or behaviour may include informal and / or non-serious disciplinary actions such as cautioning or warning letters.

Scope

The Municipality respects the terms of the Disciplinary Procedure Collective Agreement with the South African Local Government Bargaining Council and shall ensure that all disciplinary actions are compliant with the terms of the agreement as well as the Labour Relations Act and associated Regulations and Codes of Good Practice. If any contradictions arise as a result of any statement in this document, the terms of the Collective Agreement shall override such statements.

Specifically, the Municipality adopts the agreed policy principles that:

- Discipline is to be effected fairly, consistently, progressively and promptly
- The maintenance of discipline is the responsibility of management and falls within the control function of any supervisory position
- The principles of natural justice and fair procedure must be adhered to notwithstanding any criminal and/or civil action having been instituted

- Subject to the requirements of substantive and procedural fairness, the Tribunal has the right to determine the sanction to be applied, having regard to the seriousness of the offence and provided that the sanction is consistent with the provisions of the Collective Agreement
- The disciplinary procedure as stated in the collective agreement and the "standard of conduct" attached to that document must be published to all employees so that they are made aware, explicitly, of the standard of conduct at the workplace
- The collective agreement, as amended from time to time, will define the disciplinary process and the rights and obligations of management and employees.

The policy is applicable to all the employees of the Ubuhlebezwe Municipality.

This policy requires that formal procedures are reduced and greater emphasis is placed upon informal interventions such as counselling and a progressive warning system. It is, therefore, based on the principle that discipline is primarily a means of correcting behaviour and / or performance. Except in exceptional cases, it is not, in the first instance, a punitive measure. The Municipality applies the principle of progressive discipline, starting whenever possible with an attempt to correct or improve. Dismissal must always be a last resort when there are no other options.

The practice of progressive discipline links disciplinary action to performance management, especially in the case of poor work performance and / or poor work habits.

The key principles listed below apply to all verbal and written warnings as well as counselling meetings with employees. These are:

- Maintain or enhance self-esteem, no matter what the employee may have done the manager must maintain and express the attitude that the employee is innocent until proved guilty and, even if guilty, is capable of improving. In other words, rather than blaming the employee, the manager adopts a professional attitude that encourages the possibility of behaviour change and rehabilitation of the employee. Such an attitude also protects the Municipality if any consequent disciplinary action leads to a labour dispute.
- Listen and respond with empathy (empathy means you make a real attempt to understand the other person's point of view; it does not mean you have to agree with them). There's always another side to a story and everyone has the right to be heard.
- Ask the employee to participate in solving the problem. If you offer a solution, it may seem to be the quick and easy way out but it does nothing to develop the employee and can create dependence and / or resentment.
- Apply the 80/20 rule. Spend 80% of the time listening and only 20% talking.

Counselling

Supervisors are encouraged to apply the following meeting agendas for correcting and improving poor performance and poor work habits:

Improving employee performance:

1. Describe the problem in clear and specific terms and a friendly manner
2. Ask for the employee's help in solving the problem and listen to the answer
3. Discuss the causes of the problem and accept the employee's perspective
4. Identify and write down possible solutions, together with the employee
5. Decide on specific actions and who will do what. The employee may be responsible but there are often things you can do to help or support the employee
6. Agree on a specific follow-up date, together

Improving work habits:

1. Describe in detail the poor work habit
2. Ask for reasons and listen without preconceptions to the answer. There may be gender, culture or family responsibility issues involved and you need to show sensitivity to these
3. Indicate that the situation must change and ask for ideas for solving the problem. Listen to the answer and probe for more information if necessary
4. Discuss each idea and offer your help where appropriate
5. Agree on specific action to be taken and set a specific follow-up date

Maintaining good habits or improved performance:

1. Describe the improvement you have observed
2. Explain the importance of this to you/the department/the work team/the Municipality
3. Listen with empathy to the employees comments
4. Ask the employee if there is anything you can do to make it easier to do the job and listen openly to the answer and if appropriate, indicate your intention to take such action
5. Thank the employee for the improved performance/work habit

Utilizing effective follow-up action:

