

PRESENTING OFFICER (MANAGEMENT REPRESENTATIVE) His responsibilities and rights in domestic enquiry

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Meaning of Presenting Officer(PO) / Management Representative (MR) in domestic enquiry

- ✓ Presenting Officer(PO) is a person who represents the management side in domestic enquiry.
- ✓ He is authorized by the company management to appear in the enquiry and take necessary action to prove the allegations against the charge sheeted employee(CSE).
- ✓ All the decisions taken by him in the enquiry will be binding on the company management.
- ✓ All his actions are aimed at proving the allegations against CSE.

Importance of PO in domestic enquiry

- ✓ He is the company management in the domestic enquiry room.
- ✓ The ability of the management to prove the allegations and charges depends upon the ability of the PO.
- ✓ A learned PO can prepare the management witnesses to depose and answer rightly.
- ✓ A learned PO can effectively defeat the opposite witnesses in cross examination.
- ✓ A learned PO can find loopholes in the defense testimony.
- ✓ A proactive PO can minimize delay and promote efficiency in the enquiry process.

Eligibility to become PO

- ✓ He can be an officer of the company from any department or
- ✓ He can be an executive committee member of employers' association, or
- ✓ He can be an outsider say a consultant.
- ✓ He could be a person who has investigated the case.

Eligibility to become PO (Continued--)

- ✓ He could be a person who may have to appear as a witness in the same case.
- ✓ A disciplinary authority or enquiry officer cannot become the presenting officer in the same case.
- ✓ There is no qualification specified for this role.
- ✓ It is desirable to undergo formal training of at least three days in domestic enquiry to become a successful PO.

Competencies of the PO

- ✓ **Attentive:** PO has to be a good listener and should have eye for details by being here and now.
- ✓ **Assertive:** PO has to be firm and confident in what he says or does.
- ✓ **Orator:** PO should know what to speak, when to speak and how to speak.
- ✓ **Organized:** PO has to be well prepared and ready.

Competencies of the PO (continued)

- ✓ **Competitive:** PO has to be ready for action to win for management and defeat the opposite party.
- ✓ **Fault finder:** PO should have the ability to detect the errors and limitations of opposite parties to prevent them from winning the case.
- ✓ **Emotional maturity:** PO should be emotionally matured to deal with his own emotions and of others in the enquiry.
- ✓ **Smartness:** PO should be wise enough to understand the situations in the enquiry and take right decisions.

Responsibilities of the PO

DEALING WITH THE DOCUMENTS AND OBJECTS

- ✓ Collecting, segregating, and submitting the management documents and objects to the enquiry.
- ✓ Ensuring to have them identified and marked in the enquiry.
- ✓ Receiving, reading, and understanding the documents submitted by the CSE.
- ✓ Planning and executing the strategies to avoid the adverse impact of CSE documents in proving the allegations.
- ✓ Searching and providing documents if any sought by the CSE from the management.

Exercise

DEALING WITH THE DOCUMENTS AND OBJECTS

- ✓ Mr. Rupesh, is a Mechanic in your company, who is accused of unauthorisedly absenting from work for the past seven months.
 - ✓ Company has decided to conduct the enquiry to prove the allegations.
 - ✓ You are appointed as PO/ MR.
 - ✓ Please list out the documents and objects which you wish to produce in the enquiry to prove the allegations.
- (Time limit for this exercise is 10 minutes.)

Responsibilities of the PO (Continued---

ADMINISTRATIVE WORK OF DOMESTIC ENQUIRY

- ✓ Identifying the suitable Venue for the enquiry.
- ✓ Arranging facilities like, typist, computer, printer, stationery, water, security etc., at the Venue.
- ✓ Coordinating with EO for travel arrangements.
- ✓ Post office and courier work for sending notices and letters.
- ✓ Payment of travelling allowance to EO, CSE/ etc.
- ✓ Arranging payment of remuneration to EO.
- ✓ Co-ordination with EO and CSE for unexpected adjournments of hearing.

Exercise

ADMINISTRATIVE WORK OF DOMESTIC ENQUIRY

- ✓ Kempanna is your company's car driver, suspended pending enquiry, who is accused for manhandling the Marketing Manager of the company.
- ✓ Disciplinary Authority has notified the enquiry now and appointed you as PO.
- ✓ Please identify a venue for the enquiry. (Factory has a room measuring 5 feet by 15 feet. Hotel rooms are available for about Rs.1000 per hour, 3 KMs away from the factory.)
- ✓ List out the facilities needed at the Venue and how you will get it.

Responsibilities of the PO (Continued--)

MANAGING THE MANAGEMENT SIDE WITNESSES

- ✓ PO should identify the right persons as management side witnesses.
- ✓ PO should brief(outside the enquiry room) the management witnesses on how to give the chief examination (witness statement).
- ✓ PO should understand the sequence of the case and accordingly produce the witnesses for chief examination.
- ✓ PO should ensure that identified witnesses appear and depose in the enquiry as per the scheduled date and time.

