

Suspension Case Finalisation Policy

1. Purpose

This policy establishes a **clear framework** for managing and finalising employee suspensions in accordance with **South African labour laws**. It ensures **fairness, transparency, and timely resolution** of all suspension cases.

2. Scope

This policy applies to **all employees** placed on **precautionary suspension, investigative suspension, or special leave** pending an inquiry.

3. Principles

- **Procedural fairness:** All suspensions must follow due process.
- **Timely resolution:** Suspension cases must be concluded **within 60 days** unless exceptional circumstances apply.
- **Employee rights:** Employees retain their **remuneration and benefits** during suspension.
- **Transparency:** Clear communication must be maintained with affected employees.

4. Suspension Process

4.1 Initiating Suspension

- Suspension must be based on **just cause** (e.g., misconduct, incapacity, pending investigation).
- The employee must receive a **written notice** stating:
 - The reason for suspension.
 - Duration and conditions of suspension.
 - Right to representation and response.

4.2 Investigative Process

- The employer must **commence investigation within 7 days** of suspension.
- A **progress report** must be issued every **30 days**.
- If no charges arise **within 60 days**, the suspension is automatically **lifted**, and the employee **returns to work**.

5. Resolution and Reintegration

5.1 If No Action is Taken

- If an investigation **finds no wrongdoing**, the employee **must return** to their role.
- The employer must:
 - **Provide written notice** confirming reinstatement.
 - Conduct a **reintegration process** to restore workplace relations.

5.2 If Charges Are Pursued

- A **disciplinary hearing** must be held within **14 days** of investigation completion.
- If the employee is **cleared**, they must be reinstated immediately.
- If misconduct is proven, **appropriate disciplinary action** (e.g., dismissal, warnings) must follow.

6. Exceptional Cases

6.1 Prolonged Suspension Due to External Factors

- If suspension exceeds **60 days** due to external legal matters, the employer must:
 - **Consult the employee and trade unions** on next steps.
 - Consider **alternative work arrangements**.
 - Provide periodic **case updates**.

6.2 Return-to-Work Disputes

- If an employee is **medically cleared** to return but disputes arise:
 - An **independent medical assessment** must be conducted.
 - Employers **cannot enforce discriminatory medical tests** (Employment Equity Act).
 - If disputes persist, mediation through the **CCMA** is required.
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7. Compliance and Review

- This policy is subject to review every **two years**.
- It must comply with:
 - **Labour Relations Act (LRA)**
 - **Basic Conditions of Employment Act (BCEA)**
 - **Employment Equity Act (EEA)**
 - **Code of Good Practice on Dismissals**