1. Review the previous discussion/s regarding poor performance or work habits
2. Indicate that there has been insufficient improvement and ask the employee for reasons and listen openly to the answer
3. Discuss possible solutions to the problem, together
4. Explain the consequences of continued lack of improvement
5. Agree on action to be taken and on a follow-up date, together
6. Indicate your confidence that the employee can improve

Utilizing effective corrective/disciplinary action:

1. Describe the situation and review the previous discussions
2. Ask for reasons for the situation and listen openly to the answer
3. Indicate what action you must take and why

4. Agree on specific action and a follow-up date
5. Indicate your confidence that the employee can improve

Circumstances justifying disciplinary steps

The Municipality shall react immediately to any form of gross **in**subordination or gross misconduct. Examples of these very serious offences are:

- Refusal to obey or carry out a lawful instruction given by a person in authority
- Non-compliance with or failure to follow established procedures or standing instructions
- Disrespect, insolence or rebelliousness towards superiors.
- An attitude of disrespect or negligence towards the work or municipality property or client
- Violence, abuse or behaviour that endangers others
- Fraud, theft, dishonesty or divulging municipality information inappropriately

In addition, an employee shall be liable for steps in terms of this policy, for example:

- He / she acts in breach of his / her contract of employment
- He / she fails or refuses to satisfactorily perform his / her duties
- He / she fails to carry out any reasonable and lawful instruction
- He / she executes his / her duties in such a way that it is in conflict with generally accepted practice within a Department or if it undermines the employee / employer relationship
- He / she behaves in a fashion that may be regarded (according to the ordinary meaning of the expression) as misconduct
- His / her conduct harms or undermines harmonious and equitable working relationships with any stakeholder
- His / her conduct harms or undermines the interests of the Municipality and / or any stakeholder
- He / she renders poor or unacceptable work performance

Subject to the nature and gravity of the misconduct and / or poor work performance, and with regard to the relevant circumstances and subject to the findings of a hearing, if required, Management's first action may be:

- Counselling
- Issue a verbal warning
- Issue a first or final written warning
- Suspend an employee's services with pay
- Demote and / or transfer an employee
- Suspend an employee without pay
- Dismiss an employee with or without notice

Management and administration of disciplinary measures

Within a reasonable time-period after becoming aware of an employee's offence or failure to perform to the required standard, Management must conduct an investigation into the incident. After due consideration of relevant evidence and mitigating factors, the nature of the incident and the guilt of the offender should be evaluated and an appropriate sanction or other course of action determined and applied.

Formal procedures do not have to be applied every time a rule is broken or a performance standard is not met. Management should consider whether reasonable instruction, training, guidance and counselling, would be appropriate and corrective.

If correction and counselling does not seem appropriate or if the employee had previously been counselled to no avail, or if the employee's poor work performance persists despite reasonable instruction, training, guidance or counselling, the Manager must, within a reasonable time period, initiate the steps of the disciplinary procedure.

If the offence is one for which an employee will probably only receive a verbal warning, it is not practical to constitute a formal disciplinary hearing. In such cases, the employee will be called in by his / her immediate Supervisor / Manager and be asked to give an explanation for the alleged offence / poor work standard. If no satisfactory explanation can be tendered, the employee may be given a verbal warning.

A formal disciplinary hearing may be held if:

- The misconduct or offence warrants a stronger disciplinary measure than a verbal warning
- The employee has repeated an offence after a recent verbal warning
- The employee's poor performance persists after corrective action has been taken
- Dismissal is not a probable sanction

A formal disciplinary hearing must be held if dismissal is a probable sanction

Verbal Warning

Verbal warnings are issued when, in the opinion of management, an offence is serious enough to be formally recognised but does not warrant a stronger disciplinary measure. These warnings should be applied in less serious circumstances where an employee fails to comply with his / her conditions of employment or commits a less serious offence or renders poor work performance.

Although they are a first step, they are formal warnings and it should be clear to the employee what the consequences of ignoring the verbal warning may be.

Verbal warnings are not formally recorded in writing for an employee's file but may be recorded as minutes of the meeting

First Written Warning

First written warnings are issued only after a reasonable investigation of the allegations by a Management representative and will be valid for a period of six months unless the circumstances are so serious as to justify a longer period.

