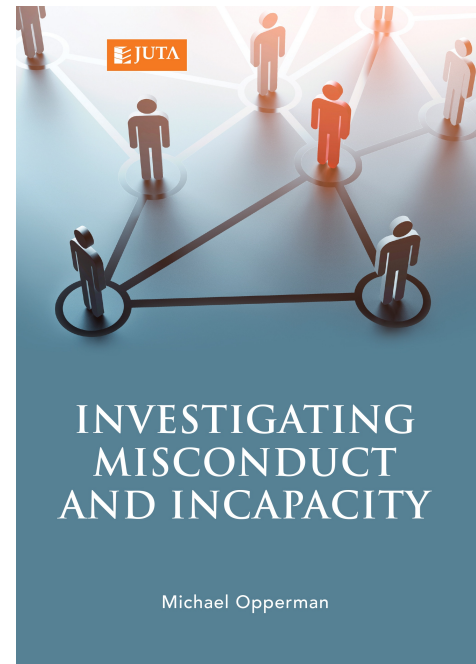


Investigating Misconduct and Incapacity

Edition: 1st Edition
Publication date: 2016
Author/Editors: Opperman, M
ISBN: 9781485101765
Format: Soft Cover
Number of Pages: 362
Retail price: R874.00 (incl. VAT, excl. delivery.)
Website Link: juta.co.za/pdf/23654/



About this Publication:

Investigating Misconduct and Incapacity sets out practical steps to enable those initiating dispute procedures to compile and prepare relevant evidence for disciplinary enquiries and to structure that evidence for the best presentation of cases against offenders in the workplace.

Investigating Misconduct and Incapacity assists in properly conducting investigations and then interpreting the evidence discovered, collating the evidence effectively and presenting that evidence during the course of disciplinary hearings.

This book discusses the tools of discovery of evidence, offence categories for relevant charges and how to compile those charges. It describes various processes of collating the evidence into a comprehensible format and also addresses the prospects of legal intervention should the situation warrant it.

Contents Include:

- The parameters for misconduct
 - What is misconduct?
 - What is a valid rule or standard? Where can these rules be found?
 - Who is an employee?
 - Awareness of the rule or standard
 - Consistency
 - Appropriate sanction
 - The burden of proof
 - Suspension
- The investigation process
 - *Prima facie* evidence
 - The parameters of the charge: Template to decide if there is reason for a charge
 - Planning the investigation
 - Criminal investigation
 - Interrogation
 - Interviewing employees
- Tools of discovery
- Offence categories
- Collating and presenting the evidence
- Legal intervention
 - Search and seizure
 - Urgent applications for labour issues
- Annexures
 - Rules for the Conduct of Proceedings before the CCMA
 - CCMA Guidelines on Misconduct Arbitration

Of Interest and Benefit to:

- Labour lawyers
- HR managers
- Trade unions
- Line managers