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## PROTOCOL FOR PARTICIPANTS IN AN ONLINE DISCIPLINARY ENQUIRY

### 1. OBTAINING AGREEMENT FOR AN ONLINE PROCESS

- 1.1. Ideally, the employer should draft a disciplinary procedure for online hearings in **consultation** (not negotiation) with employee representatives. If the parties fail to reach agreement, then the employer, who has a prerogative to manage discipline in the workplace, can implement the procedure in accordance with the protocols below.
- 1.2. Until such time as an online disciplinary procedure policy is in place, the employer should attempt to get agreement from the employee and/or his/her representative to conduct the hearing online.
- 1.3. If the parties fail to reach agreement, a preliminary hearing should be convened with an independent chairperson chosen by Conflict Dynamics to hear representations from both sides regarding the extent to which the employee will be prejudiced by holding the enquiry online with reference to:
  - 1.3.1. The extent to which the employee, his/her representative and witnesses can adhere to the physical and Zoom requirements below
  - 1.3.2. Any other factor which may impact negatively on the employee's ability to state their case.

### 2. PRIOR TO THE HEARING

- 2.1. Before the hearing, the employee and his/her representative and the employer's representative should hold a pre-enquiry meeting to deal with the following:
  - 2.1.1. Ensuring that all participants will be available on Zoom attend the hearing (the employee, representatives, witnesses, interpreter).
  - 2.1.2. If witnesses are not able to access the hearing via Zoom, how their evidence will be presented (for example, the agreed admission of written statements and affidavits).
  - 2.1.3. Load shedding schedules should be consulted.

### 3. PHYSICAL REQUIREMENTS

- 3.1. Participants must set up a space which is as private as possible to ensure that they can concentrate without interruption and that other participants are not disrupted by home/office noises.
- 3.2. If a participant is likely to be distracted, they should use headphones.

- 3.3. Participants should seat themselves at a desk with a comfortable chair, ensuring that there is sufficient space for a note pad and any other documents or real evidence to which they might have to refer.
- 3.4. Participants must be visible with their microphone unmuted only whilst they are speaking. Otherwise (except for the chairperson and the representatives when they are questioning a witnesses) their video facility should be turned off and their microphone muted.
- 3.5. The light source must be in front of participants – either natural light or a lamp - so that they can be seen clearly and others can engage with them fully. They should avoid having any light source (such as a window) behind them.
- 3.6. Participants must ensure their camera is at eye height so that they can comfortably position their face in the middle of the screen.
- 3.7. Participants should avoid leaning into the camera.
- 3.8. Participants must ensure that interruptions are avoided during the hearing. Cell phones must be switched off, email portals closed and landlines disconnected.
- 3.9. Times for each session should be adhered to strictly. Participants must ensure that they re-join the session promptly at the agreed times.
- 3.10. Participants must not click on “leave the meeting” at all during the day. During the breaks, audio and video should be turned off.

#### **4. ACCESS AND CONTROL OF THE HEARING**

- 4.1. The chairperson will be in control of the hearing allowing entrance to the main hearing and for participants to move to the two breakaway rooms provided for each side (employer group in one and employee group in the other).
- 4.2. A day before the hearing the chairperson will send the employer representative, the employee and/or his/her representative and all the witnesses a link to get into the hearing.
- 4.3. At the beginning of the hearing, only the employer representative, the employee and the employee’s representative will be allowed into the hearing for the introduction.
- 4.4. The chairperson will record the hearing and, at the end of the hearing, will send a link to Conflict Dynamics who will send a link to the recording together with the finding to the participants so that they can access a copy of the recording.
- 4.5. Witnesses should only be allowed into the meeting when it is their turn to give evidence and the chairperson must ensure that when they are finished giving evidence they leave the meeting unless the chairperson has given them permission to remain.
- 4.6. Whilst witnesses are giving evidence, they and the room they are in must be fully visible if they are not in the same room as the chairperson.

- 4.7. The chairperson must ensure that witnesses are not being coached during their testimony and for this reason the “Chat” function will be disabled and the “Reactions” function will be closely monitored by the chairperson.
- 4.8. The finding and the recording will be emailed to the employer and employee representatives once Conflict Dynamics has received payment.