If the Chairperson of a Disciplinary Investigation or Hearing **recommends**, after the conclusion of the investigation or hearing, to issue a written warning, a Warning Form must be completed and signed by the Chairperson. It is preferable but not necessary that the employee concerned also signs the form.

Final Written Warning

In the case of either a further offence after an offence in respect of which a first written warning was issued within the previous six months or a serious offence warranting such action, the Chairperson of a Disciplinary Hearing may, at his / her discretion, **recommend** to issue a final written warning to the offender

If the Chairperson of a Disciplinary Hearing **recommends** to issue a final written warning, a Warning Form must be completed and signed by the Chairperson. It is preferable but not necessary that the employee concerned also signs the form.

Each final written warning shall be valid for a period of a minimum of six months and a maximum of twelve months as determined by the Chairperson of the Disciplinary Hearing

Dismissal

In the case of either a further offence after an offence in respect of which a final written warning was recently issued or a serious offence warranting such action, the Chairperson of a Disciplinary Hearing may, after a formal disciplinary hearing, **recommend** to dismiss the offender with or without notice

Prior to reaching a decision to dismiss the employee for poor or unacceptable work performance, the Chairperson must be satisfied that Management had previously taken reasonable corrective action and / or have considered other ways, short of dismissal, to remedy the matter

In the cases of serious misconduct and / or continued unsatisfactory work performance an employee may be summarily dismissed, that is, dismissed without notice or without pay in lieu of notice.

Dismissal and the law

Dismissal may be fair or unfair and is defined as an instance where an employer terminates an employee's contract of employment with or without notice due to one or more of the following:

- Misconduct by the employee
- Employee incapacity to meet job requirements
- Operational requirements of the employer (also known as retrenchment or redundancy)
- Non renewal of a contract by the employer if an employee on a short term contract reasonably expected renewal
- Refusal by an employer to allow an employee to resume work following maternity leave
- Selective re-employment where a number of employees were dismissed for the same or similar reasons
- Constructive dismissal, where an employee terminates a contract of employment because the employer has made continued employment intolerable for the employee

Unfair dismissal

A dismissal is deemed automatically unfair if an employee is dismissed for:

- Participating in a protected strike or protest action
- Taking or intending to take action against an employer by exercising any right or participating in any proceedings conferred by a law
- Any reason related to pregnancy.
- Any reason that could be defined as direct or indirect unfair discrimination as defined by an Act

A dismissal is unfair (but not automatically unfair) if the employer fails to prove fair reason in relation to conduct, incapacity and operational requirements (substantive fairness).

A dismissal will be deemed fair if it complies with the above and if it is carried out in accordance with a fair procedure.

Categories of dismissals

There are three broad categories of dismissals:

- Dismissals based on operational requirements, i.e. retrenchments and redundancies (This is not a disciplinary issue)
- Dismissal for Incapacity arising from ill-health or non-performance
- Dismissal for Misconduct arising from acts of serious misconduct, e.g. dishonesty

Dismissal for incapacity

Incapacity due to illness or injury may be temporary or permanent.

If an employee is temporarily unable to work or to carry out his / her normal duties due to ill health or injury for a time that is considered by Management to be unreasonably long then, before considering termination of the employee's services, Management will first investigate:

- The nature and requirements of the job
- The period of absence, if any
- The seriousness of the illness or injury
- The possibility of securing a temporary replacement for the ill or injured employee
- The possibility of providing alternative work to the ill or injured employee
- The possibility of adapting the duties or work circumstance to reasonably accommodate the employee's disability

During the process of investigation and consideration by Management, the employee will be allowed the opportunity to state his / her case and to be assisted by an employee representative or fellow employee, as the case may be.

Conditions for termination of service

Any decision by Management to terminate an employee's services on grounds of temporary or permanent incapacity due to ill health or injury will have regard to whether or not the employee is capable of performing the work satisfactorily. Determining this capability to perform the work may require an investigation including the possibility of securing a second medical opinion on diagnosis and prognosis

If the employee is not, on a balance of probabilities, believed to be capable, then all of the following will be thoroughly considered in order to identify any reasonable accommodation that could be made for the employee's disability

- The extent to which the employee is able to perform the work
- The extent to which his / her work circumstances might reasonably be adapted to accommodate the disability
- The extent to which hi/her duties might reasonably be adapted to accommodate the disability
- The availability of any suitable and reasonable alternative work in the Municipality

A formal hearing, similar to the Disciplinary Hearing should be convened prior to terminating the employment contract of any employee due to incapacity arising from ill health or injury.

