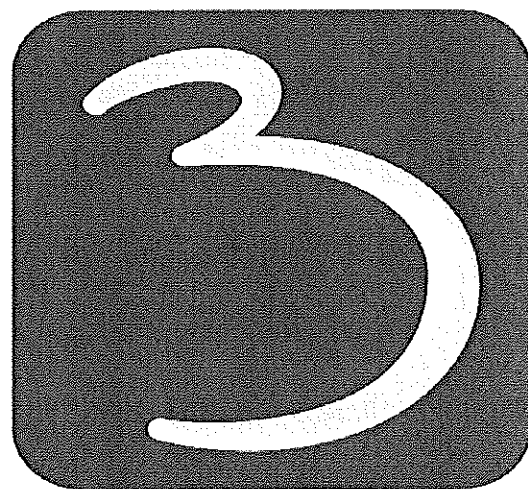


# Disciplinary Policy



***Boxing  
South  
Africa***

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## 1. Introduction

Boxing SA will ensure fairness and consistency in handling all disciplinary cases. The right to take disciplinary action shall rest with management. The employees acknowledge and accept the right of management to maintain discipline over employees

The principle of corrective and progressive discipline will be followed. This approach regards the purpose of discipline as a means for employees to know and understand what standards are required of them. Efforts should be made to correct employees' behaviour through a system of graduated disciplinary measures such as counselling and warnings.

Misconduct relates to an employee's conduct that contravenes a policy established by Boxing SA or implied by the employment contract.

## 2. Terms and definitions

**Disciplinary** – Written, step-by-step process which a firm commits itself to follow in every case where an employee has to be warned, reprimanded, or dismissed. Failure to follow a fair, transparent, and uniform disciplinary procedure may result in legal penalties (damages) and/or annulment of the firm's action.

**Transgression** – the violation of law or policy

**Misconduct** - A misconduct is a legal term meaning a wrongful, improper, or unlawful conduct motivated by premeditated or intentional purpose or by obstinate indifference to the consequences of one's acts

## 3. Objectives of the policy

The objective of this policy is to:

- Promote sound relations and understanding between management and the employees;
- Provide fair guidelines by means of which the rights and obligations of both Boxing SA and the employees are promoted;
- Provide a procedure to be followed for disciplining of employees whose work behaviour is unacceptable or constitutes misconduct;
- Provide guidelines for managing conflict in the organisation

#### **4. Disciplinary Principles**

**4.1** No employee will be dismissed without a disciplinary hearing.

**4.2** Provided that the circumstances warrant such action, management will:

- a) Suspend an employee on full pay pending any enquiry or hearing it wishes to conduct;
- b) Summarily dismiss an employee after a hearing. Summary dismissal is the termination of employment without notice and without payment in lieu of notice
- c) Where dismissal is not warranted, management will decide on a suitable corrective or punitive action.
- d) Dismissal will be considered as the last resort in this process.

#### **5. Misconduct**

Misconduct refers to actions or behaviour that contravenes the employee's conditions of employment and these policies. The following are the steps in the disciplinary process as regards cases of misconduct. The steps provided below are only guidelines and should not necessarily be followed in a sequence i.e. each case will be decided on circumstances surrounding the transgression. In each instance, the employee has the right to be represented.

#### **6. Informal Verbal Warning**

**6.1** A verbal warning is generally an informal warning.

**6.2** The purpose of the verbal warning is for the relevant manager to inform the employee of the unacceptable conduct and to enable the employee to correct such conduct or to avoid a repetition thereof.

#### **7. Formal Verbal Warning**

The same procedures as with an informal verbal warning are followed, except that the warning is placed on the employee's personal file.

## 8. Written Warning

8.1 A written warning may be given where a verbal warning has failed to achieve the desired corrective conduct or when the misconduct is so serious that a verbal warning would not be adequate.

8.2 An employee shall be required to sign an acknowledgement of receipt of a written warning. Should an employee refuse to sign a written warning, management shall record this fact on the warning. A third person will then be called upon to confirm in writing that the warning was handed to the employee. The refusal of the employee to sign the written warning shall in no way whatsoever affect the validity or enforceability of the written warning.

