

PURPOSE AND SCOPE

It is recognized by mwmac ltd that discipline is necessary for the efficient operation of the business, and for health safety and hygiene standards at work for all employees. The procedure is designed to help and encourage all employees to achieve and maintain standards of conduct, attendance, and job performance.

In order to provide a fair and effective procedure for dealing with disciplinary matters, the following procedure will be applied in all instances where disciplinary action is regarded by management as warranted, other than where an informal reprimand is given for some relatively minor act of misconduct.

PRINCIPLES

No disciplinary action will be taken against an employee until the case has been fully investigated.

At every stage in the procedure the employee will be advised of the nature of the complaint against him or her, and will be given the opportunity to state his or her case before any decisions are made. If the matter to be investigated is thought to involve serious misconduct, the employee may be immediately suspended from work (without pay), while the investigation proceeds. Any decision to suspend will be confirmed in writing as soon as reasonably practicable, and this will be a precautionary, not a disciplinary suspension pending the outcome of the matter.

At all stages the employee will have the right to be accompanied by a fellow employee, during the disciplinary interview.

THE PROCEDURE

If on completion of the investigation, the Manager conducting it believes on reasonable grounds that the employee has committed the alleged act of misconduct, but in view of the nature of the misconduct and of the employee's previous record an **oral warning** would be sufficient, he or she may administer it without proceeding further. A note of that warning will be made and may be referred to if the employee commits a further act of misconduct.

If on completion of the investigation, the Manager conducting it considers that on the balance of probabilities, a complaint of misconduct is justified and may require more than an oral warning, a disciplinary hearing before a Director of the Company will be arranged. The employee will be given a minimum of 3 working days' advance notice of the hearing; told the purpose of it, with the nature of the alleged misconduct being outlined; and invited to attend together with his or her trade union representative or fellow employee of his/her choice. If during the course of the investigation statements have been obtained from witnesses who will not be attending the hearing the employee or his representative will be given those statements or a summary of their contents, not less than 3 working days in advance of the hearing.

If for good cause the employee cannot attend the hearing it will be adjourned to a date which the employee and his/her representative will be informed without delay. If the employee is unable to attend the re-arranged hearing, it will normally precede in his/her absence, but with his or her representative being provided with an opportunity to present the employee's case on his behalf. Any

submission by the employee in writing or by his representative will be considered.

THE DISCIPLINARY HEARING

The disciplinary hearing will normally be conducted by a disciplinary panel chaired by the Director. The person who conducted the investigation will not be a member of the panel, but will be asked to present the supporting facts and materials. The employee and his representative and members of the panel will be entitled to question the investigating person and any witness who may attend the hearing to give their account of the matter. The employee will be entitled to give any explanation he or she wishes, and may be questioned by the investigating person and the Director as well as by members of the panel.

The Director presiding over the hearing may adjourn the proceedings at any stage if this appears necessary or desirable. If adjourning for the purpose of enabling further information to be obtained he or she will specify the nature of the information. Any adjournment will normally be for a stated period.

On completion of the proceedings the Director presiding will normally announce the decision of the panel and the disciplinary action, if any, to be taken. He or she will also give an explanation for that action and will explain the employee's right of appeal under the procedure.

DISCIPLINARY ACTION

For minor offences, a formal **oral warning** making it clear that further misconduct will render the employee liable to further disciplinary action involving more severe consequences. The employee should be informed that the oral warning will be recorded on his/her personnel file, and will be disregarded after 12 months of satisfactory service.

For a more serious offence, or if a further offence occurs within the 12 month period, a **written warning** may be issued. The warning should set out the nature of the offence, the improvement required, the timescale, and inform the employee that further misconduct will lead to dismissal. The written warning will advise the employee of his or her rights of appeal. A copy of the written warning must be kept by the company records, but it will be disregarded for disciplinary purposes after a period of 12 months, subject to satisfactory conduct and performance.

For an act or acts of further misconduct, other than gross misconduct, by an employee who is under a written warning given in accordance with (2) above, the employee will be liable to be **dismissed** with notice, or with pay in lieu of notice. All disciplinary decisions involving dismissal can only be made by a Director.

In cases where **gross misconduct** is alleged and is established and is of such a nature that it fundamentally breaches in the contractual relationship between the employee and the employer, and justifies management in no longer accepting the continued presence of the employee at the place of work. The employee will be instantly dismissed from the organisation, and will forfeit his or her right to notice and accrued holiday pay.

Examples of gross misconduct include:

Deliberate fraudulent practices, stealing from members of the staff or public, other offences of dishonesty, gross negligence, sexual misconduct at work, fighting, physical assault and bullying work colleagues, falsification of a qualification which is stated as requirement of the employment, or which results in financial gain, deliberate damage to or misuse of the employer's property or equipment, drunkenness or being under the influence of drugs, falsification of records or claims for personal gain, gross insubordination, serious negligence which causes unacceptable loss.

This list is neither exhaustive nor exclusive, and other acts may come within the general definition of gross misconduct.

APPEALS

An appeal against an oral warning given in accordance with the rules of this procedure can be made to the Company Secretary within 5 working days of the receipt of the warning by the employee, who must give written notice of the grounds of the appeal. The Company Secretary will arrange an appeal hearing at which he or she will consider the representations made by the employee or his or her representative, and the information given by the person who conducted the investigation and gave the oral warning.

The Company Secretary will then decide whether to uphold the warning or allow the appeal. No right of appeal against a Company Secretary's decision will apply if upholding the warning. If allowing the appeal, the record of the warning will be removed from the employee's record. The right of appeal is not available to employees in their probationary periods of service, whether or not those periods have been extended.

The Company Secretary within 14 days of receipt of the employee's written notice of appeal. At the appeal the Director will explain why he or she (and the panel members) reached their decision. The Person who conducted the investigation will attend to answer any questions that may arise. The employee or his or her representative will be entitled to ask any questions and to make a submission on the employee's behalf.

At the completion of the appeal, the Company Secretary hearing it will announce his or her decision. No further right of appeal will be available to the employee within the organization.

Nothing in this procedure is intended to remove the right of a Director to give an employee an informal reprimand or warning when the employee is believed to have committed a minor infringement of the established standards of conduct, whether or not the Director makes a note of that informal reprimand or warning for future reference should the employee's conduct on a later occasion justify action under this procedure. Any grievance about an informal reprimand or warning should be exercised, if the employee so wishes, through the grievance procedure.

The operation of this procedure will be periodically reviewed. Any amendments to it will be advised to the employees, who will also be informed of the date that the amendment will come into effect. The procedure as a whole may be terminated by management upon giving not less than 3 months of notice to each employee to whom it relates.

If terminated a new procedure will be introduced.

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