

1. DISCIPLINARY CODE AND PROCEDURE

The company follows procedural requirements in respect of all forms of disciplinary action. These are the following:

1.1 Verbal Warning

•In the case where verbal warnings and / or counselling become necessary, the manager or supervisor is merely required to bring to the attention of the employee the problem that has been experienced and to indicate to the employee why the problem needs to be resolved.

•Verbal warnings and counselling are not recorded, other than the date on which counselling takes place and what the counselling was about.

•Care should be taken that the employee does in fact understand the counselling or warning (interpretation provided as necessary).

1.2 Written Warnings

•All written warnings will be preceded by a discussion / meeting the manager or supervisor and the employee, and if requested, a representative, in order to ensure that the reason why the employee's behaviour is considered is unacceptable, is fully understood by the employee.

•Written warnings usually follow previous verbal warnings or counselling, but not necessarily so, dependent of the severity of the unacceptable behaviour.

•A written warning is placed on the employee's file as a record for six months, and during that period of time may be taken into account during any subsequent disciplinary action.

1.3 Final Written Warning

A disciplinary hearing will/may precede the issue of any final warning.

1.3.1A final warning is given in respect of serious cases of unacceptable employee behaviour, and such warnings fall just short of dismissal. Such warnings usually follow previous written warnings where an employee has been warned for misconduct or poor performance and where there has been no subsequent improvement.

1.3.2 Final written warnings may, however, be given on the occasion of a first offence, dependent on the seriousness of the misconduct or poor performance.

1.3.3 Final written warnings remain on employee's file for twelve months, during which time the final written warning will be taken into account in respect of any further disciplinary action.

1.3.4 A final written warning may only be given with the authority of a Manager, and it is essential that on such a warning it is clearly stated that any further misconduct or poor performance could result in dismissal, and that understanding has taken place.

1.4 Dismissal

1.4.1 Dismissal is the only sanction and, when applied, is an indication that the punitive and corrective steps of discipline did not result in correcting the problem, or where the offence is so serious that dismissal as the appropriate sanction is indicated by the Disciplinary Code.

1.4.2 Prior to any dismissal, the principals of procedural and substantive fairness will be applied.

1.5 Suspension

1.5.1 Dependent on the seriousness of the offence committed by an employee, suspension with pay may take place prior to any disciplinary hearing or inquiry.

1.5.2 No suspension without pay will be implemented, other than in cases where, owing to the employee's behaviour, he / she is not able to perform his / her normal duties, e.g. if an employee arrives at work intoxicated.

1.6 Procedure where a Disciplinary Hearing / Investigative Inquiry is Necessary

1.6.1 The Company endeavours to comply with the requirements of the Labour Relation Act in respect of Procedural fairness, and therefore the following procedure will apply whenever an employee has to attend disciplinary hearing / investigative inquiry or when the employee, on his/her initiative requests a formal inquiry in connection with a final warning.

1.6.2 It is preferable for a final warning to be preceded by a formal disciplinary hearing.

1.7 Notification

1.7.1 Prior to any disciplinary hearing, the employee will receive a written notification headed "Notification of Disciplinary Inquiry". Such notification will be given to the employee, allowing the employee sufficient time, dependent on the nature of the allegation(s), to prepare.

1.7.2 It is common for the employee to be allowed 48 hours to prepare, depending on the complexity of the allegations.

1.7.3 It is important to note that the notification lists the crucial rights of the employee, which are:

- the right to be represented by a fellow employee,
- present his / her defence,
- cross-examine management's statements,
- call witnesses,
- and have interpreter.

1.8 Rights

It is also important that the employee's right to refer the outcome of the schedule disciplinary hearing to the Bargaining Council / CCMA within thirty days is also indicated

NB: IT SHOULD BE NOTED THAT THIS CODE IS NOT EXHAUSTIVE AND CAN NOT COVER ALL ASPECTS OF THEFT, NEGLIGENCE, INCOMPETENCE OR INCAPACITY TO PERFORM TO REQUIRED STANDARDS, DISCIPLINARY ACTION MAY STILL BE TAKEN WHERE IT IS REASONABLE TO DEDUCE THAT THE EMPLOYEE WOULD KNOW THAT HIS ACTIONS WERE WRONG, IMMORAL OR PREJUDICED THE COMMON LAW RIGHTS OF OTHERS.

2. DISCIPLINARY CODE

2.1 SUMMARY DISMISSAL

The following offences will warrant summary dismissal; based on the merits of each situation as well as fair procedure.

2.1.1 Gross Dishonesty

All forms of fraudulent behaviour, cheating, falsification of documents, bribery, theft, unauthorised possession/ removal of the Company, client, or other person's property, or unauthorised use of Company or client property, and/or for private purposes.

2.1.2 Committing an act(s) detrimental to the interests of the company

Any action or conduct which brings the Company name into disrepute and/or causes harm to the company.

2.1.3 Major and/or intentional damage to company, client and/or fellow employee property.

Damage arising from unauthorised driving of a vehicle, or operating of a firearm or machine, or gross wilful negligence and any form of negligence. Employee shall be liable for any damage caused intentionally or due to negligence

2.1.4 Wilfully Endangering the Safety or Property of Others

Negligent or unauthorised carrying or use of firearm, or other endangering acts

2.1.5 Non-observance of Legitimate "No Smoking" Signs in Danger Areas

Where smoking may cause a fire hazard.