8.3 The written warning shall be recorded on the employee's personal file, and a copy given to the employee.

8.4 The written warning shall be valid for a period of six (6) months from the date of issue.

8.5 The consequences of a future transgression e.g. possible termination of employment, must be communicated clearly to the employee.

## 9. Disciplinary Enquiry

9.1 The main purpose of a disciplinary enquiry is to determine whether there are sufficient grounds for a disciplinary hearing.

9.2 The format and method used during the investigation will be determined by the nature, extent and circumstances of the alleged transgression.

9.3 After receipt of a complaint regarding an alleged transgression, the Chief Executive must appoint an "investigating officer" to investigate the matter and to obtain evidence in order to determine whether there are grounds for a charge of misconduct against the employee concerned. The relevant Manager concerned will normally be the "investigating officer" of the enquiry. His/her duties will include the following:

- to co-ordinate the process of obtaining all relevant facts;
- to protect as far as possible the interest and dignity of all the parties involved;
- to decide whether there are sufficient grounds for a charge of misconduct, and if not, to recommend appropriate corrective measures.

9.4 The Investigating officer must determine within the shortest possible time period of his/her appointment whether or not the employee should be charged and what the contents of the charge should be.

- 9.5 If sufficient grounds for a charge/s of misconduct are found to exist during the investigation, the relevant Manager must charge the employee concerned with misconduct within the shortest possible time period after the receipt of the investigating officer's information.
- 9.6 The charge must also direct the employee concerned to deliver a written admission or denial of the charge and, if he/she so desires, a written explanation regarding the misconduct with which he/she has been charged.
- 9.7 If the employee denies the charge, a Chairperson must then be appointed to chair the disciplinary enquiry. A person not in the employ of Boxing SA who has the necessary knowledge, appropriate qualifications and experience may be appointed as the Chairperson.
- 9.8 The accused employee is entitled to be represented by a fellow employee at the enquiry.
- 9.9 The disciplinary enquiry must commence within the shortest possible time period of the appointment of the Chairperson.
- 9.10 The investigating officer must represent Boxing SA at the enquiry.

## 10. Hearing Procedure

### 10.1 Notification for a Hearing

- a) The employee concerned will be notified by the relevant Manager in writing of the disciplinary hearing as soon as operationally possible.
- b) The notice will set out the alleged misconduct the time date and place of hearing.
- c) The notice will also inform the employee of his/her rights which will include the following:
  - i. the right for preparation;
  - ii. the right for representation by a fellow employee, recognized shop steward or union official;
  - iii. the right to call witnesses;
  - iv. the right to state his/her case;
  - v. the right to cross-examine;
  - vi. the right to access any documentary evidence to be submitted; and
  - vii. the right to appeal against a disciplinary decision.

### 10.2 Preparation for a Hearing

- a) The employee will be allowed sufficient time ( not less than 48 hours from the date of notification about the hearing) to prepare for a hearing. However, if at the hearing a complaint is lodged that the employee did not have sufficient time to prepare, the Chairperson may grant a postponement of the hearing based on discussion from both parties.

### 10.3 Persons Present at Hearing

The following persons may be present at a hearing:

- a) the Chairperson of the hearing, appointed by the Chief Executive Officer, or a manager from another department who occupies a position senior to that of the employee, and who has no prior knowledge of the case that has to be heard;
- b) the employee concerned;
- c) the investigation officer ( management representative);

- d) if necessary, an interpreter;
- e) the employee's representative. It is the responsibility of the employee to find his/her own representative. The representative will be expected to use all reasonable means to ensure a fair hearing and to protect the interest of the employee concerned. Boxing SA will respect the position of the employee's representative and will in no way penalise an employee who acts as a representative for a fellow employee;
- f) any witnesses which either the employee or management wishes to call, at their own costs, and who shall only be present while presenting relevant evidence;
- g) an employee who is well versed in the disciplinary policy and procedures may assist the Chairperson in conducting the hearing or may serve in an advisory capacity to all parties.
- h) a scribe, who will record the proceedings of the hearing, with the aid of a tape recorder.

