



01. Understand the allegations

- Begin by thoroughly understanding the allegations against the employee. Clarify the specific misconduct, including the date(s), time, and circumstances of the alleged incident.
- Determine the severity of the allegation and whether it falls under any established company policies (e.g., misconduct, performance issues).



02. Investigation team

- Assemble a team, consisting of key personnel. This should include:
 - o The employee's direct supervisor /manager.
 - o A representative from HR.
 - o Relevant senior staff members.
- Ensure that team members are impartial and have the expertise to conduct a fair investigation.



03. Incident details

- Confirm the specific employee involved, their department, and the date(s) of the incident.
- Determine if there are eyewitnesses or credible individuals who can corroborate the facts. Avoid using hearsay or biased witnesses.
- Speak directly to any potential witnesses and collect statements that detail their observations of the incident.



04. Preserve evidence

- Identify all relevant evidence that could support or refute the allegations. This may include:
 - o Documents, emails, records.
 - o CCTV footage or other video evidence.
 - o Physical evidence (e.g., equipment involved in the incident).
- Ensure all evidence is securely stored to maintain its integrity throughout the investigation.





05. Define scope

- Clearly define the scope of the investigation to avoid unnecessary or unrelated inquiries. Consider the following:
 - o Who will be the company representative during the investigation?
 - o How many witnesses will be interviewed and called during the hearing?
 - o What is the reasonable timeframe for conducting the investigation and completing the report?



06. Gather documentation

- Review and collect any relevant documents:
 - o Employee file: Check for signed contracts, disciplinary code, policies, and prior warnings.
 - o Document evidence: e.g., Incident report (Document A), supporting proof like CCTV footage or email communications (Document B).
- Verify that all documentation complies with internal procedures and legal standards.



07. Review policies and procedures

- Familiarise yourself with company policies and legal guidelines relevant to the alleged misconduct. Ensure the investigation is aligned with these policies and complies with local labour laws or industry regulations.

08. Analyse the evidence

- Objectively evaluate the evidence, including both direct and circumstantial evidence, to determine if there is enough proof to substantiate the allegations.
- Weigh the credibility of witnesses and the reliability of evidence (e.g., whether video footage is clear, whether documents are genuine).
- Avoid making assumptions, and ensure all evidence is considered before drawing conclusions.





09. Maintain confidentiality

- Protect the confidentiality of the investigation by limiting the sharing of information. Only those with a legitimate need to know should be informed.
- Confidentiality protects the privacy of all involved parties and ensures the investigation remains unbiased.



10. Draft a report

- Prepare a detailed and unbiased investigation report. This should include:
 - o A summary of the allegations.
 - o A breakdown of the evidence collected.
 - o Your findings (e.g., whether the allegation is substantiated, or if there are mitigating factors).
 - o Any conclusions or recommendations for the next steps.

Use the information in this report at the hearing.



11. Seek legal counsel (if necessary)

- In complex cases or when there are legal implications, consult with your organisation's legal counsel or labour relations experts (e.g., LABCO)
- Legal counsel can provide insights into relevant labour laws and ensure that your process complies with all necessary regulations.

12. Schedule the hearing: (LABCO)

- If there is sufficient evidence to proceed, schedule a disciplinary hearing. Supply LABCO with a copy of the investigation report.
 - o Notify the employee of the hearing date, time and location as soon as you receive the hearing notice from LABCO.
 - o Provide the employee with a Notice to Attend, including information on the allegations and their right to representation. LABCO will draft and supply this Notice to Attend.





13. Attend the hearing



- During the hearing, the company representative will present the findings and evidence.
- Allow the employee the opportunity to respond to the allegations and present their own evidence or witnesses.
- Ensure that the hearing is conducted in an impartial manner, allowing both sides to present their case to a LABCO Chairperson.

14. Follow due process



- Adhere to your organisation's policies and relevant labour laws when determining disciplinary action.
- Provide the employee an opportunity to appeal the decision if your procedures require this step.

15. Document everything



- Keep detailed records of the entire investigation and hearing process, including:
 - o Interview notes, witness statements, evidence review.
 - o The outcome of the disciplinary hearing.
- Maintain this documentation for legal compliance and to ensure that due process was followed.

16. Communicate the outcome



- Inform the employee of the outcome of the disciplinary hearing in a clear and respectful manner.
 - Communicate any decisions regarding disciplinary action (e.g., warning, suspension, termination),
- In the event of dismissal inform the employee of possible referral mechanisms (such as CCMA, Bargaining Council, etc.)

