



6 tips to employers considering summoning an employee to a disciplinary hearing

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The contents of the letter by which an employer summons an employee to a disciplinary hearing in instances of gross misconduct is an important first step in a disciplinary process. The following 6 tips will help you draft the letter in a way that mitigates some of the risk arising from legal action commenced by an aggrieved employee:

- 1** Provide the employee with a copy of the company disciplinary procedure at the commencement of the process which ensures he is aware of his rights.
- 2** Prior to inviting an employee to a disciplinary hearing, provide the employee with written particulars of his misconduct and request his written response thereto within a specified time.
- 3** Evidence of the alleged misconduct should, where possible, be provided to the employee in the form of key findings enclosed to the letter inviting him to the hearing.

4 In the letter the employee should be informed of his right to be accompanied at the hearing by a colleague from work. Such companion may put across the employee's case and be allowed to confer with the employee during the hearing but not answer questions on his behalf.

5 The letter to the employee must inform him that depending on the facts established at the hearing the outcome of the process may lead to his dismissal. However, it must also be stated that such decision will only be made after the employee has had an opportunity to state all matters that he wishes to raise and the disciplinary hearing process has been concluded.

6 The letter should take into account the fact that the employee may be unable to attend the hearing on the date specified by giving him leave to choose another date up to a week from the specified date.