

## **DISCIPLINARY RULES**

When people work together certain principles and standards must be maintained and it is believed that these are only those that employees would expect to find in any workplace. Any changes in rules and regulations will be published on Notice Boards.

The purpose of the Company's disciplinary rules and procedures is to help and encourage all employees to achieve and maintain standards of conduct, attendance and job performance and to ensure that any failure to observe the Company's rules is fairly dealt with. These rules and procedures do not form part of your contract of employment and are provided for information purposes only for all employees.

All cases of disciplinary action under these procedures will be recorded and placed with the Company's records.

### **Investigations**

No action will be taken by the Company before a proper investigation has been undertaken by the Company relating to the circumstances of the matter complained of. If appropriate, the Company may, by written notice, suspend you from work for a specified period during which time such an investigation will be undertaken. If you are suspended, your contract of employment will be deemed to continue together with all your rights there under, including the payment of wages. During the period of suspension, however, you will not be entitled to access to the Company's premises, except with the prior consent of the Company and subject to such conditions as the Company may impose.

### **Disciplinary Hearing**

If, under these procedures, the Company decides to hold a disciplinary hearing relating to the matter complained of, you will be given details of the complaint against you at least one working day before any disciplinary hearing takes place. At any disciplinary hearing you will be given an opportunity to state your case and you are entitled to be accompanied.

Offences under the Company's disciplinary procedures fall into two categories: -

1. Misconduct.
2. Gross Misconduct.

### **Duty to Report Misconduct**

It is expected that you will act with utmost honesty at all times. Should any matters of concern come to your attention you must report them immediately to your Manager or to any Director. The Company sees it as your duty to report any acts of misconduct, dishonesty, breach of Company rules or procedures, or failure to comply with the Company's health and safety rules and procedures, contemplated or discussed by any other member of staff or other third party. The Company will treat whatever you have reported with confidentiality as far as this is practicable.

Should you fail to act in accordance with the above provisions the Company reserves the right to treat this as a disciplinary matter that could, if the circumstances warrant it, lead to summary dismissal.

## **1. Misconduct**

Examples of misconduct are as follows: -

- (a) Persistent lateness;
- (b) Unreasonable or unexplained absence;
- (c) Persistent or irregular absenteeism;
- (d) Minor damage to the Company's property;
- (e) Smoking in no-smoking areas;
- (f) Mis-use of Company property;
- (g) Non compliance with the Company's sickness reporting procedure;
- (h) Violent or abusive verbal behaviour;
- (i) Unsatisfactory job performance or recurrent work error;
- (j) Making or receiving personal telephone calls during working hours;
- (k) Abuse of the Company gifts / hospitality procedures.
- (l) Disregard of Company rules.

This list is not intended to be exhaustive or exclusive and offences of a similar nature or severity will be dealt with in a similar manner.

The following procedure shall apply to cases of alleged misconduct: -

### **(a) Verbal Warning**

If conduct or performance is unsatisfactory, you will be given a formal verbal warning with details of the reason for the warning and of the required improvement in your conduct or performance within stipulated time period, failing which further disciplinary action will be taken. The formal verbal warning, which will be recorded and will remain on your file for a period of 6 months but subject to satisfactory conduct or performance, will be removed from your record following the expiry of that period.

### **(b) First Written Warning**

If the offence is of a more serious nature or if, following an oral warning, your conduct or performance is still unsatisfactory, a first written warning will be given to you which will state the reason for the warning and will require an improvement in your conduct or performance within a stipulated time period, failing which further disciplinary action will be taken. The written warning will remain on your file for a period of 12 months but subject to satisfactory conduct and performance, will be removed from your record following the expiry of that period.

### **(c) Final Written Warning**

If the offence is very serious but does not amount to gross misconduct or if, following a first written warning, your conduct or performance is still unsatisfactory, a final written warning will be given which will state the reason for the warning and will require an improvement in your conduct or performance, failing which further disciplinary action will result which could ultimately lead to dismissal, this warning will remain on your file for a period of 12 months but subject to satisfactory conduct and performance, will be removed from your record following the expiry of that period.

## **(d) Dismissal**

If, following a final written warning, there is no satisfactory improvement in your conduct or performance, you will be dismissed.

**N.B.** In relation to the above, the Company reserves the right to instigate the procedure at any stage that it feels to be appropriate and/or, if necessary, to omit any particular stage depending on the severity of the misconduct or failure to perform.

## **2. Gross Misconduct**

Examples of gross misconduct are as follows: -

- (a) Acts of dishonesty, fraud, or deliberate falsification of records;
- (b) Physical assault;
- (c) Gross insubordination;
- (d) Violent or abusive physical behaviour;
- (e) Breach of duty of confidentiality;
- (f) Sexual or racial harassment or harassment of individuals who have or have had a disability;
- (g) Harassment of individuals on grounds of religious background or political opinion;
- (h) Breach of the Company's Health and Safety Rules;
- (i) Fighting on the premises;
- (j) Vandalism or wilful or seriously negligent damage to Company property;
- (k) Serious breach of health and safety rules or procedures;
- (l) Making false or fraudulent claims against the Company (including claims for sick pay);
- (m) Sale and/or consumption of alcohol or illegal drugs on Company premises or being under the influence of alcohol or illegal drugs at work;
- (n) Material non-adherence with the Company's sickness or security procedures;
- (o) Failure to disclose any criminal convictions (other than spent convictions).
- (p) Failure to comply with lawful and reasonable instructions;
- (q) Rudeness to any of the Company's customers and/or visitors.

This list is not intended to be exhaustive or exclusive and offences of a similar nature or severity will be dealt with in a similar manner.

If it is established, after investigation and after hearing your version of the matter, that you have committed an act of gross misconduct you will be summarily dismissed. Whilst the alleged gross misconduct is being investigated, you may be suspended in accordance with the provision set out above. If the Company takes the decision to dismiss you, you will be advised of the reason for dismissal and the date upon which your employment will be terminated in writing.

## **Appeals**

If you wish to appeal against any disciplinary decision taken by the Company at any stage, you may do so, in the first instance, by appealing to the Human Resources Manager within 2 working days of the disciplinary decision being received by you. At such appeal, you will be entitled to attend to state your case and to be accompanied. The decision of that appeal hearing will be final.

**NOTE: Application of the disciplinary procedure in cases of allegations of discrimination or harassment.**

In relation to the above, if the Company's disciplinary procedure is invoked as a result of complaints of discrimination or harassment contrary to the Company's equal opportunities policy being raised against you, and the offence is proved, the severity of the penalty imposed on you will be as provided in the disciplinary procedure, i.e. gross harassment or discrimination will normally result in summary dismissal.

In circumstances where a lesser penalty is appropriate, for example a written warning, this may be coupled with further action by the Company to ensure that the complainant is able to continue working without embarrassment or anxiety. This may include, following consultation with you, your transfer to a different work area or an amendment to working practices to minimise contact between you and the complainant.

SAMPLE