

EXPECTED STANDARD OF PERFORMANCE	CATEGORY OF BREACH	ALLEGED OFFENCE OR INFRINGEMENT	Recommended Maximum Disciplinary Action to be Imposed			
			1st Incidence	2nd Incidence	3rd Incidence	4th Incidence
Employees shall render good service to the School Employees to serve in the best interests of the School	Misconduct	Participation or supporting protected industrial action	Unlawful to institute any form of disciplinary action [S187(1)(a) of the LRA]			
	Poor Performance or Incapacity	Refusal to perform work normally performed by another employee who is participating in industrial action	Unlawful to institute any form of disciplinary action [S187(1)(b) of the LRA]			
	Poor Performance or Incapacity	Employee unable to perform normal duties satisfactorily due to illness, disability or pregnancy	Unlawful to institute any form of disciplinary action [S187(1)(e) and (f) of the LRA]			
	Refusal of Consent or Misconduct	Employee to accept the proposal of the School under duress or compulsion	Unlawful to compel an Employee to accept a demand in respect of a matter of mutual interest [S187(1)c of the LRA]			
	Enforcement of Employee Rights or Misconduct	Employee takes action against their School in terms of rights conferred by the LRA or relevant Statute	Unlawful to institute any form of disciplinary action [S187(1)(d) of the LRA]			
Employees shall obey all reasonable and lawful instructions and fulfil their contract of employment terms [Continued on page 2]	Misconduct	Wilful Insubordination * Gross or persistent * Minor	Dismissal Written Warning	Final Warning	Dismissal	
	Misconduct	Disrespect towards School or Supervisor / Insolence * Serious or repeated * Minor	Final Warning Written Warning	Dismissal Final Warning	Dismissal	
	Misconduct	Disobeying reasonable and lawful job related instructions * Serious consequences * Minor consequences	Dismissal Written Warning	Final Warning	Dismissal	

EXPECTED STANDARD OF PERFORMANCE	CATEGORY OF BREACH	ALLEGED OFFENCE OR INFRINGEMENT	Recommended Maximum Disciplinary Action to be Imposed			
			1st Incidence	2nd Incidence	3rd Incidence	4th Incidence
Employees shall obey all reasonable and lawful instructions and fulfil their contract of employment terms <i>[Continued]</i>	Misconduct	Failure to follow standing orders or proper safe operating procedures * Serious and Wilful disregard resulting in material breach and severe prejudice to others * Minor and of lesser consequence	Dismissal			
	Misconduct	Uncooperativeness and obstructive towards superiors or peers	Written Warning	Final Warning	Dismissal	
Employees shall perform their duties with diligence and maintain reasonable efficiency	Misconduct	Sleeping on the job * Of serious consequence * Lesser consequence	Final Warning	Dismissal		
	Misconduct	Unauthorized absence from place of work and absenteeism * Of serious consequence * Lesser consequence	Written Warning	Final Warning	Dismissal	
	Misconduct	Intentional latecoming; early departure from workstation without permission; extended rest or meal intervals.	Final Warning	Dismissal		
	Misconduct		Written Warning	Written Warning	Final Warning	Dismissal
	Incapacity <i>[generally]</i>	Poor work performance or total relationship breakdown due to incompatibility	Evaluation / Counselling / Guidance PLUS: Final Warning	Dismissal [* see 9 of Notes below]		
	Poor Performance / Incapacity	Negligent performance of work or duties; irresponsible conduct * Serious consequence or potential prejudice to School, Learners, Peers * Lesser consequence	Counselling / Guidance PLUS: Final Warning	Dismissal		
	Poor Performance / Incapacity	Loafing; poor quality of work or insufficient output; material wastage	Written Warning	Written Warning	Final Warning	Dismissal
		Counselling / Guidance PLUS: Written Warning	Final Warning	Dismissal		

EXPECTED STANDARD OF PERFORMANCE	CATEGORY OF BREACH	ALLEGED OFFENCE OR INFRINGEMENT	Recommended Maximum Disciplinary Action to be Imposed			
			1st Incidence	2nd Incidence	3rd Incidence	4th Incidence
Employees shall render honest service to the School and further the interests of the School	Misconduct	Unauthorized possession of, or attempted removal of School or any other third party's property from the workplace; theft or aiding or abetting or sanctioning theft * Serious consequences * Lesser consequence and prejudice	Dismissal Final Warning	Dismissal		
	Misconduct	Bribery, fraud or serious dishonesty	Dismissal			
	Misconduct	Forgery; unauthorized disclosure of confidential information; falsification of documents * Serious consequence on trust relationship * Lesser consequence and prejudice	Dismissal Final Warning	Dismissal		
Employees to preserve and look after the business and assets of the School	Misconduct	Malicious damage to, or intentional negligent use of School's tools, equipment or business assets; reckless operation or driving of equipment or vehicles * Causing damage or with serious consequences / wastage * Minor negligence	Dismissal Written Warning	Final Warning	Dismissal	
	Poor Performance	Failure to use, look after and keep presentable safety/clothing/equipment issues, or School property provided for Employee's use	Written Warning	Final Warning	Dismissal	