Incapacity due to non-performance or unacceptable work performance should be dealt with using a similar procedure to that provided for in respect of disciplining misconduct.

Dismissal for misconduct

A disciplinary hearing must be held prior to the dismissal of any employee for incapacity or misconduct.

The disciplinary hearing is presided over by a Chairperson who may be the employee's immediate Manager but may also be another Manager or any other person so appointed by Line Management. The Chairperson may, at his / her discretion appoint additional members of Management to serve on a disciplinary panel. An important criterion for

selecting the Chairperson should be the ability to be objective given the specific circumstances.

The employee should be notified in writing at least 24 hours prior to the hearing of:

- The date and venue of the hearing
- The specific allegations against him/her
- The right to be represented by a co-employee of his / her choice
- The right to an interpreter
- His / her right to call witnesses

The Chairperson of the disciplinary hearing must take reasonable steps to:

- Ensure that all those that need to attend the hearing are present; namely, the employee, his / her representative and interpreter and the initiator of the hearing (the "prosecutor")
- Ensure that relevant witnesses are available
- Describe the procedure to be followed
- Make sure that the employee understands the allegations against him/her
- Permit the employee to respond to the allegations and to submit mitigating factors for consideration.

The process during the hearing

A disciplinary hearing is not conducted strictly like a court of law. Its main purpose is to obtain as much relevant information as is possible in order for the Chairperson to form an opinion as to whether the employee is probably guilty of the allegation(s) and to make a fair decision about a sanction if the employee is found, on balance of probabilities, to be guilty

The initiator, who will usually but not necessarily be the employee's immediate superior, will motivate the allegation(s) against the employee. He / she may call witnesses to substantiate the allegations. He / she may also submit any written or other form of evidence relevant to the matter, to the Disciplinary Hearing. The employee and his / her representative have the right to question evidence and to cross-examine witnesses.

The employee, assisted if necessary by his / her representative, will be given the opportunity to defend him/herself against the allegation(s). He / she will be entitled to call witnesses to substantiate his / her arguments. The initiator will be entitled to cross-examine all witnesses and question all evidence produced.

The Chairperson may, at any time during the hearing, ask questions for clarity. The Chairperson will be entitled to recall any witnesses or to call additional witnesses if he / she deems it necessary.

Once both parties have completed the presentation and questioning of evidence, and if it appears that the employee may be guilty, the Chairperson will call for mitigating and

aggravating factors. It is important for a Chairperson to ask for any mitigating factors before he / she makes a decision regarding a suitable sanction.

Mitigating factors may include:

- ⇒ Number of years service
- ⇒ The employee's service record
- ⇒ Personal circumstances (e.g. Family, age)
- ⇒ The employee's general conduct and performance
- ⇒ The nature of the job and the requirements of the job

Aggravating factors include information regarding previous warnings issued to the employee, which are still in force.

The decision of the Chairperson

When the Chairperson is satisfied that he / she has sufficient information, he / she will request a recess to consider the evidence and the mitigating and aggravating factors. Usually the recess will be fairly short but in more complicated cases the period of recess can stretch over hours and even days / weeks.

Once the Chairperson has made a decision about the probability of the employee's guilt and an appropriate sanction, if any, he / she may reconvene the Hearing and communicate this decision. Alternatively, this can be done in writing by the Chairperson without reconvening the Hearing. If the hearing is reconvened, the decision may be communicated verbally and minuted or, preferably, may be communicated in writing.

If the Chairman of a Disciplinary Hearing decides after the conclusion of the hearing and after a consideration of reasonable mitigating factors, to dismiss an employee, the employee must be informed by means an official letter issued within a reasonable time period.

