

SECTION 5

DISMISSAL

BASED ON

OPERATIONAL REQUIREMENTS

DISMISSAL BASED ON OPERATIONAL REQUIREMENTS

5. MASTER DOCUMENTATION

The documentation in this section is to enable employers to apply correct personnel administration and also to regulate the employer / employee relationship.

5.1 Notice of Consultation meeting (intention to rationalise).

Roll players

- * A trade union whose members will be affected The consultation letter must be issued to all employees that the business intends to possibly rationalise and why.
- * Where no trade union, the employees and/or their representatives A copy of the letter must also be faxed to the applicable trade unions and sent by registered post.

5.2 Minutes - Consultation meeting (intention to rationalise).

Roll players

- * A trade union whose members will be affected The consultation meeting must take place and minutes must be taken.
- * Where no trade union, the employees and/or their representatives A copy of the letter must also be faxed to the trade unions and sent by registered post.

5.3 Notice of lay-off (personal letter to employee).

Is handed to the employee concerned personally and explained.

5.4 Retrenchment notice (personal letter to employee).

Is handed to the employee concerned personally and explained.

To: _____

NOTICE OF CONSULTATION MEETING

CONCERNING INTENTION TO RETRENCH

The poor economic condition experienced in the country at present has a negative impact on the business and has led to financial problems.

Unfortunately the business cannot continue like this indefinitely, and if the business is to remain financially viable, activities will have to be taken into account to reduce expenses and certain steps will have to be taken as soon as possible.

Various methods have been considered to reduce costs, but the stage has now been reached where other, more drastic measures have to be taken and this will mean that certain workers will be affected. A meeting will be held with representatives of the personnel to discuss the business.

Included herewith the agenda for consultation concerning a possible retrenchment at _____, is made available.

This information will be discussed during a consultation meeting on:-

Date : _____
 Time : _____
 Place : _____

- 1) Reasons for the steps and to discuss alternative and possible methods to avoid potential personnel reductions.
- 2) The alternatives to retrenchment already considered by the Employer.
- 3) Reasons why alternatives are insufficient/not acceptable.
- 4) Number of employees that can be affected per post category.
- 5) The selection criteria that should be used.
- 6) Timetable of proposed retrenchment.
- 7) Retrenchment package under discussion.
- 8) Support that can be given to workers/employees in die retrenchment process.
- 9) The possibility of future recovery of the employee's current position and thus re-appointment of retrenched workers/employees.

Employer

Employee

ACKNOWLEDGEMENT OF RECEIPT OF LETTER

The undersigned herewith acknowledges receipt of letter concerning intention to retrench. The contents have been explained to me and I understand it.

Employee

Date

Witness

Witness

To: _____

MINUTES OF CONSULTATION MEETING HELD AT _____
CONCERNING INTENTION TO RETRENCH

Date of meeting : _____
Time of meeting : _____

1) Introduction

2.1) Reasons for the steps and discussion of alternative possible methods to avoid potential personnel reductions.

2.2) Employee input

3.1) The alternatives to retrenchment already considered by the Employer.

3.2) Employee input

4.1) Reasons why alternatives are insufficient/not acceptable.

4.2) Employee input

5.1) Number of employees that can be affected per post category.

5.2) Employee input

6.1) The selection criteria that should be used.

6.2) Employee input

7.1) Timetable of proposed retrenchment.

7.2) Employee input

8.1) Retrenchment package under discussion.

8.2) Employee input

9.1) Support that can be given to workers/employees in die retrenchment process.

9.2) Employee input

10.1) The possibility of future recovery of the employee's current position and thus re-appointment of retrenched workers/employees.

10.2) Employee input

11) Closing.

Employer

Employee

To: _____

Dear _____

NOTICE OF TEMPORARY LAYOFF (SHORT TIME)

AS PREVENTION OF RETRENCHMENT

As you know the business is experiencing serious financial problems as a result of economic circumstances which is affecting the industry as a whole as the business has not received orders/contracts for work for its services for the past few months. As it is not known when new orders/contracts for work will be received, the business has decided to rationalise its activities.

You previously received a notice, dates _____, that the business and employees' representatives would discuss a possible rationalisation program. Such a meeting was held on _____.

or

You participated as an employee when a possible rationalisation program was discussed on _____.

At the meeting several options were considered, such as _____

In your case it was decided to give notice of a temporary layoff procedure rather than to retrench employees, and the layoff will commence on _____ till approximately _____ and it will be expected of you to report for work on or approximately _____.

The decision does not mean that you have been dismissed and that the retrenchment of employees has not been applied to you, but that you have been placed on unpaid leave for the period indicated above. You are requested to furnish your address and telephonic details in writing to _____ so that you can be contacted if the business receives any orders/contracts for work during the layoff period, and if it is required from you to return to work for the duration of the contract. If no further orders are received by the completion of the contract, it will be expected of you to continue with the layoff period until the business contacts you again or till the end of your layoff period. If you refuse or neglect to return to work at any time that you are sent for, and do not report for work within _____ days, the business retains the right to terminate your services and offer your position to someone else.

It is with regret that management takes this action, but has no other choice. Hopefully business will improve soon so that you can resume your normal duties as in the past.

Yours faithfully,

Employer

Employee

ACKNOWLEDGEMENT OF RECEIPT OF LETTER

The undersigned herewith acknowledges receipt of the letter regarding notice of temporary layoff. The contents have been explained to me and I understand it.

EMPLOYEE

DATE

Dear _____

NOTICE OF RETRENCHMENT

AT _____

As you are aware discussions have been held with personnel / representatives since _____ about the financial problems which are at present being experienced at _____. The circumstances unfortunately do not allow us to continue with the present manpower and personnel reduction has become necessary.

We regret to inform you that your position at _____ is affected by this and that your services will be terminated from _____. We expect you to work the notice period, to enable you to find alternative work it is not necessary for you to work your notice period, which will be paid by the business. You may therefore terminate your services upon receipt of this letter.

You will receive a severance package of one (1) week salary for each completed years service at the organisation. If a vacancy should arise within the following six (6) months for which you are qualified, the _____ will give you the first option. The organisation can however not guarantee that you will be re-employed again, Provide us with your permanent home address / postal address to enable us to reach you, and advise us immediately if your address changes within the following six months,

If we are in a position to offer you re-employment we will contact you at this address and, if you should neglect to contact us within ten days, we will assume that you have not accepted our offer.

An explanation is attached which specifies what payments are been made to you and how it has been calculated.

We wish to thank you for your services and loyalty and wish you all of the best for the future.

Please sign that you have received this letter.

Yours truly,

DIRECTOR / MANAGER

ACKNOWLEDGMENT OF RECEIPT OF LETTER

The undersigned herewith acknowledges receipt of this letter regarding. my pending personnel reduction.

I also acknowledge receipt of the amount of R (also in words) as set out owed me in full and final payment of all my claims and or disputes resulting from the termination of the employment contract, now or in the future.

EMPLOYEE

WITNESS

DATE

WITNESS

DATE