## 5. ZOOM REQUIREMENTS

### System requirements

- An internet connection – broadband wired or wireless (minimum 3G or 4G/LTE)
- Speakers and a microphone – built-in or USB plug-in or wireless Bluetooth
- A webcam - built-in or USB plug-in
- A second screen would be useful as you could have your documents open on one screen and have Zoom open on the other (this is not essential but would be beneficial)

### Supported operating systems

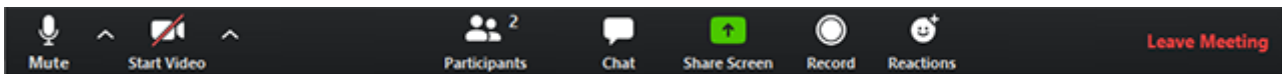
- MacOS X with MacOS 10.7 or later
- Windows 10 **Note:** For devices running Windows 10, they must run Windows 10 Home, Pro, or Enterprise. S Mode is not supported.
- Windows 8 or 8.1
- Windows 7
- Windows Vista with SP1 or later
- Windows XP with SP3 or later
- Ubuntu 12.04 or higher
- Mint 17.1 or higher
- Red Hat Enterprise Linux 6.4 or higher
- Oracle Linux 6.4 or higher
- CentOS 6.4 or higher
- Fedora 21 or higher
- OpenSUSE 13.2 or higher
- ArchLinux (64-bit only)

## Processor and RAM requirements

	Minimum	Recommended
Processor	Single Core 1Ghz or Higher	Dual Core 2Ghz or Higher (i3/i5/i7 or AMD equivalent)
RAM	N/A	4Gb

## 6. PARTICIPANT CONTROLS FOR ZOOM

6.1. The participant controls appear at the bottom of the screen



### Mute / Unmute:

- Mute and unmute your microphone. We suggest that you keep yourself muted unless you are required to speak.
- Simply unmute yourself when it is your turn to speak or, if you are a representative, to make an objection.

### Start Video / Stop Video:

- Turns your camera on or off.
- If necessary, in order to save data, you can turn your video off if you are not required to speak. For example, the employer should turn off their video when their witnesses are being cross examined.
- Witnesses may not turn off the video unless they are given permission to do so by the chairperson or when they are excused by the chairperson at the end of their testimony.
- The chairperson's camera must be turned on throughout the enquiry.

