

How to conduct a disciplinary hearing – part 7

Entrapment

What is it?

It's an inducement by the employer to get the employee to do something wrong!

What does a chairperson need to take into consideration?

1. Whether the employee would have acted in the same way had s/he not been induced to do so.
2. The employer must have actual proof of the misconduct, over and above the entrapment incident.
3. Entrapment should be raised during the hearing as a defence.
4. The employer must have suffered quantifiable loss before considering entrapment, it is a last resort!

How to consider the defence?

Test the credibility of the witnesses.

Assess which version is more probable, bearing in mind he who alleges must prove.