



## **Disciplinary Hearings !!!!**

Dated: 06/10/2025 by Aleksander Rost

ALT Business Services is a one stop shop that offers the services of qualified, independent chairpersons for disciplinary hearings. These professional services are available through experienced and well qualified labour experts.

South African labour legislation is well known as one of the most advanced and fairest human capital (HR) management structures in the world, ensuring that the workforce is dealt with in a responsible and caring manner. Consequently, employers need to understand what their obligations to their employees comprise, as there are so many mazes and loop holes that the company can fall victim too.

The true intention of human resources "best-practices" is to help companies improve relationships with staff through encouraging employee engagement in the workplace and improving company outputs/productivity. If best practice is followed through the proper training of line managers, suitable inductions of staff, clarity of roles, responsibilities, clear policies and procedures, etc, then very few conflict matters should arise.

However, legislation can seem particularly complicated when it comes to sensitive matters such as hearings, retrenchments, performance management initiatives, HR/IR training, etc. This is especially relevant to disciplinary hearings due to the ever increasing UN-employment rates of Southern Africa. The goal of a disciplinary hearing is to ensure that all parties are given the opportunity to state their case, that the correct procedure is followed to determine whether an employee is guilty of any alleged misconduct and, if so, that the appropriate course of action is recommended.

One of the key role players in a disciplinary hearing is the chairperson, who is responsible for ensuring that the hearing is held correctly, in compliance with all labour laws and procedures. Consequently, the selection of a chairperson is a very critical element in the success or failure of the disciplinary process. The quality of the person chairing a hearing may result in the risk of an unfair outcome should therefore be suitably qualified with experience in dealing with hearings. In addition, the appointment of a chairperson for a hearing is made based on the style and personality of the chairperson and their fit with the culture of the organisation and the situation at hand.

An independent chairperson ensures that any potential for an internally appointed chairperson who is biased, subject to political interference, or lacking in competence is avoided. The chairperson must make recommendations based solely on the evidence provided at disciplinary hearing and be equipped to assess mitigating and aggravating circumstances. This ensures that both sides of the issue may be presented equitably so that both the employee and the employer will be given a fair outcome for a given matter.

Employers often overlook the value of ensuring that an independent chairperson i.e. one who is not emotionally invested in the company, is appointed to manage a formal disciplinary hearing. In addition, an independent chairperson has the benefit of not being prejudiced by having any workplace relationship with an employee. This is especially relevant when

considering the possible consequences of the disciplinary hearing for both the employee and the employer. An external chairperson will make sure that he/she does it right the first time.

South Africa's diverse workforce often requires that the employee may require the assistance of a translator for the disciplinary hearing. The use of translators is a legal requirement and it is equally important to appoint if possible a truly independent and competent person to this role.

### **Who can assist with these services??**

ALT Business Services can assist you with your Human Resource Management needs and in complying with the ACTS and with your Labour and Employment Relations. With years of comprehensive knowledge and business, labour and human resource experiences combined, ensuring that you the client will always maintain service satisfaction. Please review my other article titled ([Benefits of Outsourcing](#)) as to why we will be of benefit to your Company.

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Cell / WA: +27 73 706 1027

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