

An Overview of Precautionary Suspension Phenomenon in a Workplace

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ABSTRACT Precautionary suspension in the workplace is not out of place. It is part of the necessary actions of a disciplinary process taken against employees for gross misconducts. However, the concern and the problem inherent in precautionary suspension for misconduct is that when imposed, the employer might do so with disdainful disregard for due process and procedure. While it should be preventive in nature, it might be applied as a punitive sanction. In this regard, it will constitute flagrant violation of the laws and regarded as unfair labour practice with consequences against the employer. This paper seeks to analyse that while precautionary suspension is recognised under the law, it should be imposed based on reasonable grounds especially if there have been serious allegations of gross misconducts against an employee. It looks at the various decisions of the courts and the dynamics of failure to justify precautionary suspensions against employees in the government departments and the consequences thereof, some of which are settlements between the employer and employee to pay severance packages or lump sums of money to the suspended employee provided that the case will not be pursued and the suspended employees will not return back to their previous jobs. This is loosely referred to as 'The Golden Hand Shake.' It also explains the importance of timeous and expeditious hearings of cases relating to precautionary suspensions in order not to continue to pay a suspended employee.