



BROWNSTONE
ATTORNEYS

HOW TO
**SAFE GUARD
YOUR COMPANY**
IN EMPLOYEMENT MATTERS





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LAW GOVERNING:

● Employees and Labour
Relations Act CAP 366 R.E

● Employment and Labour
Relations (code Of Good Practice)
GN 42 OF 2007



STAGES OF DISCIPLINARY PROCEDURES



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● COUNSELLING AND VERBAL WARNINGS

At this stage the main aim is to correct employees' behavior so as to ensure that they conduct themselves in an acceptable manner

● WRITTEN WARNING(S)

If an employee is rigid to adhere to the counseling and verbal warning, the employer has to issue a written warning and it should be directed to the employee personally.

● DISCIPLINARY HEARING

The employer may conduct a disciplinary hearing if if at all there is further misconduct following a written warning or repeated warning for different misconduct or a misconduct which on its own justify a final warning or termination.





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PROCEDURES FOR CONDUCTING A DISCIPLINARY HEARING

● CONDUCT INVESTIGATION

The employer should investigate so as to ascertain if there are any grounds for conducting a hearing.

● NOTIFY THE EMPLOYEE

The employee should be notified in writing of the allegations against him/her, the time and date of the proposed hearing. This will give an employee ample time to prepare for the hearing.

● CALL FOR WITNESSES AND PRESENT EVIDENCE

The employer and employee may call witnesses, question witnesses called by the other party and adduce any evidence relevant.



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MITIGATION:

- After the hearing is done, the employee must be given an opportunity to present his mitigation factors before the final decision is given.
- After hearing both parties, all the evidences and witnesses, the chairperson shall make a decision based on a balance of probabilities as to whether the employee is guilty or not.

NOTE:

Employers are compelled to adhere to the given procedures in disciplinary procedures so as to avoid legal actions against them from their employees.

A close-up photograph of a book cover. The title "LABOR LAW" is printed in large, bold, serif capital letters. Below the title, the text "...rms the inequality" and "and worker" are partially visible, suggesting the book's content relates to labor rights and social justice.