Subject to the nature and gravity of the misconduct and / or poor work performance, and with regard to the relevant circumstances, the Chairperson may issue a sanction that is one or a mixture of any of the following:

- A verbal warning
- A first or final written warning
- Suspension without pay
- Demotion or transfer of the employee
- Dismissal with or without notice.

If warnings are issued for poor work performance, they should be accompanied by an advice of the performance areas / standards to be improved within a stated period of time

Appeals

If an employee feels that any disciplinary measure has for any reason been unfairly issued, or that he / she has been unfairly dismissed, he / she is entitled to appeal. Appeals should be made to the next level of management that is senior to the level that was involved in the disciplinary measure or hearing.

An appeal should be lodged in writing within three (3) working days after the issue of the disciplinary measure or sanction. An appeal must be properly substantiated and must clearly set out the employee's grounds for appeal.

The employee or his / her representative is entitled to have access to relevant documents and records pertaining to the disciplinary measure or hearing including records of previous warnings.

In the event of an appeal against either a written or a final written warning, the appeal may take the form of a review of the records of the disciplinary hearing and consideration shall be given to the written ground of appeal submitted by the employee concerned. No appeal hearing need be conducted, unless the Line Manager appealed to considers it to be necessary.

In the event of an appeal against a dismissal, an appeal hearing will be conducted at the employee's request, at which the employee shall be entitled to be present. The employee may elect to be represented by a co-employee or elected employee representative.

The Municipality shall appoint a Chairperson of the Appeal Hearing who will be objective and must be different person from the person who chaired the hearing and who shall consider the appeal within a reasonable period after the lodging of the appeal.

The record of the disciplinary hearing appealed against shall be submitted to the appeal hearing and evidence presented at the disciplinary hearing shall be regarded as evidence in the appeal hearing. The employee's and management's representative's right to present evidence to the appeal hearing shall be limited to evidence not presented at the disciplinary hearing.

The Chairman of the Appeal shall furnish the appeal decision, within fifteen (15) working days after the completion of the hearing/review.

If an employee believes that an appeal decision fails to resolve the situation then he / she may take the matter, without prejudice, to the CCMA or the Labour Court

Responsibility

All supervisors and managers are responsible for implementing this policy

DISCIPLINARY PROCEDURE: RECORD OF A VERBAL WARNING

Date:

Name of employee

It is hereby confirmed that on(date) at _____ (time),
_____ (name of Manager) held a meeting with the employee and informed the employee that after investigation, he / she has been found on a balance of probabilities, to be guilty of the following offence/s:

- 1.
- 2.
- 3.

This document serves as a record that a verbal warning has been issued and this record will be kept for 3 months to support more serious disciplinary action should the same offence or a similar offence be committed within that time.

Signature of Manager Date

Signature of Employee Date

DISCIPLINARY PROCEDURE: FIRST WRITTEN WARNING

Date:

Name of employee

It is hereby confirmed that on(date) at _____ (time),
_____ (name of Manager) held a meeting with the employee and informed the employee that after investigation and after giving the employee reasonable opportunity to defend himself / herself, he / she has been found on a balance of probabilities, to be guilty of the following offence/s:

- 2.
- 2.
- 3.

This is a very serious matter and the Municipality trusts that this warning will serve to ensure that the offence / s are not repeated. This warning will be kept on the employee's file for a period of 6 months to support more serious disciplinary action should the same offence or a similar offence be committed within that time.

Other corrective measure / s taken or to be taken:
.....
.....

Signature of Manager Date

I have read and I understand the contents of this warning. I confirm that I have received a copy of this warning.

Signature of Employee Date

Signature of Employee Representative Date

DISCIPLINARY PROCEDURE: FINAL WRITTEN WARNING

Date:

Name of employee

It is hereby confirmed that on(date) at _____ (time),
_____ (name of Manager) held a meeting with the employee and informed the employee that after investigation and after giving the employee reasonable opportunity to defend himself / herself, he / she has been found on a balance of probabilities, to be guilty of the following offence/s:

- 1.
- 2.
- 3.

This is a very serious matter and the Municipality trusts that this warning will serve to ensure that the offence / s are not repeated. This warning will be kept on the employee's file for a period of 6 months. If the same or similar offence or other serious offence is committed within that time, the employee will face a formal disciplinary hearing which could lead to his / her dismissal.

