



# Legal Sense

Legal Sense (PTY) Ltd. is an Authorised Financial Services Provider  
FSP No: 26702

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## LEGAL PROTECTION FOR YOUR BUSINESS

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## NOTIFICATION OF HEARING

Under written by



RESOLUTION  
insurance

## Notification of Hearing

Company name: \_\_\_\_\_

Date: \_\_\_\_\_ 2009

Mr/Mrs/Miss \_\_\_\_\_

Per Hand \_\_\_\_\_

### NOTIFICATION OF HEARING

You are hereby notified that you are required to attend a disciplinary hearing which will take place as follows:

Date: \_\_\_\_\_ 2009

Time: \_\_\_\_\_

Venue: \_\_\_\_\_

The disciplinary hearing will be chaired by \_\_\_\_\_, from \_\_\_\_\_.

The charges against you are as follows: *(here provide full details of the allegations, including date time and place as, as well as any other details which may be required to enable the employee to prepare a proper defence. Also give details of alternate charges, such as the allegation might be "unauthorised possession of company property" and the alternative charge would be "theft".)*

Charge 1:

Charge 2:

Charge 3:

You are further advised as follows:

- You have the right to choose a representative who must also be an employee of the company to assist you in preparing your defence, to assist you in presenting your defence at the disciplinary hearing, to assist you with cross-examination of management witnesses at the hearing and to speak in mitigation on your behalf.
- you are entitled to the assistance of an interpreter if necessary, and if required please inform management at least 48 hours before the date and time of the hearing so that management can arrange for an interpreter to be present.
- The disciplinary hearing will be a formal process, and the proceedings shall be minuted or recorded.
- you are entitled to a copy of the minutes and a copy of the chairperson's verdict and finding
- you are entitled to call witnesses to testify on your behalf and management have the right to cross-examine your witnesses.

- You have the right to cross-examine any witnesses called by management.
- You have the right to appeal against a verdict or finding of the chairperson, and should you exercise this right you must notify management in writing within five days of the verdict and sanction being handed down, of the reasons on which the appeal is based.
- Management will consider those reasons and will decide whether the appeal is to be heard, or alternatively whether there are no grounds to justify an appeal.
- Should management refuse your appeal, you have the right to refer the dispute to the CCMA or bargaining council.
- You have the right to request from management copies of any witness statements that management may have, that they will be presenting in their evidence in chief.
- Your failure to attend a disciplinary hearing in person without a valid and acceptable reason shall entitle the chairperson to proceed with the hearing in your absence and arrive at a verdict based on the evidence presented to him and arrive at a finding regarding a suitable sanction. Should you be unable to attend the disciplinary hearing for any reason, it is your duty to notify management of that fact. If management does not receive any such notification, then management shall proceed with the disciplinary hearing in your absence.
- You are advised that the disciplinary hearing may result in your dismissal.
- Should you admit to the charges before or during the disciplinary enquiry, it shall be deemed that you are guilty of the charge, and you shall be deemed to have admitted to all the elements of the charge.
- Should a verdict of guilty be arrived at by the chairperson, you will then be entitled to give evidence in mitigation of sanction, concerning your personal circumstances, length of service, previous disciplinary record and work performance. You will also be permitted to address the chairperson regarding an appropriate sanction.

Yours faithfully

I acknowledge receipt of the notification of disciplinary hearing to be held as stipulated hearing, and I know and understand my rights in this matter.

\_\_\_\_\_  
Employee signature

\_\_\_\_\_  
Date

Legal Sense