Exercise

MANAGING THE MANAGEMENT SIDE WITNESSES

- ✓ Vinootha is an operator, at a garment factory, and she is responsible for packing the stitched garments.
- ✓ She is accused of wrongly packing 1534 shirts during the past one month, resulting in monetary loss of Rs.168000 to the company.
- ✓ Identify the witnesses.
- ✓ Prepare a sequence in which the witnesses should appear.
- ✓ Brief the witnesses about their role in the enquiry.
- ✓ Brief the witness about how he should give the chief examination.

Responsibilities of the PO (Continued--)

PREPARING THE MANAGEMENT SIDE WITNESSES FOR CROSS EXAMINATION

- ✓ PO should coach the management side witnesses on how to listen, understand and respond to the cross examination questions.
- ✓ PO should guess the most likely questions and give a demo to the management witnesses.
- ✓ PO should teach the management witnesses on how to avoid errors.
- ✓ PO should teach the management witnesses on how to deal with a question for which correct answer is not known.

Responsibilities of the PO (Continued--)

PREPARING FOR CROSS EXAMINATION OF EMPLOYEE SIDE WITNESSES

- ✓ PO should understand the Chief Examination of employee side witnesses.
- ✓ PO should identify the faults, false information, and irrelevant information in such chief examinations.
- ✓ PO should prepare a set of questions for the cross examination of each witness.
- ✓ PO should understand how his next question should instantly be changed based on the answer to previous question.

Responsibilities of the PO (continued--)

CROSS EXAMINING THE EMPLOYEE SIDE WITNESSES

- ✓ PO should ask, right questions to the employee side witnesses.
- ✓ PO should listen, how the employee side witness is answering, to find the loopholes in his answers.
- ✓ PO should understand, how a particular question in a situation will fix the witness, and then ask it.
- ✓ PO should decide when to continue the questions and when to seek adjournments depending upon how the witness is answering.

Responsibilities of the PO (continued--)

MANAGING THE DYNAMICS OF ENQUIRY PROCESS

- ✓ PO should understand if the employee is derailing the enquiry process and oppose it.
- ✓ PO should understand if the employee is delaying the enquiry process and oppose it.
- ✓ PO should understand if the EO is favoring the employee and oppose it.
- ✓ PO should understand if the EO is deviating the procedure and oppose it.
- ✓ PO should understand the unreasonable demands and requests of employee and oppose them.

Responsibilities of the PO (continued--)

UPDATING THE MANAGEMENT ABOUT THE HAPPENINGS

- ✓ PO is the communication link to update the management about how the enquiry is taking place.
- ✓ He should discuss the delays, deviations, challenges with management/ legal officers and take their inputs.
- ✓ He should inform the management about how EO is not doing the things properly.
- ✓ He should inform the management about how CSE is taking advantage of the situation.
- ✓ PO is the communication link to update the EO about the decision of management on various demands of the CSE.

Responsibilities of the PO (continued--)

PREPARING AND SUBMITTING THE FINAL ARGUMENTS

- ✓ After the completion of chief examination and cross examination from both the sides, PO should study the entire records of the case(enquiry file).
- ✓ Find out which witness has said what or which document proves/ disproves what aspect of the case.
- ✓ Identify the themes about how the management was able to prove all the allegations and charges.
- ✓ Identify the themes about how the CSE has failed to disprove the allegations and charges.
- ✓ Appear before the EO fully prepared on the above matters.
- ✓ Argue before the EO as above, by concluding that all the charges and allegations are proved.

Rights of the PO

- ✓ Right to represent the company management in domestic enquiry.
- ✓ Right to produce documents, objects, and witnesses in the domestic enquiry to prove the allegations.
- ✓ Right to cross examine the opposite party witnesses.
- ✓ Right to get copies of the documents/ objects submitted by the opposite party.
- ✓ Right to get the copies of enquiry proceedings.
- ✓ Right to make final submissions at the end of the enquiry.
- ✓ Right to seek early hearing and adjournments.
- ✓ Right to oppose the unreasonable requests and demands of CSE.

Importance of PO in domestic enquiry

- ✓ He is the company management in the domestic enquiry room.
- ✓ The ability of the management to prove the allegations and charges depends upon the ability of the PO.
- ✓ A learned PO can prepare the management witnesses to depose and answer rightly.
- ✓ A learned PO can effectively defeat the opposite witnesses in cross examination.
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- ✓ A proactive PO can minimize delay and promote efficiency in the enquiry process.

Limitations, Do's and don'ts for PO

- ✓ PO's role is limited to defending the management point of view in the enquiry.
- ✓ He should not take any decisions for which he is not authorized by the management.
- ✓ For important requests of the CSE or suggestions of the EO, he should not commit without consulting the management.
- ✓ If he makes any commitments for which he is not authorized, the company management is not duty bound to honour such commitments.
- ✓ While he has to be assertive, he should also be respectful to other parties in the enquiry.

Questions, clarifications and feedback are welcome

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