### Participants

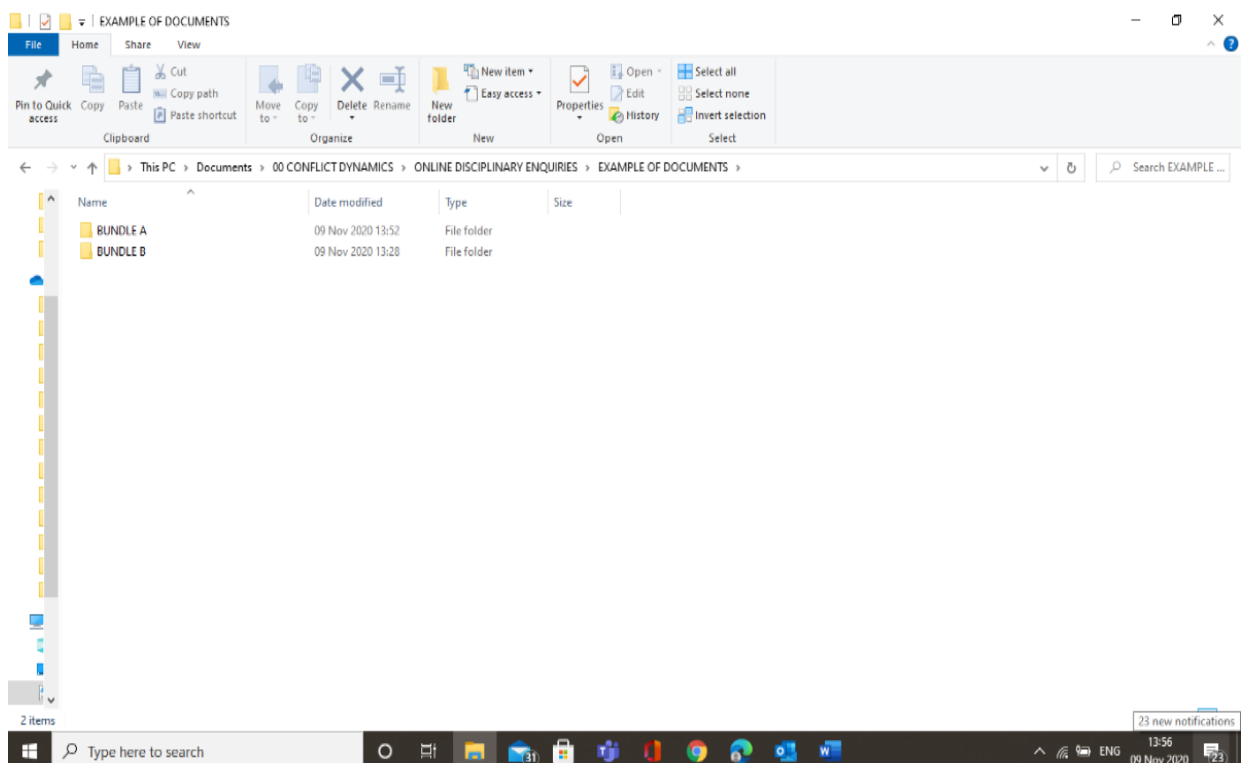
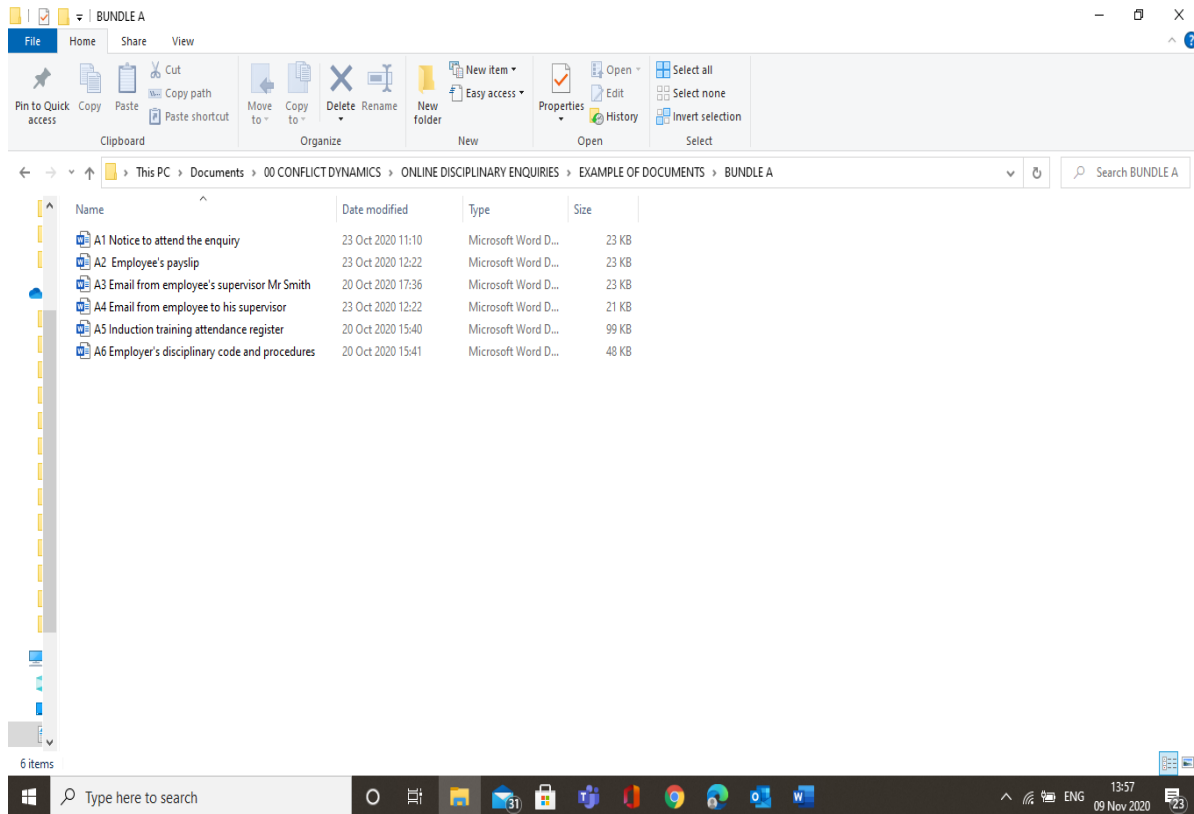
- Shows you who is online at the same time as you.

