

# Importance of Disciplinary Code and Procedures for the Public Service

The *Disciplinary Code and Procedures for the Public Service* is a collective agreement (PSCBC Resolution 1/2003), agreed upon at the Public Service Coordinating Bargaining Council (PSCBC), to ensure that disciplinary cases are handled in a uniform, fair, and transparent manner in the Public Service.

The agreement applies to the employer and employees of the state falling within the scope of the PSCBC. The purpose of the *Code and Procedures* is to support constructive labour relations in the Public Service; promote mutual respect between employees and between employees and employer; ensure that managers and employees share a common understanding of misconduct and discipline; promote acceptable conduct; and prevent arbitrary or discriminatory actions by managers towards employees.

In addition, item 7.2 of the *Disciplinary Code and Procedures* provides for an employer to suspend an employee on full pay or transfer an employee, as a precautionary measure, under the following circumstances: If the employee is alleged to have committed a serious offence; if the employer believes that the presence of an employee at the workplace might jeopardise any investigation into the alleged misconduct; or endanger the well-being or safety of any person or state property. Precautionary suspension, in terms of the *Code*, does not constitute a judgement, and must be on full pay.

## Senior Management Service (SMS) Handbook, 2003 - Chapter 7

The *SMS Handbook* outlines the procedure that must be applied in cases of misconduct, incapacity owing to poor performance and incapacity owing to ill health of SMS members. The procedure for misconduct incorporates those provisions of PSCBC Resolution 1/2003 that were considered appropriate and practicable in respect of SMS members.

Further, according to section 2 (2.1)(1), the purpose of the *Code and Procedure* for SMS members is to support constructive labour relations in the Public Service; promote mutual respect between members and between members and the employer; ensure that supervisors and members share a common understanding of misconduct and discipline; promote acceptable conduct; provide members and the employer with a quick and easy reference for the application of discipline; avert and correct unacceptable conduct; and prevent arbitrary or discriminatory actions by supervisors towards employees.

**For assistance regarding disciplinary matters in the workplace, please contact your nearest PSA Provincial Office.**

*Guidelines on disciplinary code and procedures in parastatal institutions will be covered in a future edition of the PSALink*

Source: PSA Legal Section  
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