#### 10.4 The Hearing Process

- a) The hearing process consist of distinct phases:

Phase I: to establish facts in order to determine guilt or non-guilt;

Phase II: to determine appropriate findings;

Phase III: to hear argument in mitigation and aggravation of findings;

Phase IV: to decide on the appropriate sanction (disciplinary/corrective action).

- b) The laid down step-by-step procedure will be followed to give each relevant party sufficient opportunity to state his/her case, namely:
  - i. the Chairperson leads the proceedings and informs those present of the purpose of the disciplinary hearing and process;
  - ii. Management's representative, in the form of the Investigating officer, reads the charge to the concerned employee, the Chairperson asks the employee whether he/she admits or denies the charge and whether he/she wishes to disclose the nature of the defence;

- iii. The Investigating officer presents evidence through witnesses;
- iv. The employee may cross examine the witnesses;
- v. The employee concerned, assisted by his/ her representative, will then state his/her case and may also call witnesses;
- vi. the Investigating officer may cross-examine the witnesses
- vii. both parties present final argument of their case to the Chairperson;
- viii. the proceedings are adjourned for the Chairperson to reach a finding (no time limit is set for the adjournment but all parties must remain informed as to when the hearing is to be reconvened);
- ix. the hearing is reconvened and the Chairperson informs those present of his/her findings- guilty or not guilty;
- x. if guilty, evidence will be led for aggravating circumstances by management and for mitigating circumstances by the employee;
- xi. proceedings are once again adjourned for the Chairperson to consider all the circumstances;
- xii. The Chairperson must then decide on an appropriate sanction and notify the employee concerned as soon as possible of his/her finding, the reasons therefore, and of the decision in respect of disciplinary sanction.
- xiii. the Chairperson must notify the relevant Manager/Chief Executive Officer of his/her finding and recommendation.

#### **10.5 Adjourment**

In the event of a hearing being adjourned and reconvened, the hearing will be considered as having been reconvened only when the Chairperson, Investigating officer, the employee and his/her representative are present.

#### **10.6 Duration of Hearing**

No time limit is set for the duration of the hearing. However, should it be necessary to postpone, adjourn or reserve findings the Chairperson will use his or her discretion to ensure sufficient and reasonable time scales.

#### **10.7 Sanction**

Where the employee is found guilty and the decision is to dismiss, the employee will be informed that:

- a) the decision to dismiss will be given in writing as soon as is operationally possible;
- b) the employee may appeal to the Chief Executive Officer against the disciplinary decision within five (5) days of receiving written communication of the decision;
- c) the employee must state on the appeal form exactly what he/she is appealing against;
- d) in the event that the finding of guilty with appropriate sanction is upheld at the appeal hearing, and should the employee not be satisfied with the outcome of the appeal procedure, the employee will have thirty (30) days in which he/she may approach the CCMA for assistance.

## 11. Appeal Procedure

- 11.1 The purpose of the appeal procedure is to ensure reasonable consistency in dealing with disciplinary matters within Boxing SA.
- 11.2 A manager senior to the Chairperson of the disciplinary hearing, preferably the Chief Executive Officer or a person not in the employ of Boxing SA who has the necessary knowledge, appropriate qualifications and experience will hear all appeals.
- 11.3 To exercise this right to appeal, the employee should appeal in writing against the disciplinary decision within five (5) working days of receiving written communication of the decision.
- 11.4 The appeal process will be completed as soon as is operationally possible after receipt of the written appeal from the employee. This will then be the final stage.

## 12. Courts of Law

- 12.1 Cases of criminal nature will be handled through the criminal court system and offenders will be handed over to the relevant authorities.
- 12.2 Disciplinary decisions will not necessarily be affected by judgements against the employee in civil and criminal courts. Employees will not as of right be entitled to plead *lis pendens* or *res judicata* at a disciplinary enquiry, as the reason for the enquiry as well as the onus of proof might differ.

