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MISCONDUCT

Part 3: Severe Misconduct

Our third article in the series on Misconduct covers the first four of the fourteen examples of Severe forms of misconduct.

[\(View Part 1 & 2 on Misconduct in the Workplace here\)](#)

Gross Dishonesty or Dishonesty:

Either charge is usually dealt with in the same manner, whether theft, fraud, or providing false information etc. Any act of dishonesty can be considered a dismissible offence; it has a severe impact on the trust relationship between the employer and the employee as it is a deliberate act.

Unauthorised possession of company/ employee/ client property, misappropriation of company/ employee/ client property, theft and fraud:



This also falls under the above category, but with the distinction that it could be regarded as a criminal offence as well. As chairperson, your questioning must not be misconstrued as cross-examination. Intent must be established: Was there an attempt to conceal the item? / Was there a conscious decision to remove the item from the employer's premises or from the employer's vision? / Was there no attempt to ask permission or authorisation?

Severe and minor assault, attempt to assault or fighting on employer premises:

Possible injuries could occur, for which an employer could face liability if the situation resulted in severe consequences. Severe assault is where the victim would have suffered injuries and the employee would most likely face dismissal. Minor assault usually occurs in the form of a push, slap or even lifting someone's hat from their head without their permission. In the majority of cases a Final written warning would suffice, taking into consideration factors such as provocation or bullying. If a challenge of authority occurs, this must also be charged with gross insubordination. Fighting on the employer premises is regarded as serious and in severe circumstances dismissal could be justified.

Uttering discriminatory or offensive words and swearing:

In most circumstances, such utterances are regarded as dismissible offences, especially if it offends a specific person's race, ethnicity, religion, sexual orientation, etc.

Swearing in general, when a company does not condone this, is not regarded as a severe type of misconduct and normal progressive discipline (i.e. written warning, final written warning and then dismissal) would apply, unless in specific circumstances where swearing would for example bring the company name into disrepute.

Next month: Sexual Harassment; Under the influence of a substance or possession of illegal or unauthorized substances; Sleeping on duty; Gross Insubordination, gross insolence, failure to obey a reasonable instruction.

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Summary

Severe misconduct can be described as:
 Gross Dishonesty or Dishonesty; Unauthorised possession of company/employee/ client property, misappropriation of company/employee/ client property, theft and fraud; **Severe and minor assault, attempt to assault or fighting on employer premises;** Uttering discriminatory or offensive words and swearing; **Sexual Harassment;** Under the influence of a substance or possession of illegal or unauthorized substances; **Sleeping on duty;** Gross Insubordination, gross insolence, failure to obey a reasonable instruction; **Gross Negligence and negligence;** Gross Dereliction of Duties; **Malicious/deliberate or negligent damage to employer or staff property;** Participating in an unlawful strike; **Threatening or Inciting Violence;** Derivative vs Team Misconduct.