



Basic rights of an employee that is summoned to a disciplinary hearing

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These are some basic rights of an employee that is subjected to a disciplinary hearing process at work. An employee that is not accorded these rights may succeed in legal action against an employer who proceeds to terminate his employment following the disciplinary hearing process. An employee has the right to the following:

- 1** Access to a copy of the company's written disciplinary procedure to ensure the employee is aware of his rights during the disciplinary process. An employer should facilitate such access.
- 2** Written notification of the particulars of misconduct giving rise to disciplinary hearing.
- 3** Where the employee is invited to a disciplinary hearing the employer should endeavor to provide evidence of the alleged misconduct so that the employee is clear on what he is responding to.
- 4** Where the employee is invited to a disciplinary hearing he should be informed of his right to be accompanied at the hearing by a colleague from work. Such a colleague may put across the employees case and be allowed to confer with the employee during the hearing but will ordinarily not answer questions on his behalf.
- 5** Where the matters raised in the letter inviting the employee to the hearing amount to gross misconduct then the employee must be informed that the outcome of the disciplinary process could lead to his dismissal. He must also be informed that such decision will only be made after the employee has had an opportunity to state all matter that he wishes to state and the disciplinary hearing process has been concluded.
- 6** The employee should be given lee way as regards the date of the hearing such that if he is unable to attend on the date scheduled by the employer then he has the option to choose another date up to a week from the date specified by the employer.