



**Delayed Action on
Employee Misconduct
Can Lead to Waiver of
Disciplinary Rights**

**Did You
Know That**





When faced with incidents of employee misconduct, addressing such incidents swiftly through a disciplinary process is not just good workplace practice but can be critical to protecting an employer's right to take disciplinary action.

Any delay in initiating or concluding disciplinary action after an employer becomes aware of misconduct may be interpreted as condoning the misconduct. This could undermine the integrity of the process and potentially lead to the employer losing its right to discipline the employee.



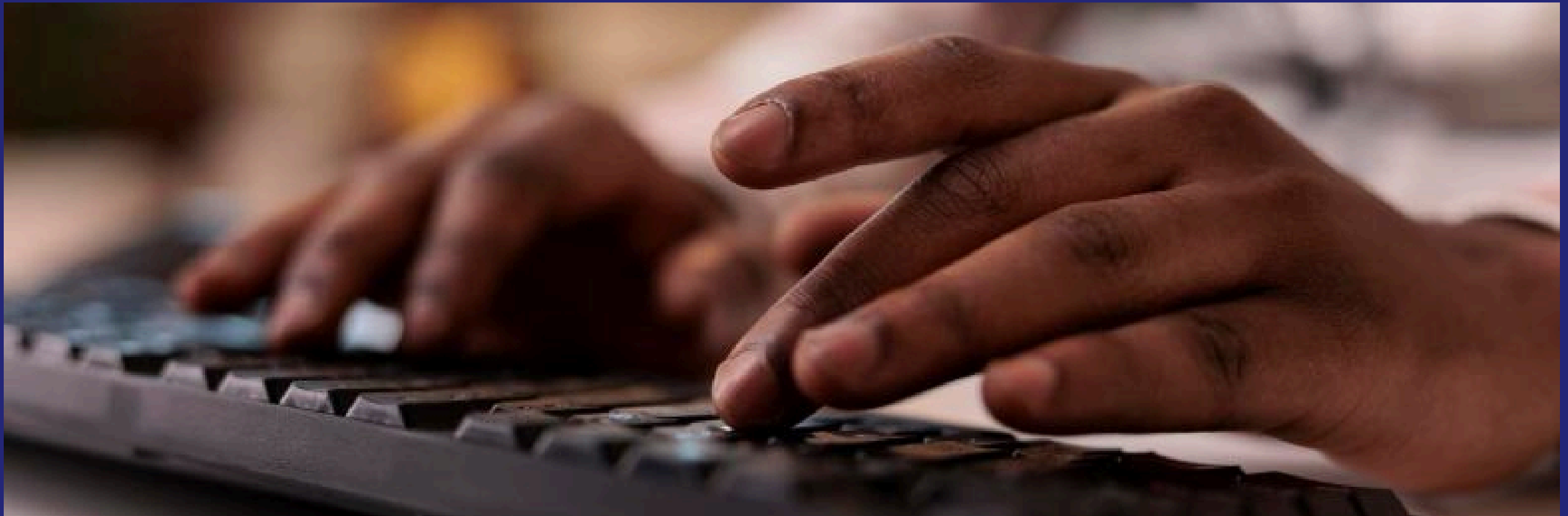
Recommendation 10 of the ILO Termination of Employment Recommendation, 1982 (No. 166) provides that **“The employer should be deemed to have waived his right to terminate the employment of a worker for misconduct if he has failed to do so within a reasonable period of time after he has knowledge of the misconduct.”**



Prompt action helps to preserve the employer's legal right and credibility in a potential challenge in court, as the National Industrial Court of Nigeria ("NICN"), often views undue delay as a waiver, especially when the delay prejudices the employee.

Employers should adopt a proactive and structured approach to mitigate concerns about delay and its potential consequences.





This publication has been authored by the Labour and Employment Law team of Udo Udoma & Belo-Osagie. For more information about our Employment Law offerings, please visit our website at www.uubo.org or email us at uubo@uubo.org or el@uubo.org.

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