

# CODE OF PRACTICE: DISMISSAL

## 11. Fair procedure

- (2) A fair procedure is one in which an employee has been given an adequate and reasonable opportunity to respond to the allegation of misconduct.
- (3) An investigation or enquiry does not have to be formal. Its nature should be appropriate to the circumstances, including the type of allegation and the nature and size of the employer.

## 21. Incapacity: Ill health, injury and other forms of incapacity

- (1) Incapacity on the grounds of physical or mental ill health or injury may be temporary or permanent. If an employee is temporarily unable to work in these circumstances, the employer should investigate the extent of the incapacity or the injury. If the employee is likely to be absent for a time that is unreasonably long in the circumstances, the employer should investigate all the possible alternatives short of dismissal. When alternatives are considered, relevant factors include the nature of the job, the period of absence, the seriousness of the illness or injury and the possibility of securing a temporary replacement for the ill or injured employee.