### Chat

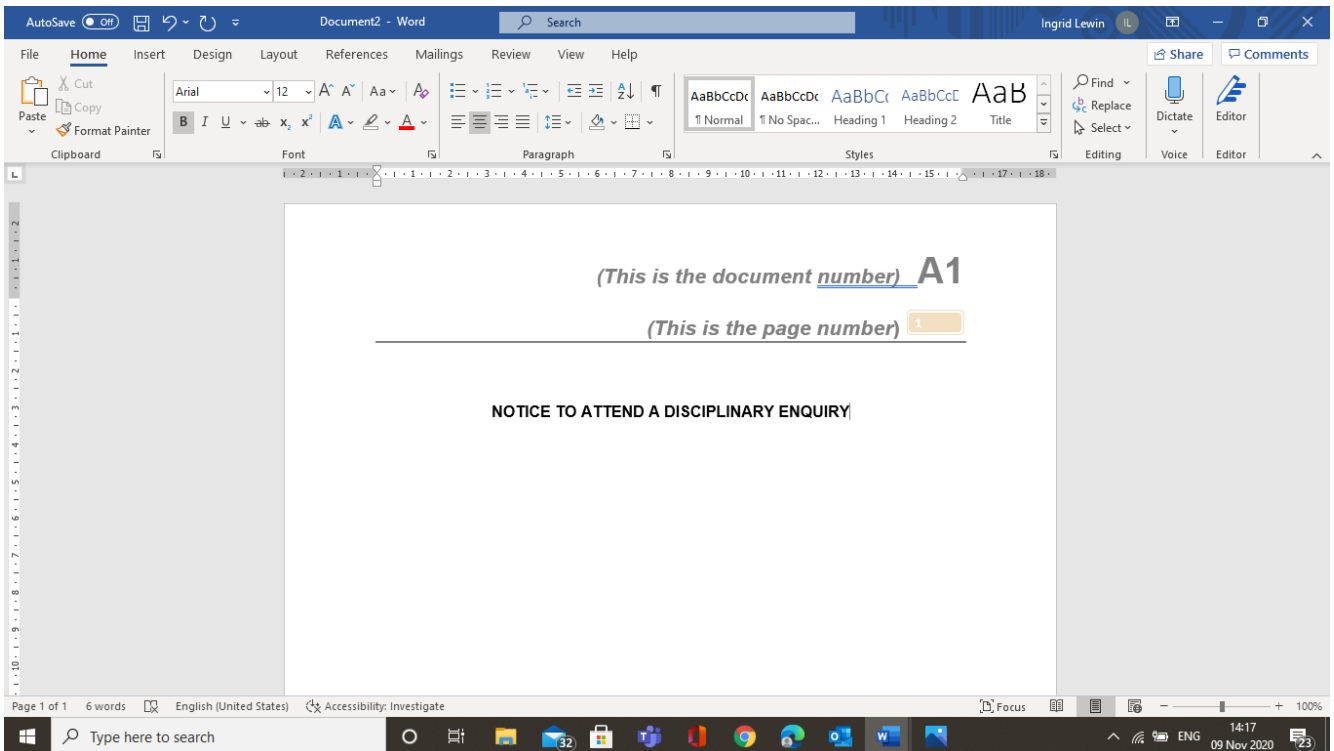
- The chat function will be disabled during the course of the hearing to ensure that witnesses are not coached.

## Share screen

- Representatives can use this function to display any documents saved onto their PC which they wish to table as evidence
- Folders should be created for each bundle of documents.



- When documents are saved they must be numbered. For example, all documents in Bundle A will be numbered A1, A2 etc.



- On the document itself, the document number will be inserted as a Header (in BIG LETTERS) as well as the page number in the top right-hand corner as follows.

### Record

- The chairperson will use this function to record the enquiry and will turn it off during the breaks.
- At the end of the hearing, the chairperson will send CD a link to the recording and CD, in turn, will send the link to the parties, together with the finding, once CD's invoice has been paid.

### Reactions

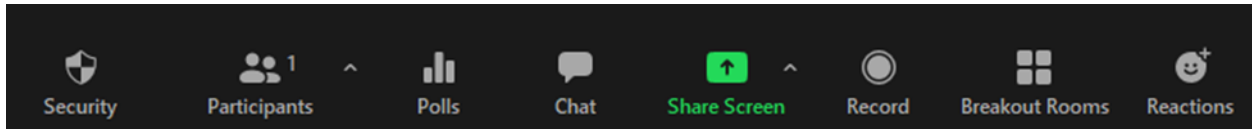
- This function may not be used during the enquiry as it may be used to signal witnesses.
- Chairpersons are required to monitor this function closely.

