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## A GUIDE FOR ONLINE DISCIPLINARY ENQUIRY CHAIRPERSONS

### 1. General information

- 1.1. Conflict Dynamics is now able to provide chairpersons to chair online disciplinary enquiries using Zoom, a secure online platform which has the ability to replicate a face-to-face disciplinary enquiry very effectively.
- 1.2. The basic requirements for participants in an online disciplinary enquiry are as follows:
  - 1.2.1. A Zoom account – Pro is most secure and versatile
  - 1.2.2. A steady broadband connection
  - 1.2.3. A PC/laptop/iPad with a camera
  - 1.2.4. Enhancements include a headset with a microphone and a second screen
- 1.3. The Zoom website has a very helpful series of video tutorials and other resources which you can use to set up your account and learn the basics. You will find settings for managing audio and video, and tips on how to position yourself ensuring suitable lighting and backgrounds. There is help on how to share your screen, chat with parties and, most valuable of all, use breakout rooms for private meetings with parties. There are whiteboard facilities and annotation tools. There is a recording function, which can be used for chairing hearings.
- 1.4. Participants don't need to subscribe to Zoom, as they can join the meeting via the link that you send them. In order to participate in breakout rooms however, parties will need to have downloaded the Zoom app on their computers which they can do here:  
<https://zoom.us/support/download>.

### 2. Preparation for the disciplinary enquiry

- 2.1. Once a date has been set for the online enquiry, set up your meeting in Zoom and copy the invitation into an email to the parties and their witnesses and also send calendar invitation to the parties and their witnesses with the link.

- 2.2. Check your general settings in Zoom and decide on the settings for when they enter the disciplinary enquiry in relation to:
  - 2.2.1. Access to the main meeting via the waiting room. The initiator and the employee and his/her representative should have immediate access while the witnesses should not be admitted to the hearing until it is their turn to testify.
  - 2.2.2. Screen share should be available for the parties to share documents and other evidence. Chat and remarks should be disabled.
- 2.3. Set up and pre-assign two breakout rooms (one for the initiator and one for the employee and his/her representative beforehand so that parties can be moved from the main room to the breakout rooms with ease. You will need to use the email addresses that parties use to access the Zoom meeting to do this. You can instead of course set up breakout rooms as parties arrive in the waiting room.
- 2.4. Disable the chat function.
- 2.5. Prepare yourself for the enquiry including considering the lighting and background for your video conference, what you will wear and how you will sustain yourself with refreshments

### **3. On the day of the hearing**

- 3.1. Ensure that the parties have agreed to the enquiry being held online and/or a ruling has been given at a preliminary hearing.
- 3.2. Make sure you have the bundles of documents which CD sent to you the day before the hearing available should you need to access them and/or share them. Minimise or close any other documents so that you don't share them by mistake.
- 3.3. As the chairperson and host of the Zoom enquiry, you are in control of the process. Have your settings such that when the parties arrive, they wait in the waiting room on mute without video.
- 3.4. When the initiator and the employer and his/her representative have arrived and you are ready, invite them into the main room and start the enquiry in the usual way. This is easiest, although you could move each party from the waiting room through the main room to their respective breakout rooms, and then when they are all ready you could bring them back to the main room to start the enquiry.
- 3.5. Ask everyone to keep their videos on during the opening and their microphones muted until you ask them to confirm something you have said (for example, did the employee have enough time to prepare, do they understand the procedure to be followed etc. Using gallery view helps you see everybody at once.

- 3.6. Conduct the enquiry opening in the usual way, although it is a good idea to discuss some of the challenges in a remote enquiry such as:
- 3.6.1. Complete the attendance register whilst you are recording, asking each participant for the details required -those who are in the hearing at the beginning and others as they join.
  - 3.6.2. Recap the important participant protocols
  - 3.6.3. Agree that if something goes wrong with the technology on their side they will send you a WhatsApp and the other party or their representative a WhatsApp and you will do the same if something goes wrong on your end.
  - 3.6.4. Discuss taking breaks in the usual way for teas and lunches.
  - 3.6.5. Advise them that you have disabled the “Chat” function and that they may not use the “Reactions” function to ensure that witnesses are not coached. Warn the parties that you will monitor the latter function to ensure that it is not being used.

**Finally, practice, rehearse, take it slowly**

To discuss conducting an enquiry or an investigation through CD Direct, contact Craig Hulscher at [craig@conflictdynamics.co.za](mailto:craig@conflictdynamics.co.za) OR go online <https://www.conflictdynamics.co.za/Mediators>