## 13. Suspension of Services

Suspension of services with full pay may be effected, for example, if it is believed that the presence of the employee may hamper with investigations. This example is not exhaustive and the suspension must be authorized by the Chief Executive Officer.

## 14. Disciplinary Code

The guidelines contained in this code are not exhaustive, consequently, an employee who is found guilty of committing an offence not specifically described in this code may nevertheless be disciplined in appropriate circumstances.

## 15. Guidelines on Transgressions

The list below serves to highlight the seriousness of certain offences but is no way comprehensive and should be seen as a guideline and a framework within which offences and sanctions should be categorized. Obviously individual circumstances of each case must be considered. This framework serves to create consistency and transparency.

### Category I: Less Serious Transgressions

	Transgression	Sanction
1.	Absence from workplace without permission	Written warning
2	Bad language/ derogatory manner.	Written warning
3	Playing on duty.	
4	Sleeping on duty. (at a work place).	Final written warning
5	Misuse of sick leave	
6	Disclosure of passwords.	Final written warning
7	Misuse of BSA equipments.	
8	Littering	
9	Displaying of notices without permission.	Written warning
10	Attack on a person's honour, dignity or good name.	Written warning

**Category II: Serious Transgressions**

	<b>Transgression</b>	<b>Sanction</b>
1	Negligence- both professional and other	Written warning
2	Transgression of BSA rules and regulations.	Final written warning
3	Deliberate or negligent disregard of work related orders or requests given to the employee	Final written warning
4	Revealing and communicating any confidential information or documentation specifically forbidden in the conditions of employment and Human Resources guidelines to employees or third parties.	Dismissal
5	Any actions that harms the image of BSA or subordinates or team spirit and loyalty between employees.	Final written warning

**Category III: Very Serious Transgressions**

	<b>Transgression</b>	<b>Sanction</b>
1	Use of BSA property for private purposes without approval.	Dismissal / Final written warning
2	Absent for five (5) days without leave or notice to the direct supervisor..	Dismissal / Final written warning
3	Falsifying documents	Dismissal
4	Unruly behaviour; illegal drugs / alcohol.	Dismissal

5	Damage of BSA property.	Final written warning
6	Refusal of a lawful and reasonable instruction (repeat the instruction in the presence of a witness), ignoring it or deliberate failure to do so.	Demotion / Suspension without pay as an alternative to dismissal but with the agreement of the parties
7	Theft or fraud.	Dismissal
8	Have knowledge of theft or fraud without reporting it to management.	Final written warning
9	Sabotage.	Dismissal
10	Bribery of accepting gifts without permission.	Dismissal
11	Sexual harassment.	Dismissal / Final written warning
12	Harassment, intimidation or victimisation of colleagues.	Dismissal / Final written warning
13	Misrepresentations made in any interviews or CV's that, were the true facts known, the employee would not have been appointed in the position or at the relevant salary.	Dismissal
14	Spreading any electronic virus through the electronic communications system of BSA.	Dismissal
15	Failure to observe the BSA's rules and regulations.	Warnings/Dismissal
16	Assault, threatened assault, fighting or any unacceptable, aggressive behaviour that can cause physical injury to visitors or colleagues.	Dismissal
17	Possession of firearms on BSA property or any other dangerous weapons without prior written permission from the CEO.	Final written warning
18	Unauthorised consumption of drugs / alcohol while on duty and / or on the premises of BSA.	Final written warning/Dismissal
19	Driving a BSA vehicle while under the influence of alcohol / drugs.	Final written warning /Dismissal
20	Sending derogatory electronic mail through BSA communications system.	Final written warning

**16. Approval and implementation**

- 16.1 This policy is effective from the date of approval by the Chairperson of the Accounting authority.
- 16.2 The CEO will be responsible for implementation and monitoring of the policy.
- 16.3 The policy will be reviewed on an annual basis and revision thereto must obtain Board approval.

**17. Level of approval**

Dr P Ngatane

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\_\_\_\_\_  
Board Chairperson

  
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Signature

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Date

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