

**CD DIRECT**

# CODE OF CONDUCT FOR DISCIPLINARY ENQUIRY CHAIRPERSONS



**CONFLICT  
DYNAMICS**

TRAINING  
& DISPUTE  
RESOLUTION  
SERVICES

## **1. PREAMBLE**

- 1.1. This Code applies as an when a panellist agrees to chair a disciplinary enquiry under the auspices of CD Direct (CDD).
- 1.2. Its purpose is to ensure the highest standard of professionalism and neutrality consistent with the reputation of Conflict Dynamics in the labour market.

## **2. EXPERTISE**

- 2.1. A panellist must not accept appointment unless he/she is available and:
  - 2.1.1. has the necessary knowledge, expertise and experience to conduct the enquiry consistent with Schedule 8 of the Labour Relations Act (Code of Good Practice: Dismissals), case law and, if applicable, the employer's Disciplinary Code and Procedure;
  - 2.1.2. in the case of an online disciplinary enquiry, is proficient in the use of Zoom and will adhere to the Guide for Chairpersons (Document CDDE 2.1(V)) and the Protocol for Participants (CDDE 1.3(V));
  - 2.1.3. is able to adhere to the time limits provided for in their letter of appointment (CDDE 5 and CDDE 5(V)).

## **3. HONESTY AND DILIGENCE**

The panellist must, at all times, act with honesty and diligence.

## **4. IMPARTIALITY**

- 4.1. A panellist must not accept appointment unless they are able to be fair to and unbiased towards the employer and the accused employee (the parties).
- 4.2. By accepting appointment, a panellist certifies that that there is no conflict of interest between themselves and the parties and/or there is no reason for either party to reasonably perceive that they are biased.
- 4.3. A panellist must disclose any information, at the beginning of the enquiry, which may lead either party to reasonably perceive that they may be biased and must recuse themselves if:
  - 4.3.1. either party submits, on good cause shown, that there is a likelihood of such a perception arising; or
  - 4.3.2. they become aware, at any stage during the course of the enquiry, of any conflict of interest or of the possibility that the appearance of any person or introduction of any evidence might affect their neutrality.
- 4.4. Once a panellist has accepted appointment, they must not have any contact with either party unless the other party is present or has given their consent.

## **5. THE HEARING**

- 5.1. During the hearing the panellist must:
  - 5.1.1. be punctual, adhere strictly to the timetable and dress appropriately;
  - 5.1.2. be mindful of their own demeanour and emotions and not allow their own emotions to impact on their ability to chair the hearing fairly;

- 5.1.3. treat the parties with respect and patience;
  - 5.1.4. control the emotions of the parties when their emotions get in the way of the smooth conduct of the hearing;
  - 5.1.5. not bow to any pressure, criticism or fear;
  - 5.1.6. not have any contact with either party unless the other party is present or has given their consent.
- 5.2. Panellists must complete the hearing within the number of days for which the hearing has been set down in the Case Arrangements and Timetable (CDDE 5.1 and CDDE 5.1(V)), unless the parties agree to a postponement or there are good reasons for postponing the hearing for additional days in which case the panellist must contact Conflict Dynamics immediately if the hearing is to be postponed.

## 6. POST HEARING

### 6.1. The panellist must:

- 6.1.1. One day before the date provided for in the client's disciplinary procedure or within six days of the process (whichever is the shorter), the panellist must provide CD with the written finding of the hearing, using the format provided on page 7 of the attached guidelines, and an invoice for the process.
- 6.1.2. Panellists must consider any feedback given by CD about the quality of the written outcome, and amend the written outcome as required

6.2. Panellists may not solicit work from the client within twelve months of the completion of the process without written permission from a duly authorised employee of Conflict Dynamics.

6.3. Panellists may not join Conflict Dynamics in any action for professional negligence that may be taken against them.

## 7. REMOVAL FROM THE PANEL

7.1. The following will result in the panellist being removed from the CDD disciplinary enquiry chairpersons panel:

7.2. Any breach of this Code or any other agreement between the panellist and CDD;

7.3. If their reputation in the labour market is severely compromised due to misconduct or poor performance either in relation to their duties as a CDD panellist or otherwise.

**For further information and to discuss the enquiry contact Craig Hulscher at:**

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