



DISCIPLINARY POLICY AND PROCEDURE

POLICY STATEMENT

1 The Company's disciplinary rules are designed to help and encourage the achievement and maintenance of standards of conduct, attendance and job performance

Please note that the disciplinary procedure set out below does not create any contractual rights for employees and thus does not form part of their Employment Contract.

2 Principles

Should an employee become involved in a disciplinary matter, the following principles apply: -

- a) No disciplinary action will be taken against an employee until the case has been fully investigated;
- b) At every stage in the procedure employees will be advised of the nature of the complaint against them and have the opportunity to state their case before any decision is made;
- c) At all stages employees may be accompanied by a work colleague, or a trade union representative during the disciplinary interview;
- d) Employees will not normally be dismissed for a first breach of discipline or unsatisfactory performance, except in the case of gross misconduct when the penalty will be dismissal without notice or payment in lieu of notice;
- e) Employees may appeal against any disciplinary penalty imposed;
- f) The procedure may be implemented at any stage or jump a stage if the alleged misconduct or poor performance is serious enough to warrant such action;

PROCEDURE

3 Informal warnings

Often, supervisors or managers will give informal verbal warnings for the purpose of improving conduct when employees commit minor infringements of established standards or rules. Such warnings do not form part of the formal disciplinary procedure.

4 Formal Disciplinary Procedure

Stage 1: Verbal Warning

If an employee's conduct or performance does not meet acceptable standards, they will normally be given a formal verbal warning. Employees will be advised of the reason for the warning, that it is the first stage of the disciplinary procedure and of their right to appeal. They will also be advised of the standards necessary for improvement, review dates, and that failure to achieve these standards, or a further offence will result in the next stage in the disciplinary procedure. A note of the verbal warning will be kept on their file, but it will be discounted after 6 months, subject to satisfactory conduct and performance during that period.

Stage 2: Written Warning

If the offence is a serious one or if a further offence occurs, a written warning will be given to the employee. The same procedure will apply if an individual aspect of their work is performed particularly badly or if work performance has not improved following a verbal warning. The warning will detail the complaint or area(s) of dissatisfaction, the improvement required and the timescale. It will warn that action under Stage 3 will be considered if there is no satisfactory improvement and will advise of the right to appeal. A copy of this written warning will be placed in the employee's personnel records. However, it will be disregarded for disciplinary purposes after one year subject to satisfactory conduct and performance during that period.

Stage 3: Final Written Warning

If an employee still fails to improve and their conduct or performance is still unsatisfactory or if the misconduct or work standard is sufficiently serious to warrant only one written warning but insufficiently serious to justify dismissal (in effect both first and final written warning), a final written warning will normally be given.

This will give details of the complaint, warn that dismissal will result if there is no satisfactory improvement and advise of the right to appeal. A copy of this final written warning will be placed in the individual's personnel records. However, it will be disregarded for disciplinary purposes after two years, subject to satisfactory conduct and performance during that period (in exceptional cases the period may be longer).

Stage 4: Dismissal

If conduct or performance is still unsatisfactory and the employee still fails to reach the prescribed standards, dismissal or demotion will normally result. In the case of dismissal, the employee will be provided, as soon as reasonably practicable, with written reasons for dismissal, the date on which employment will terminate and the right of appeal.

5 Gross Misconduct

In cases involving an alleged act of gross misconduct, an employee may be suspended from work with pay, normally for no more than 10 working days, while the Company investigates the alleged offence. During this period the individual must be available to attend disciplinary interviews as required. If, on completion of the investigation and a disciplinary hearing the Company is satisfied that gross misconduct has occurred, the result will normally be summary dismissal without notice or payment in lieu of notice.

There is no absolute definition of gross misconduct, but the following list provides examples of offences which are normally regarded as such. However, this list is only a guide; it is not fully comprehensive and each case will be considered on its own merits: -

- a) Unauthorised betting, gambling or arranging loans in return for interest payments during working hours or on Company business;
- b) Failure to comply with a reasonable and legitimate instruction by management.
- c) Theft, unauthorised use of equipment or dishonesty of any kind, including falsification of Company records or expense claims;
- d) Fighting or assault on another person;
- e) Deliberate damage to Company property;

- f) Incapability through alcohol or being under the influence of illegal drugs;
- g) Gross negligence or dereliction of duty;
- h) A serious act of insubordination;
- i) Breach of confidentiality;
- j) Working for a competitor;
- k) Causing a major preventable accident;
- l) Absence without notice or approval for 3 consecutive days;
- m) Carrying unauthorised passengers in a Company vehicle;
- n) Failure to report to the Company an accident, cargo damage or personal injury;
- o) Leaving the scene of an accident without providing appropriate information;
- p) Refusal to submit to a lawful search when requested to do so by the Company;
- q) Sexual or racial harassment;
- r) Rudeness or threatening behaviour to a customer or colleague;
- s) Misuse of Company vehicles;
- t) Dangerous driving;
- u) Sleeping on duty;
- v) Disregarding safety precautions or safety procedures so as to endanger themselves or anybody else; eg: smoking in a non-smoking area.
- w) Conduct which has the effect of injuring the reputation, business or business relationship of the Company or any associated Company;
- x) Unauthorised entry in to or unauthorised or improper use of any of the Company's computer systems;
- y) A criminal offence arising from or related to your work for the Company or a criminal offence committed outside working hours

such as to adversely affect the Company's business reputation or reflect on your suitability for the type of work which you perform or which affects your acceptability to other employees.

Imprisonment following conviction will be regarded as justifying dismissal, but remand in custody necessitating absence will not justify immediate dismissal.

6 Driving Disqualification

Where possessing a driving licence is necessary to enable an individual to do their job, its loss will, in most cases of driving disqualification, result in dismissal. If this occurs as a result of an incident during working hours, this will be treated as gross misconduct. Dismissal will therefore be summary, without notice or payment in lieu of notice.

Where driving licence loss follows a medical examination or prosecution arising from an incident out of working hours, termination will be with notice.

7 Prosecution

Additionally, it is the Company's policy to prosecute any individual(s) involved in theft of Company assets or proprietary information, regardless of restitution.

8 Appeals Procedure

Employees have the right to appeal against disciplinary decisions. Appeals will normally be for one of the following reasons:

- a) The penalty is believed to be unfair when compared either with sanctions imposed on others or with common justice;
- b) New evidence is available that was not available at the time of the original interview;
- c) The original interview is believed to have been biased and/or unfairly conducted.

If an employee wishes to appeal against a disciplinary decision, they must inform their Manager within 5 working days of receiving the penalty. The request must be made in writing and must clearly state the grounds for the appeal, which will probably fall into one of the above categories.

The appeal will normally be conducted within 14 working days of the request for an appeal being received. It will be held by the Manager once removed or his/her designated nominee. The decision of this Manager will be final. The original penalty imposed cannot be increased.

Disclaimer

This Policy does not form any part of an employee's contract of employment and the Company may amend, suspend or withdraw this Policy at any time.