Other corrective measure / s taken or to be taken:

.....

Signature of Manager Date

I have read and I understand the contents of this warning. I confirm that I have received a copy of this warning.

Signature of Employee Date

Signature of Employee Representative Date

NOTICE OF SUSPENSION

Dear _____

This notice serves to inform you that you are suspended from your employment on full pay for the reasons set out hereunder whilst the following allegations against you are investigated:

It is envisaged that the investigations will be completed on _____

You will be advised in writing on that date regarding the outcome and any action that may be taken against you.

Signature of Manager

Date

I have read and I understand the contents of this warning. I confirm that I have received a copy of this warning.

Signature of Employee

Date

Physical address where the employee can be contacted during the suspension period

Telephone number:

Cell phone number:

NOTIFICATION OF DISCIPLINARY HEARING

1. Issued to: _____
Address: _____

2. Issued by: _____
Date: _____

3. You are hereby notified that a disciplinary hearing will be held

Date:
Time:
Venue:

Description of the alleged transgression:

Date of alleged transgression: _____ Time: _____ Place _____

4. You have the right to:

- Call a fellow-employee as representative
- Call witnesses to strengthen your case
- Cross examine witnesses
- Submit evidence in support of your case
- Ask for an interpreter

It is your own responsibility to ensure that your witnesses are present and to provide the hearing supervisor with their names at least 24 hours before the hearing.

5. If you fail to attend the Hearing it may be held in your absence.

DISMISSAL NOTICE

Dear _____

After due consideration of the facts and evidence presented at the Disciplinary Enquiry that was held on _____ at

_____ concerning the allegation of

_____ and after taking into account all mitigating and aggravating factors that were presented, we regret to inform you that due to the serious nature of this matter, your services are hereby terminated with

- immediate effect
- two weeks' paid notice
- one months' paid notice

We are satisfied that the disciplinary procedure has been correctly followed and we have sufficient substantive grounds to terminate your employment with us.

We will finalise all payments that are owing to you and make a deposit into your bank account by _____, on condition that by that date you have returned all municipality property in your possession.

This notice also serves to advise that you have the right to appeal against this decision within **five days** of the date hereof. Your appeal must be in writing and must be delivered to the Managing Director. You may use the attached form.

Signature of Manager

Date

I have read and I understand the contents of this dismissal notice and I confirm that I have received a copy of it.

Name of Employee

Signature

Date

Signature of Employee Representative

Date

APPEAL FORM

Name of employee _____

I hereby appeal against the following disciplinary measures and / or sanctions:

- 1. _____
- 2. _____
- 3. _____

which were issued to me on : _____

The reasons for my appeal are as follows:

Signature of Employee _____ Date _____

Signature of Employee Representative _____ Date _____

I acknowledge receipt of this appeal

Signature of Manager / Hearing Chairperson _____ Date _____

RECORD OF DISCIPLINARY HEARING

- 1. Date of Hearing _____
- 2. Place of Hearing _____
- 3. Time of Hearing _____
- 4. Persons present at the Hearing

Name	Capacity

- 5. Charges against employee

A _____
B _____
C _____

- 6. Summary of management's case

- 7. Summary of employee's case

- 8. Finding on each charge and reasons therefore

A _____

B _____

C _____

9. Factors considered in mitigation of sentence

10. Factors considered in aggravation of sentence

11. Verdict

Signature of Manager

Date

I have read and I agree with the contents of this record

Signature of Employee

Date

Signature of Employee Representative

Date

Disciplinary code

These are guidelines with respect to possible penalties related to the offences listed; the merits of each case will always be of primary importance in determining any penalty. These guidelines apply to all employees at all occupational levels and all occupational categories.

