

Are you prepared for a disciplinary hearing?



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Introduction

Facing a disciplinary hearing is often a nightmare and stressful experience for employees. Not only is it a threat to the employee's livelihood but the process itself tends to dent someone's reputation both at work and on the outside. It is therefore imperative that someone going through the process is well prepared to deal with any pitfalls along the way. Fundamentally the process is guided by the Human resource manual of the employer (If they have any). Essentially the process can be broken down into three components;

- a) **The pre-hearing stage;**
- b) **The hearing stage and;**
- c) **The post-hearing stage.**

1. The pre-hearing stage

This is basically the preparatory stage of the hearing and an employee can expect the following;

a) **An investigation**

The purpose of the investigation is to build a case, that is capable of establishing concrete evidence that can trigger disciplinary proceedings. At this stage, an employee is required to cooperate and furnish any information that could exonerate them. There is no need to panic at this stage since in the absence of an investigation report, it is premature to arrive at any conclusions.

b) **Invitation/ notice of the Disciplinary hearing**

If the investigation report presents sufficient evidence to impute impropriety, then the employee can be summoned for a hearing. The notice of the hearing contains the following;

- The offence that the employee is accused of committing;
- Evidence in support of the accusation;
- List of witnesses and their testimonies (if any);
- Likely sanctions/ implications;
- The date, place and time of the hearing;
- The Employee's rights during the hearing



c) Personal preparation

At a personal level an employee may need to consider doing the following;

- Get an understanding of the allegations;
- Familiarise with the disciplinary procedures and human resource manual; usually these vary from one organisation to another;
- Collect as much information as possible about the case;
- Trace the source documents of each accusation;
- Prepare and submit a written statement in response to the accusations;
- Prepare a list of witnesses

2. The hearing stage

This is the day when the employee appears before a committee to present their case. There are no hard and fast rules since a disciplinary committee is not a Court of law and is therefore not expected to replicate Court procedure or standards.

All that is required of an employer is to avail the employee with an opportunity to present their case, ask witnesses questions and argue their case before an impartial committee. It is therefore not uncommon to have a disciplinary hearing without a physical hearing. During the hearing, the employee is afforded the following rights;

- a) A right to appear with a trade union representative or work colleague;
- b) Request for more time to prepare for the case;
- c) A right to ask any witness questions;
- d) A right to request for recusal of any member of the disciplinary committee;
- e) Access to copies of any evidence that was not provided.

3. Post hearing stage

Upon conclusion of the hearing, a decision is taken on whether to dismiss or acquit an employee. Ordinarily, employers have internal appeal processes that can be explored to overturn the decision in case it is unfavourable. If the employee is dissatisfied with the appeal process, filing a complaint at the labour office is also a viable alternative in the pursuit for justice.

Conclusion.

How an employee prepares for a disciplinary hearing ultimately determines their future at work. It is therefore imperative that a lot of time and effort goes into preparing a strong case that could lead to an acquittal.

For more questions regarding this article contact our Employment team at info@origolaw.ug

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