EXPECTED STANDARD OF PERFORMANCE	CATEGORY OF BREACH	ALLEGED OFFENCE OR INFRINGEMENT	Recommended Maximum Disciplinary Action to be Imposed			
			1st Incidence	2nd Incidence	3rd Incidence	4th Incidence
Employees shall not endanger the safety of other employees, themselves, learners or others; and shall adhere to all safety standards and safe operating procedures	Misconduct	Horseplay * Serious consequences * Minor consequence	Dismissal Final Warning	Dismissal		
	Misconduct	Improper use of tools or equipment; dangerous work practices or working under the influence of any intoxicating or inhibiting substance * Serious consequences * Lesser consequence and prejudice	Dismissal Final Warning	Dismissal		
	Misconduct	Violent behaviour, threatening superiors,peers,learners,third parties; intimidatory behaviour; assault (threatened or actual). * Corporal punishment, fighting	Dismissal Final Warning	Dismissal		
	Misconduct	Sale,storage,consumption or distribution of inhibiting or intoxicating substances at School	Final Warning	Dismissal		
Employees shall further the best interests of the School and not compete with the School	Misconduct	Breach of employment contract confidentiality expectations * Serious consequences * Lesser consequence and prejudice	Dismissal Final Warning	Dismissal		
		Competing with the School;moon-lighting or unauthorized freelancing or alternative/other employment	Dismissal			

EXPECTED STANDARD OF PERFORMANCE	CATEGORY OF BREACH	ALLEGED OFFENCE OR INFRINGEMENT	Recommended Maximum Disciplinary Action to be Imposed			
			1st Incidence	2nd Incidence	3rd Incidence	4th Incidence
Employees shall maintain sound working relations with their School, superiors, learners, other Employees, Clients and other third parties in the best interests of the School	Misconduct	Harassing behaviour; rude, abusive, insulting behaviour or language which imposes on dignity of others * Serious consequences or imposition / insult * Minor consequence	Dismissal			
			Final Warning	Dismissal		
	Misconduct	Victimisation or intimidation which threatens the safety, security, goodwill, integrity or progress of another, carrying of any unauthorized weapon while on duty * Serious consequences * Lesser consequence/prejudice	Dismissal			
			Final Warning	Dismissal		
	Misconduct	Failure to report an accident, any injury; unsafe acts, structures, areas or equipment which may harm others	Final Warning	Dismissal		
	Misconduct	Abusive, insulting or threatening conduct towards a client, supplier or third party with relations with the School * Serious consequences * Lesser consequence/prejudice	Dismissal			
			Final Warning	Dismissal		
	Misconduct	Behaviour which results in disrepute to the School; tarnishing the good name or image of the School * Wilful or Serious impact * Minor prejudice	Dismissal			
			Final Warning	Dismissal		

IMPORTANT NOTES ON THE DISCIPLINARY CODE

Please Note: This Code should be read in conjunction with the School's Disciplinary Procedure, as well as the provisions of the Labour Relations Act 1995 relating to discipline and dismissal

1. The disciplinary action recommended in this guideline reflects the **MAXIMUM penalty** that should be imposed. Obviously, a lesser penalty can be applied, or informal action taken in the form of a counseling session or "verbal warning"
2. Dismissal as a form of disciplinary action may only be used as a "last resort" and **if no alternative** form of action can be considered as being appropriate in the circumstances. The School may well be required to prove that less drastic action was considered, and provide information as to why the alternatives to dismissal were not considered appropriate
3. Other than less drastic disciplinary action [e.g. a final warning], other **alternatives to dismissal** include -
 - * **demotion** [with reduced pay and benefits] if the transgressions relate to competence, compatibility or suitability for current position; can only be utilized as an alternative to dismissal and with the Employee's proper consent and formal acceptance
 - * **suspension without pay**, as an alternative to dismissal, may be more appropriate in certain circumstances, but must again be consented to by the Employee, not under duress - suspension without pay for a period in excess of 4 weeks may be counter-productive and considered as being excessively punitive
4. Dismissal should not be effected unless a **formal and proper disciplinary hearing** has been conducted, the Employee is found guilty of the alleged offence, and dismissal is considered as being the only appropriate disciplinary action.
5. The relevant **procedural requirements** as set out in Chapter 8 of the LRA and the **relevant "code of good practice"** per Schedule 8 of the Act must be complied with to demonstrate procedural and substantive fairness
6. The School's disciplinary procedure and code should NOT be kept confidential to Employees, and should be readily available and accessible to Employees, and their representatives. School representatives must also be au fait with the code and the procedural requirements of the Act.
7. The Code may appear at first to be somewhat severe in its response to offences; it does however take into account the fact that **cumulative disciplinary action** can only be imposed (for less serious offences) if the second or third offence is of a similar nature/breach to the previous infringement.

[It is now well established in SA Case Law that cumulative action can only be taken if the new offence is of the same category and is essentially the "same offence" - offences of a similar nature (i.e. breaching the same expected standard of performance) have been grouped together in this Code for this very practical reason.]
8. The inclusion of the "Expected Standard of Performance" (column 1) in this Code is to ensure that the offence is viewed from the broader perspective of being a **deviation from the [Common Law] rule** or standard, rather than as being an offence in itself reinforces the corrective nature of discipline; focusing on and clarifying the desired level performance, also eliminating the need to include every possible infringement imaginable in the code for it to be valid
9. Poor performance as a result of **Incapacity** [e.g. injury, incompatibility, ill-health, alcoholism etc.] is dealt with specifically in the LRA's Schedule 8 which should be consulted prior to initiating any corrective action