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VOORWOORD

Is dit nie ongelooflik hoe tyd vlieg nie.

Hier by SEENA is dit lank reeds tradisie om huis skoon te maak aan die begin van 'n nuwe jaar.

We love wiping the slate clean and starting over with new goals and intentions. This can be done at any time of the year, of course, but it is so perfect with the New Year.

Ons het ook besluit dat 'n positiewe ingesteldheid op besigheid en die ekonomie 'n baie beter benadering is om die effe afgewaterde ekonomiese omstandighede te benader.

Doen wat jy goed doen, net beter en die resultate sal vanself kom.

We are currently grinding hard to develop a New Office Solutions product. The idea is to include Seena Payroll as part of other services on offer.

Odula Office Solutions will be SEENA owned and will be part of our proud legacy of "Assisting the Business Owner"! For more information, please go to our website (www.seenalegal.com).

Dankie dat SEENA deel van jou besigheid is, ons sien uit om jou as werkgewer by te staan vir 'n volgende 10 jaar!



JJ Barkhuizen
MANAGING DIRECTOR



GUIDELINES AND PRINCIPLES TO THE DRAFTING OF CHARGE SHEETS

When accused of misconduct an accused employee is entitled to be informed of the nature of the charges against him/her in order to prepare and mount an adequate defence. Charges needs to be clearly formulated, with sufficient detail so that the employee is left with no uncertainty as to what he/she will have to answer to.

In practice inadequate charge sheets (Notice of Disciplinary Hearing) are likely to result in unnecessary delays and postponements, which can ultimately be a costly exercise. As this tends to be a regular occurrence we have compiled the guidelines here-below in order to assist and prepare those who act as initiators during disciplinary hearings to get the formulation of the charge/s right on the first try. We trust you will find this helpful.

1. Purpose of this Guideline and Charge

As stated above the Purpose of the charge is to enable an accused employee to understand the nature of the charge/s, so as to allow him/her to prepare a defence. Further, the Chairperson at the Disciplinary Hearing will refer to the charge/s and will make findings on the basis of the charges levelled against the employee.

2. General

- 2.1 Charge sheets are important documents and should therefore be drawn up accurately and neatly.
- 2.2 When drafting the charge sheet care should be taken that the wording is grammatically correct.
- 2.3 Do not use abbreviations
- 2.4 Charge sheets should preferably be drafted in English. Under no circumstances should different languages be used in one charge sheet.
- 2.5 The full name of the accused employee should be used on the charge sheet. Do not use aliases or nicknames.
- 2.6 The purpose of the charge sheet is to inform the accused of the nature of the charge against him/her. It also serves to inform the chairperson accordingly. The allegations on which the employer relies in order prove its case should therefore be set out clearly.

3. The Essentials of a Charge

- 3.1 The charge must in the first place disclose an offence. The relevant offence will normally be found in the employer's disciplinary code. As a point of departure read through the disciplinary code and use the description of the charge which best fits the alleged offence.
- 3.2 In addition to the formal description of the charge it is essential that the charge contains the following information:
 - 3.2.1 The date, time and the place at which the offence is alleged to have been committed.
 - 3.2.2 The person (victim) against whom it was committed (if any).
 - 3.2.3 The property (if any).
- 3.3 Where any of the abovementioned particulars are unknown to the employer it shall be sufficient to state that fact in the charge.

4. The Place of the Offence

4.1 The place where the offence was committed is important.

4.2 It is unnecessary to name the precise place. It is sufficient to identify the place as it is commonly known. The words 'at' or 'near' are generally acceptable.

4.3 Example:

Unauthorized use and/or abuse of company vehicles or other company assets in that on 5 March 2019 you wrongfully deviated from your approved route when you drove with the company vehicle (N12345W) into Katutura area. Your instructions were to make deliveries in Olympia only.

Dishonesty in that on 2 March 2019 you wrongfully and deceitfully removed copper wires from the premises of a client, Steel & Cables (Pty) Ltd in Smith Street, Tsumeb and sold it for personal gain.

5. The date and time of the offence

5.1 It is usually acceptable to allege in the charge sheet that the offence was committed 'on' or 'about' and not the precise date. Where the offence was committed over a certain period, mention the period.

5.2 If time is an essential element of the offence (i.e. leaving workplace early), the specific time must be stated in the charge.