### Breakaway rooms

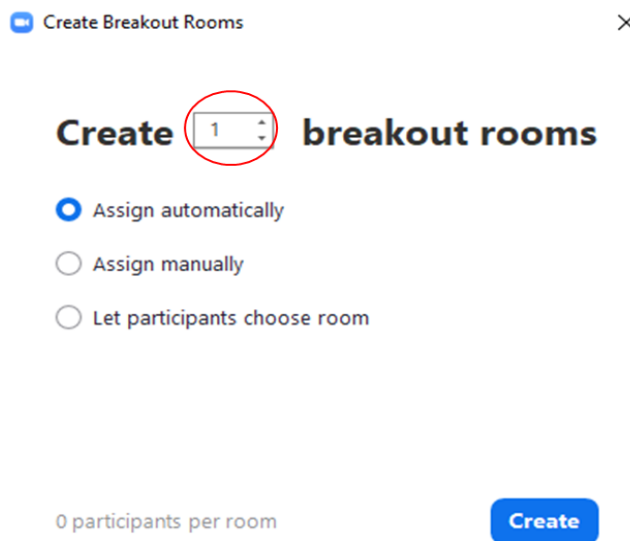
- Two breakaway rooms will be provided for each representative
- Access to the breakaway rooms will be managed by the chairperson

**Chairpersons role for setting up breakaway rooms:**

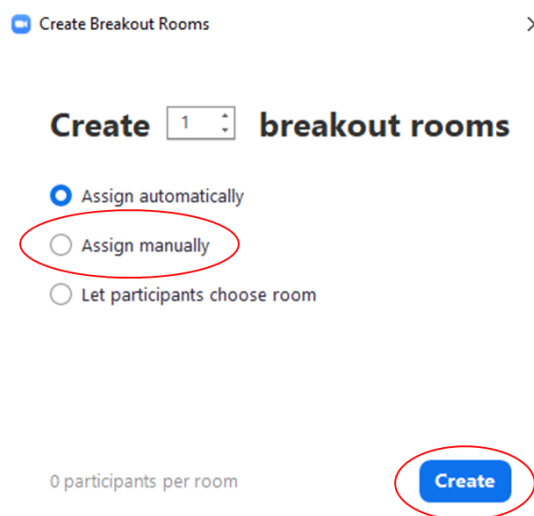
- The chairperson as the host of the meeting will need to allocate parties to their rooms.
- They can do this by clicking on Breakout Rooms:



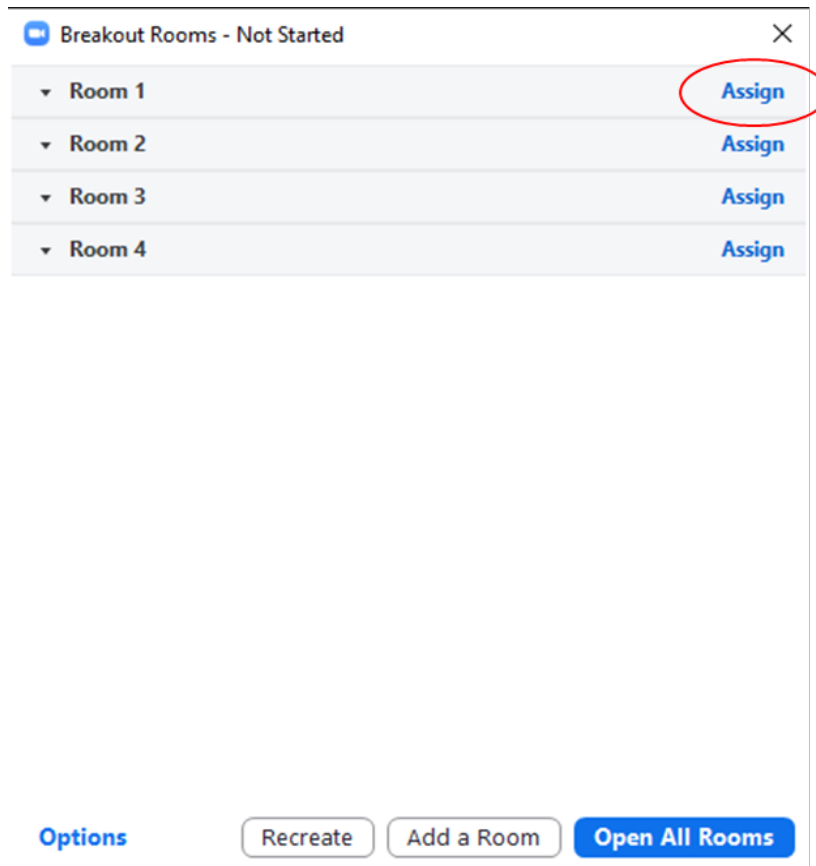
- Then choose how many rooms they will need :



