

Misconduct Cases

JPC has adopted an approach to tackle and reduce the occurrence of misconduct cases in the organisation through awareness sessions where employees are informed about disciplinary procedures, policies and expected behaviours, and where line management undergo capacity building so that they are able to initiate and preside over disciplinary hearings.

In the period under review, ten misconduct cases were reported and/or processed in terms of the disciplinary code, of which three employees were placed on precautionary suspensions and two were dismissed. The dismissals were imposed because in one instance the offence related to dishonesty and in another it was a repeated offence.

Misconduct	Outcome
Negligence as it relates to performance of duties	The disciplinary hearing commenced and the matter is pending.
Negligence in performing duties: signed a lease agreement on behalf of the company without authorisation	Final written warning.
Fraud and corruption	Investigation currently underway and the employee has been placed on precautionary suspension.

Disputes

Only four matters were referred for an external dispute resolution mechanism at CCMA and two are awaiting the arbitration hearing, while the other two were dismissed and finalised at arbitration level.

Case Description	Outcome
186(2)(b) – Unfair labour practice in that the employer made deduction to the employees’ salary, etc.	The matter was dismissed at the arbitration hearing.
186(1)(e) Constructive dismissal	Conciliation finalised, awaiting arbitration referral.
186(2)(b) – Unfair suspension or disciplinary action in that the employee resigns and later challenges the employer on unfair suspension, etc.	The matter was dismissed at arbitration due to a lack of CCMA jurisdiction.
181(1)(a) Unfair dismissal	Conciliation finalised and arbitration hearing scheduled for 1 September 2017.