5.3 Example:

Gross Negligence in that during the months of February and March 2019 you have repeatedly failed to submit invoices for payment, resulting in a loss of income to the company in the amount of approximately N\$ 690 000.00.

Reporting late for duty in that on 5 March 2019, you were supposed to report for your shift at 06:00. However, you only reported at or about 09:00.

6. The person against whom the offence was committed

6.1 When an offence was committed against a person, use the name and surname of that person. The full (birth) names of the person are unnecessary.

6.2 It is sufficient to name a company, firm or partnership without naming the directors, partners or owners.

6.3 Example:

Gross Insubordination in that on 8 March 2019 at or about 10:00 your Supervisor, Mr Johannes Feldman, gave you an instruction to bring him the toolbox for routine inspection. You refused his instruction. At or about 11:00, Mr Feldman again instructed you to bring him the toolbox and while he was still speaking, you walked away. At 12:30 when he confronted you about your refusal, you told him to go get it himself and that you are going on lunch.

7. The property that relates to the offence that was committed

- 7.1 If the offence relates to property, the property should be described reasonably accurately in order to be identifiable.
- 7.2 If it is uncertain to whom the property belonged at the time the offence was committed, it is sufficient to state 'unknown to the employer'.
- 7.3 The value of the goods if known should be mentioned for sanction purposes.
- 7.4 Example:

Dishonesty in that on 3 March 2019 you wrongfully and unlawfully removed dairy products (milk, cheese and yoghurt) to the value of approximately N\$ 350.00 from the premises of the employer without permission and without paying for the items. Furthermore you removed a black bag containing items unknown to Management from the store-room.

8. The Description of the Offence in terms of the Disciplinary Code

- 8.1 It is not sufficient to only to use the wording of the Disciplinary Code when drafting a charge sheet. The details of the offence mentioned above should follow the formal description of the Offence. We are often confronted with charge sheets that reads:

“AWOL” or “Reporting for Duty whilst under the Influence”; etc.

These charges lack specifics and are insufficient.

9. The description of the offence

- 9.1 In addition to the date, place, the person against whom and the property in respect of which the offence was committed, the essential elements of a particular offence have to be set out in the charge sheet namely:
- The act;
 - Unlawfulness (where the offence was illegal);
 - Fault (the fact that the accused was at fault);
 - Causation (what damage was caused or what was the negative result of the offence).

10. Duplication of charges ('splitting')

- 10.1 There is no limitation to the number of charges that an initiator may formulate. Care should however be taken not to duplicate or split charges. What we mean by that is that a single act can only constitute a single offence. Choose the offence in die disciplinary code that suits the transgression the best. Where there is uncertainty, especially in a situation where more than one charge may be of relevance, list the more serious offence as the main count, with the lesser offence listed as an alternative to the main charge.



THE FOUR PRINCIPLES OF MANAGEMENT

One of the most important elements contributing to the profit and success of a business is the role of key staff at operational level. Junior managers and supervisors are especially critical in ensuring that the core operational activities of businesses are managed effectively, for these impact directly on the bottom line of the company.

Even though these individuals are usually promoted to managerial positions due to their effectiveness as employees performing their daily tasks, it is also apparent that they often lack actual managerial insight, skills and experience, thus hampering their ability to immediately deliver the required results.

In our **Junior Management Course**, attendees will learn that the role of the manager can be divided into four main functions, namely:

- Planning
- Organisation
- Leadership, and
- Control

These four principles have firmly established themselves in the business environment as comprehensively covering the core aspects and duties of management. In short, the process is planning, which means that firstly a plan must be developed in order to determine the aims, objectives as well as identifying the methods necessary to achieve these. Thereafter all the role-players and resources must be organised in order to achieve the objectives. Leadership then refers to the quality of leading these resources or role-players to perform satisfactorily, and finally the control means the monitoring and adaptation of performances to meet the required standards.

Should you be interested in attending or sending delegates to attend our **Junior Management Course** please contact us for a booking. Our details are as follows:

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E-mail: training@seenalegal.com

Your booking will only be confirmed once payment was received.

Please visit our website at www.seenalegal.com if you have missed any of our previous newsletters. You can also download labour related Acts, Regulations, Collective Agreements, Frameworks and Bills directly from this site.

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