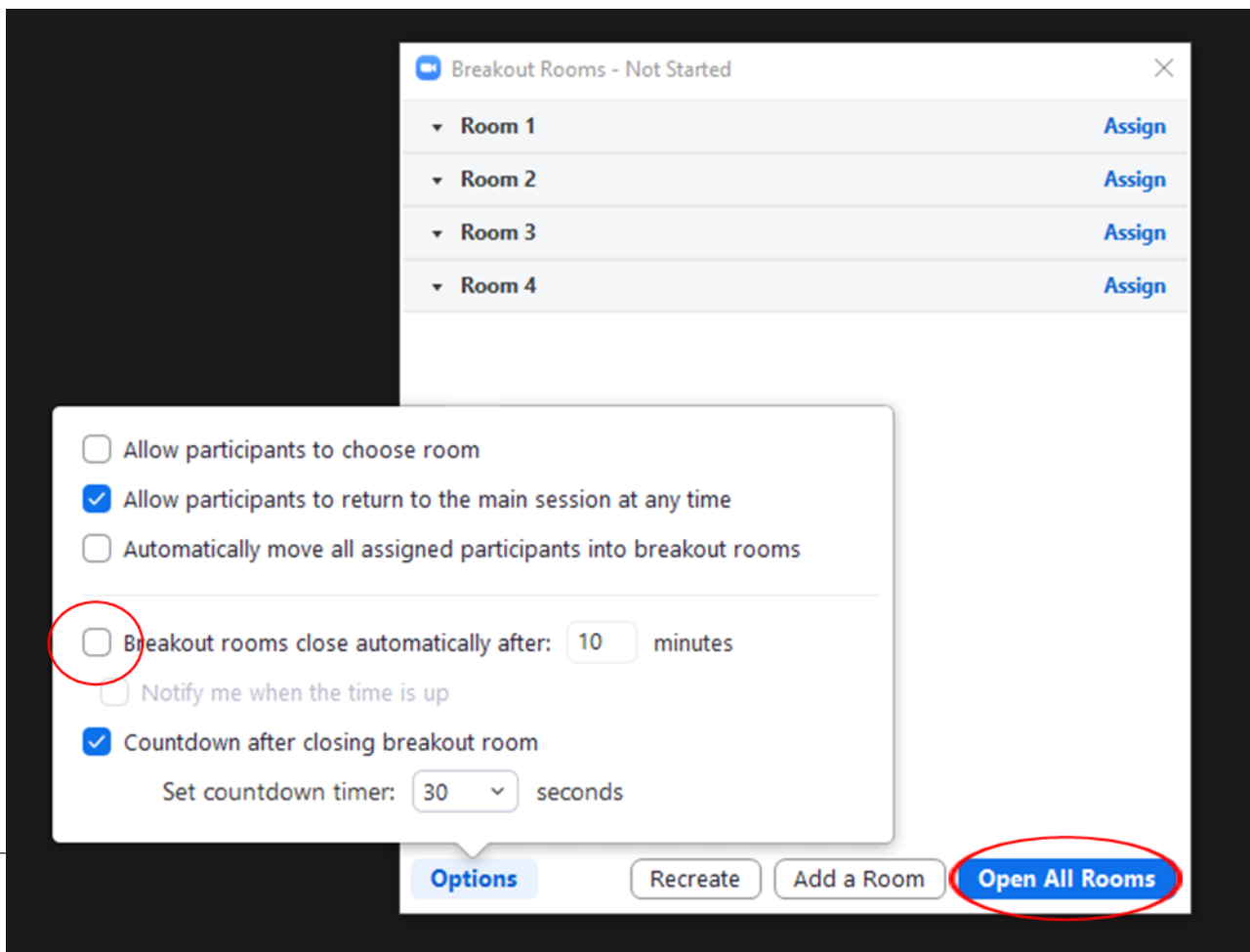
- Then click on Assign Manually to allocate parties to the required rooms manually and then click CREATE:



- When you click on Create, the below will appear. You will then be able to Assign parties to their applicable room. Once that is setup, click on OPTIONS....



- In the options, make sure that there is no time limit set by deselecting the below:





- Simply click on **Open All Rooms** and parties will get a notification on their computers to join the room according to how the Chairperson set them up

To discuss the appointment of a chairperson or investigator, contact Craig Hulscher at [craig@conflictdynamics.co.za](mailto:craig@conflictdynamics.co.za) OR go online to <https://www.conflictdynamics.co.za/Mediators>