

Domestic Enquiry



A domestic inquiry is an internal hearing held by an employer to ascertain whether an employee is guilty of misconduct. The purpose of a domestic inquiry is to find out the truth of the allegations made against the workman.

PRINCIPLES OF DOMESTIC ENQUIRY

1. Rule of Natural Justice must be observed.
2. The delinquent is entitled to a just hearing.
3. He can call for his own evidence.
4. Cross-examine any witness called by the prosecution.
5. Where rules are laid down, the procedure of such rules must be followed.
6. Disclose to the employee concerned, the documents of records and offer him an opportunity to deal with it.
7. Do not examine any witness in the absence of the employee.
8. The enquiry officer is at liberty to disallow any evidence after recording the reasons in writing.



It is an important principle that no employee should be dismissed for misconduct unless the employee concerned has been given an opportunity to defend himself or had been given an opportunity to be heard.

Steps in Domestic Enquiry



A. Serve on the employee alleged to have committed misconduct a letter containing:

1. Specific charge of the type of offence, the date, the time and place where the offence took place. Also state which rules of company's rules or regulations have been violated.
2. The date, the time and the place where he has to be present for the inquiry.
3. Inform him his right to bring along witnesses if any;
4. If necessary, suspend him for no more than one week pending the inquiry.

B. Set up a panel comprising of

1. Chairman (should be a person not involved in the investigation of the offence)
2. Two independent panel members (may be employees from another department)
3. A prosecutor (may be a personnel officer in the HR department)

The important point to note is that the Inquiry should be conducted by a person or persons who:

- were not directly connected with the investigations into the allegations,
- had no prior knowledge of the allegations,
- had not discussed the actual issue with anyone,
- should not be made to feel that he is under obligation to give a decisions in favour of his employer
- an experienced outsider who had no prior relationship with the employer and will have none after the Inquiry; he is appointed to hold the Inquiry in a fair and just manner without fear or favour.

C. In the hearing:

1. The prosecution will begin first . He is to make out a case against the accused first by producing witnesses who have direct knowledge of case;
2. The accused i.e. the employee alleged to have committed the offence, is allowed to question (cross examine) each of the witnesses on the evidence they have given;
3. After that the accused will be asked enter his defence i.e. to tell his side of the story;
4. The accused may produce witness or witnesses to support what he has said;
5. The accused as well as his witnesses are subject to cross examination by the prosecutor.
6. The chairman will guide the proceeding and to record the evidence in writing;
7. Tape-recording of the proceeding may be used.
8. Lawyers are not allowed to appear in this type of domestic inquiry but official of the employee's union is allowed

D. After the hearing.

1. The panel will discuss the hearing and study the evidence given by both parties;
2. The chairman will submit the panel's finding and recommendations to the Management

E. Management's decision.

(a) dismiss without notice the employee; or

(b) downgrade the employee; or

(c) impose any other lesser punishment as he deems just and fit, and where a punishment of suspension without wages is imposed, it shall not exceed a period of two weeks.