2.1.6 Physical Assault/ Fighting on Employer, Clients or Customers workplace

Assault where physical contact takes place whether provoked or not.

2.1.7 Gross Insubordination (disobedience)

Failure to obey a reasonable/lawful instruction given by a superior.

2.1.8 Gross Insolence to Employer, Clients or Customer

Gross disrespect in speech and/or behaviour.

2.1.9 Negligent Breach of Confidentiality or Divulging of Confidential Information

Disclosure of confidential information that the employee knew was confidential to a third party without permission of the employer.

2.1.10 Sexual Harassment and / or Any offensive behaviour of a sexual nature

The threatened sexual intent, actually sexually orientated physical contact or sexual/moral behaviour environment.

2.1.11 Possession of Narcotics whilst on duty.

Being in possession of intoxicating liquor or narcotics whilst on duty.

2.1.12 Being Under the Influence of Alcohol and/or Narcotics whilst on Duty and / or Trading Drugs in the workplace.

Being under the influence of alcohol and or narcotics while on duty. To be found selling and/or distributing drugs while on duty.

2.1.13 Negligent Abandonment of Post or Unauthorised Absence of Post, or Wilful Abandonment of Duties/Assignments or Gross Abandonment of duties.

Employees who abandon their duties/ post/ work stations without authorisation or being relieved, or are absent without authorisation and/or permission and without notification to the Company.

2.1.14 Gross Negligence/ Gross Neglect of Duties

Where an employee, either at work or absent, neglects duties, causing serious consequences.

2.1.15 Wilful Violation of Security and Safety Regulations

Where an employee endangers himself, others or property, causes the Company potential prejudice. Refusal to obey safety and security regulations

2.1.16 Wilful Violation of General Factory Orders and Instructions

These pertain to specific operational requirements.

2.1.17 Sleeping on duty and/or Premeditated Sleeping on Duty

Sleeping on duty where an employee has taken no valid precaution not to fall asleep

2.1.18 Intimidation of Other Employees or the Public

Where such behaviour occurs without physical assault and includes strike intimidation.

2.1.19 Reckless and Negligent driving/ and Damage to company motor vehicle.

Where an employee drove a company vehicle in a reckless or negligent manner, and/or had an accident and/or caused damage to the vehicle.

2.1.20 Absenteeism

Unauthorised absence and/ or uncommunicated absence from work for more than 3 consecutive days.

2.1.21 Unauthorised Possession of Dangerous Weapons.

Where such is found on the person or on Company Property without authorisation

2.1.22 Negligent handling of Company Firearm

Not following company rules regarding the handling for the company firearm.

2.2

FINAL WRITTEN WARNING AS A FIRST OFFENCE.

Final written warnings remain on file for a period of 12 months, as a disciplinary record.

2.2.1 Sleeping Whilst on Duty.

Where sleeping on duty occurred accidentally or with mitigating circumstances.

2.2.2 Accidental or Ignorant Violation of Safety Rules or Practices.

Where an employee's behaviour is unsafe or possesses a threat or risk to others.

2.2.3 Non-observance of "No Smoking" Signs in Dangerous Areas or in Contravention of Company or Client Rules.

Where "No Smoking" rules are ignored.

2.2.4 Verbal Assault.

Where an employee uses abusive or offensive language to another person.

2.3 COUNSELLING AND / OR WRITTEN WARNINGS

The procedure is that in all instances where the offence does not warrant a summary dismissal or a final written warning on the first offence, then counselling and / or written warnings will be the appropriate remedy, and placed on the employee's file for six months.

2.3.1 Poor Work Performance.

Counselling and written warnings may be given on all aspects of performance, general productivity, and deviation from standing instructions or lists of duties.

2.3.2 Failure to comply with company rules and policies.

This includes all aspects of adhering to the correct dress codes, appearance, personal hygiene and physical grooming.

2.3.3 Poor Timekeeping.

Inclusive of late arrival, and non-compliance with break times.

2.3.4 Absenteeism.

Uncommunicated/ unauthorised absence.

2.3.5 Horseplay.

Including unauthorised playing of games or bantering with others.

2.3.6 Malingering – frequent absenteeism from duty, without valid reason

2.4 DISMISSALS AND UNPROTECTED INDUSTRIAL ACTION.

•Actions, such as illegal or strike action, inclusive of overtime bans and "go slows".

•Such actions warrant summary dismissal, but the procedure prior to dismissal will be as follows:

The Company will, at the earliest opportunity, contact the Trade Union where applicable and will simultaneously issue an ultimatum, stating that such action is unprotected; giving the reasons, stating what is required of employees, and giving a deadline by which, they are expected to resume their duties.

• Failure to comply with the ultimatum will warrant dismissal.

2.4.1 Participation in an Illegal Strike/ Unprotected Industrial Action

Where an employee participates in an illegal strike / unprotected industrial action.

2.4.2 Failure to comply with the Ultimatum

Where an employee fails to comply with an ultimatum issued during Illegal Strike/ Unprotected Industrial Action.

2.4.3 Intimidation or Incitement to Unprotected Illegal Strike Action

Behaviour of a negative intent to get others to embark on unprotected strike action.

SIGNATURE: _____

NAME: _____

DATE: _____