<i>Incapacity</i>	<i>Action 1st Offence</i>	<i>Action 2nd offence</i>	<i>Action 3rd offence</i>	<i>Action 4th offence</i>
<p><i>Unsatisfactory work performance</i></p> <p>Continued failure to carry out duties or to meet work standards or requirements because of inefficiency, lack of application, etc. Behaviour which negatively affects the Municipality's good name or business image, such as rudeness to a client</p>	<p>Verbal warning</p> <p>Final written warning</p>	<p>First written warning</p> <p>Dismissal</p>	<p>Final written warning</p>	<p>Dismissal</p>
<p><i>Incapacity arising from ill health</i></p> <p>Continued absence from work resulting in an inability to reasonably fulfil contractual obligations in terms of the Employment Contract and / or inability to properly and satisfactorily perform all job functions</p>	<p>Verbal</p>	<p>First written warning</p>	<p>Final written warning</p>	<p>Dismissal</p>

Misconduct	Action 1st Offence	Action 2nd offence	Action 3rd offence	Action 4th offence
<p><i>Negligence</i></p> <p>Negligent loss of Municipality or client property e.g. when an employee, through carelessness or negligence, causes loss to the Municipality or its clients Negligent damage to Municipality/client property e.g. when an employee causes or allows Municipality or client property in his charge to become damaged through carelessness or negligence</p>	<p>Final written warning</p> <p>Final written warning</p>	<p>Dismissal</p> <p>Dismissal</p>		

<p><i>Vehicle accidents</i></p> <p><u>Extent of driver involvement:</u> Not responsible</p> <p>Not directly responsible, but contributing through negligence Driver to blame, but extenuating circumstances exist</p> <p>Driver to blame through negligence</p> <p>Driver to blame through recklessness</p> <p><u>Circumstances related to the accident:</u> Under the influence of alcohol and / or drugs Without licence Unauthorised journey</p>	<p>No action</p> <p>Verbal warning First written warning</p> <p>Final written warning Dismissal</p> <p>Dismissal Dismissal Final written warning</p>	<p>First written warning Dismissal</p> <p>Dismissal</p> <p>Dismissal</p>	<p>Final written warning</p>	<p>Dismissal</p>
<p><i>Disobedience or insubordination</i></p> <p>Refusal to obey or carry out a lawful instruction given by a person in authority Non-compliance with, or failure to follow established procedures or standing instructions Insubordination, insolence or rebelliousness towards superiors.</p>	<p>Final written warning Final written warning Dismissal</p>	<p>Dismissal Dismissal</p>		
<p><i>Poor work habits</i></p> <p>Abuse of sick leave</p> <p>Absence from work without good reason</p> <p>Reporting late for work</p> <p>Leaving work early</p> <p>Extended or unauthorised breaks during working hours Failure to produce sick certificate</p>	<p>First written warning First written warning Verbal warning Verbal warning Verbal warning Verbal warning</p>	<p>Final written warning Final written warning First written warning First written warning First written warning First written warning</p>	<p>Dismissal Dismissal Final written warning Final written warning Final written warning Final written warning</p>	<p>Dismissal Dismissal Dismissal Dismissal Dismissal</p>

Unauthorised absence from the workplace	Final written warning	Dismissal		
Sleeping on duty	Final written warning	Dismissal		
Failure to notify superior of absence without good Reason	First written warning	Final written warning	Dismissal	
Habitual absence of 1 to 2 days without good reason, in excess of 2 occasions in any 8 week period	Final written warning	Dismissal		
Desertion, i.e. unauthorised absence of longer than 2 days without good reason	Final written warning	Dismissal		
Abscension, i.e. unauthorised absence of more than 6 days	Dismissal			
<i>Alcohol or drug related offences</i>				
Possession of alcohol or drugs while on duty	First written warning	Final written warning	Dismissal	
Being under the influence of alcohol or drugs while on duty	Final written warning	Dismissal		
Reporting for duty being under the influence of alcohol or drugs	Final written warning	Dismissal		
<i>Offences relating to municipal property</i>				
<u>Municipal vehicles:</u>				
Unauthorised carrying of passengers in Municipality Vehicles	Dismissal			
Unauthorised use or borrowing of Municipality vehicle	Dismissal			
Taking a Municipal vehicle into a prohibited area	Dismissal			
Deviation from a given delivery or collection route without authorisation	Final written warning	Dismissal		
<u>Other Municipal property:</u>				
Misuse of Municipal property e.g. when Municipality property is used for any purpose other than that for which it was intended	Final written warning	Dismissal		
Failure to report an accident or damage to Municipal property	Final written warning	Dismissal		
Use of Municipal property for private purposes without permission	Final written warning	Dismissal		

