



DISCIPLINARY ENQUIRY & ARBITRATION MASTER CLASS

This comprehensive 2-day master class bridges the critical gap between internal disciplinary proceedings and external arbitration, providing delegates with end-to-end expertise in workplace discipline. Participants will gain practical skills to handle disciplinary matters from the initial investigation through to defending decisions at arbitration. The course combines the essential competencies of conducting fair disciplinary enquiries with advanced preparation techniques for arbitration proceedings, ensuring delegates understand how internal decisions are scrutinized by commissioners and how to build cases that withstand external review.

COURSE OUTLINE:

Day 1 – Mastering Internal Disciplinary Processes

- Legal framework: LRA provisions, rules of natural justice, and procedural fairness requirements
- Conducting preliminary investigations and gathering evidence effectively
- Formulating precise charges and avoiding common drafting errors
- Chairing disciplinary enquiries: procedure, control, and decision-making
- Evaluating evidence and determining guilt on balance of probabilities
- Documentation best practices for arbitration-ready records
- Virtual hearing management and technology considerations

Day 2 – From Enquiry to Arbitration

- Understanding the arbitrator's perspective on internal disciplinary processes
- CCMA procedures and rules: navigating from referral to award
- Presenting your disciplinary case at arbitration: strategy and preparation
- Law of evidence in arbitration: admissibility, weight, and challenges
- Defending procedural and substantive fairness at arbitration
- Common arbitration pitfalls in misconduct cases and how to avoid them
- Case law analysis: recent decisions impacting discipline and arbitration
- Practical exercises: mock disciplinary enquiry leading to arbitration preparation

