



A Perfect Guide to Warnings at Work Place

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A Perfect Guide to Warnings at Work Place Generally: A Brief Synopsis

Introduction



Warning is one amongst the common forms of disciplining errant employees at the work place. It is appropriate to give a warning when the conduct or performance of the Employee is unsatisfactory, but does not justify termination. A warning may either be verbal or written.

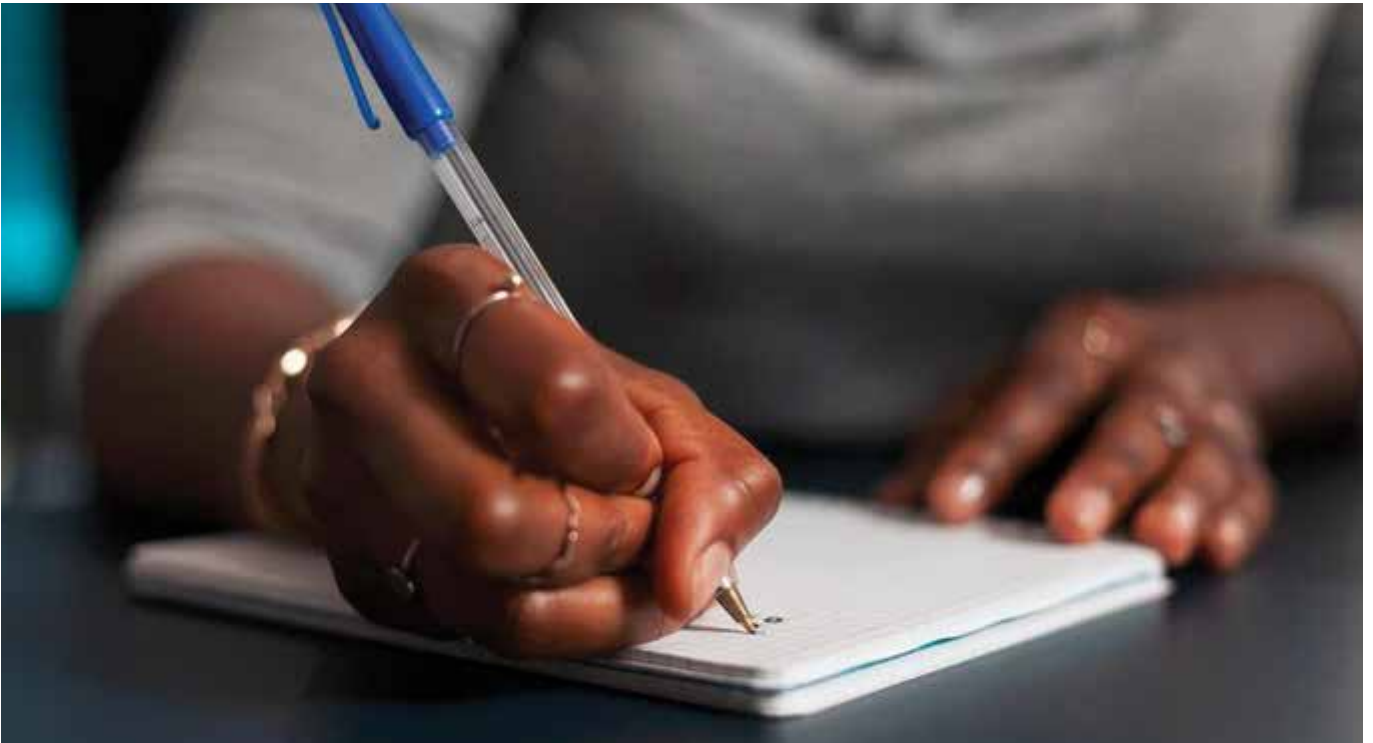
Verbal Warning:

An employer may give a verbal warning if the employee commits a minor misconduct or performs their work poorly. These misconducts may include; reporting late for work, leaving work place without permission or doing unauthorized private work or matters at the workplace.

The supervisor or manager has to explain what is expected of the employee in order to correct the employee's behavior and ensure that they conduct themselves in an acceptable manner. These warnings constitute an informal corrective action and will not be reflected on the employee's personal file.



Written Warning



The supervisor or manager may issue a written warning to an employee if any of the following circumstances occur:

- The work performance or conduct of employee has not improved after a verbal warning or it requires stronger action than a verbal warning.
- The offense for which a verbal warning was issued has been repeated or
- There are repeated offenses of other forms of misconduct

Procedure for issuing a written warning

Before issuing any of the above written warnings, the manager should inform the employee the reason for the action and give an employee a chance to be heard.

The employee may bring his/her representative appointed to be present. This process should not be constituted as a formal hearing. The manager after considering the employee's explanations, he/she should decide whether or not to give the employee a written warning.

If the decision is to issue a written warning, it should be given to the employee personally and in accordance with the prescribed form and should be kept in the employee's personal file. A copy of a completed written warning should be given to the employee.

Written warning may be given in the following sequence

➤ **First written warning** is given if there is a recurrence of misconduct or the performance of the Employee does not improve after a verbal warning.

➤ **Second written warning** is given if there is a recurrence of misconduct or performance of the Employee does not improve after being given the first written warning. However this type of warning is not normally given, most Employers proceed to a final written warning.

➤ **Final written warning** is given to an employee whose performance or conduct fails to improve, does not improve to a sufficient extent or there is a repetition of misconduct. Unlike the first and second warnings above, the Employer must state clearly in the final written warning that in case the performance or conduct does not improve to an acceptable level, the employment will be terminated.

Further this kind of warning may be given to the Employee if the offense (even if it is the first offense) is considered serious enough to warrant a disciplinary action.



How to challenge a written warning



An employee who is aggrieved by the written warning may appeal to the next level of management above the level of the manager who issued the warning. The employee should refer the appeal within five working days upon receipt of a written warning.

The manager considering the appeal should consider the written explanation contained in the prescribed form and may speak the persons concerned to obtain addition information, but no formal hearing should take place. He/She should personally advise the employee of the outcome of the appeal within five days from the date of receipt. The outcome of the appeal should be recorded on the appropriate part of the original warning form and the employee's copy and return it to the concerned employee.

For how long written warning shall be operative

Employers should disregard written warnings and final written warnings after six months from the date it was issued.

Conclusion

Employers must follow a fair procedure when handling disciplinary matters. In the case of warnings, Employers should take into account the existence of any previous warnings and other material factors in deciding on the appropriate disciplinary action(s).



Should you wish to learn more about how disciplinary proceedings should be conducted please feel free to contact Lyson Law Group at the addresses given below.



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