<p><i>Violence and endangering others</i></p> <p>Assault, fighting, riotous behaviour, abusive action, etc. Threat of assault or violence Unauthorised carrying of dangerous weapons and / or explosive devices whilst on duty Failing to adhere to safety standards and procedures Endangering the safety of others and / or Municipal or client property Intimidation and / or victimisation Sabotage, i.e. any wilful or malicious act to interfere with the normal operations of the Municipality by damaging any equipment or by causing the disruption of any services necessary to the operation Contravention of Section 14 of the Occupational Safety and Health Act, intentional or reckless interference with or misuse or abuse of anything provided in the interests of health or safety</p>	<p>Dismissal</p> <p>Dismissal</p> <p>First written warning</p> <p>First written warning</p> <p>Final written warning</p> <p>Dismissal</p> <p>Dismissal</p> <p>Final written warning</p> <p>Dismissal</p>	<p>Final written warning</p> <p>Final written warning</p> <p>Dismissal</p> <p>Dismissal</p>	<p>Dismissal</p> <p>Dismissal</p>	
<p><i>Incitement to strike</i></p> <p>Any action by an employee to incite, persuade or encourage other employees to take illegal industrial action</p>	<p>Dismissal</p>			
<p><i>Divulgence of information</i></p> <p>Divulgence of confidential Municipality information Making any public or media statement regarding the Municipality or its business without the prior written approval of the Chief Executive Officer Deliberately supplying incorrect information</p> <p>Any action which could bring the Municipality into disrepute or cause the Municipality financial or other harm</p>	<p>Dismissal</p> <p>Final written warning</p> <p>Final written warning</p> <p>Dismissal</p>	<p>Dismissal</p> <p>Dismissal</p>		

<p><i>Sexual, racial or other harassment or victimisation</i></p> <p>Actions or decisions related to harassment or victimisation or prejudice or unfair discrimination as defined by the Bill of Rights</p> <p>Sexual or racial assault</p>	<p>Final written warning</p> <p>Dismissal</p>	<p>Dismissal</p>		
<p><i>Actions against common law, or statutory and related offences</i></p> <p>Giving or receiving or attempting to give or receive any bribe, or inducing or attempting to induce any person to perform any corrupt act.</p> <p>Deliberately giving or attempting to give untrue, erroneous or misleading information or testimony or false evidence</p> <p>Forging, falsifying or changing any document with fraudulent intent, or attempting to do so.</p> <p>Committing any act of fraud or dishonesty</p> <p>Clocking a time card belonging to another person/allowing own time card to be clocked by another person</p> <p>Unauthorised possession of Municipality or client property</p> <p>Theft or attempted theft of Municipality or client property</p> <p>Assisting in the theft or attempted theft of Municipality or client property</p> <p>Misappropriation or embezzlement and acting to apply or attempting to apply funds, assets or property belonging to the Municipality, clients or other employees to a wrong use or for an unauthorised purpose</p> <p>Gambling on Municipality premises</p> <p>Smoking in a non smoking area</p> <p>Non-compliance with access control measures on Municipality premises</p> <p>Contravention of or non-compliance with any legal provision or regulation contained in any labour and / or other relevant legislation</p>	<p>Dismissal</p> <p>Dismissal</p> <p>Dismissal</p> <p>Final written warning</p> <p>Final written warning</p> <p>Dismissal</p> <p>Dismissal</p> <p>Dismissal</p> <p>Dismissal</p> <p>Final written warning</p> <p>Verbal warning</p> <p>Verbal warning</p> <p>First written warning</p>	<p>Dismissal</p> <p>Dismissal</p> <p>Dismissal</p> <p>Dismissal</p> <p>Dismissal</p> <p>Dismissal</p> <p>Dismissal</p> <p>Dismissal</p> <p>Dismissal</p> <p>First written warning</p> <p>First written warning</p> <p>Final written warning</p> <p>Final written warning</p>	<p>Final written warning</p> <p>Final written warning</p>	<p>Dismissal</p> <p>Dismissal</p>

