



Province of the
EASTERN CAPE
COOPERATIVE GOVERNANCE
& TRADITIONAL AFFAIRS

**STANDARD OPERATING
PROCEDURE: DISCIPLINE
MANAGEMENT FOR DEPARTMENT
OF COOPERATIVE GOVERNANCE
AND TRADITIONAL AFFAIRS**

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SIGN OFF

I. Head of Department

The Discipline Management Standard Operating Procedure has been approved by the Head of Department: Ms. G. Gumbi-Masilela in my capacity as the Accounting Officer of the Department of Cooperative Governance and Traditional Affairs Department.

I am satisfied and concur with the contents of this Procedure Manual.

The development of this Standard Operating Procedure will ensure the Department is able to exercise its powers in compliance with the applicable laws and guide decision- making in the Department.

Signed:	
Designation:	Head of Department
Date:	24/8/15

1. DISCIPLINE MANAGEMENT

2. STANDARD OPERATING PROCEDURE ONE

3. PURPOSE

To enhance the capacity of Managers and Supervisors on how to handle and manage discipline in their areas of jurisdiction.

4. SCOPE

This SOP is applicable to all employees of the Department of Cooperative Governance and Traditional Affairs as an instrument for expeditiously handling and managing disciplinary cases.

5. RESPONSIBILITY

6. Line Managers and Supervisors of directorates are responsible for ensuring that employees comply with the SOP. Employee Relations will conduct awareness session on the SOP.

7. PROCEDURE

To conduct investigation to all the reported and suspected transgressions and facilitate disciplinary processes. The nature of transgression or misconduct will determine whether it warrants an informal and/or formal disciplinary procedure.

6.1 Informal Disciplinary Procedure:

- Discipline is a Management responsibility hence line Managers and Supervisors are required to attend and resolve disciplinary matters as soon as possible at the point of origin.
- Line Managers and/or Supervisors in consultation with Labour Relations will be advised as to how to handle informal disciplinary processes for less serious forms of misconduct.
- Line Managers are responsible and accountable for conduct of their supervisees.

6.2 Formal Disciplinary Procedure:

If the alleged misconduct justifies a more serious form of disciplinary action than provided in paragraph 6.1 above, the employer may initiate a formal disciplinary inquiry.

- The employer must appoint a person, from within or from outside the Public Service, as its representative to initiate the enquiry.
- The employer must appoint the Chairperson, from within or from outside the Public Service to chair the disciplinary inquiry.
- The employee must be given notice at least five working days before the date of the hearing.
- The employee must sign receipt of the notice. If the employee refuses to sign receipt of the notice, it must be given to the employee in the presence of a fellow employee who shall sign in confirmation that the notice was conveyed to the employee.
- The written notice of the disciplinary meeting must use the form of Annexure D of the Disciplinary Code and Procedure and the SMS Handbook.

8. REVIEW AND REVISION

This SOP will be reviewed and amended in line with future legislative promulgation, collective bargaining agreements and relevant case laws.

8. CONTINGENCIES

The consequences of the non-compliance with this SOP may result to the institution of a formal disciplinary procedure and will be reported to the Accounting Officer and the Executive Authority.

9. REFERENCES

PSCBC Resolution 1 of 2003, Chapter 7 of the SMS Handbook and Schedule 8 of the Labour Relations Act 66 of 1995 as amended.

10. DEFINITIONS

In this Standard Operating Procedure (SOP), any word or expression to which a meaning has been assigned in the Act (Public Service Act as amended) has the meaning so assigned, unless the context indicates otherwise:

Words/Terms	Definition (with examples if required)
Accounting Officer / Head of Department	Means a person mentioned in section 36 of the PFMA and or the incumbent of a post mentioned in Schedule 1, 2 and 3 of the Public Service Act 103 of 1994 as amended.
PFMA	Public Finance Management Act 1 of 1999 as amended.
Employee	A person contemplated in section 8, but excludes a person appointed in terms of section 12A of the Public Service Act as amended.
Consequence Management	It is a post infringement action/response needed to prevent further infringement or violations of established good governance principles. Consequence Management requires a concentration of effort from Executive Management to supervisors including the Executive Authority. Consequence Management represents the actions taken after an event to reduce or mitigate the amount of suffering and restore normality. It has been a cumulative finding by Auditor-General that the Department has no Consequence Management Policy.
Investigator	A person authorised by the Head of Department to investigate reported and suspected transgressions and misconduct cases
Misconduct	Unacceptable or improper behavior by an employee.
Penalty / sanction	Measure taken by an employer to correct unacceptable behavior and this measure can be punitive depending on the gravity of the misconduct.
Executive Authority	In relation to a national department, means the Cabinet member who is accountable to Parliament for that department. In relation to a provincial department, means the member of the Executive Council of a province who is accountable to the provincial legislature for that department.

11. ATTACHMENTS

PSCBC Resolution 1 of 2003, Chapter 7 of the SMS Handbook and Schedule 8 of Labour Relations Act 66 of 1995, as amended.

12. HISTORY OF CHANGE

This is the first document in line with the DPSA requirements for SOP to be developed for effective administration of misconduct cases.