

 <b>KNOWLEDGE TRANSFER</b>	<b>Document</b> Disciplinary Policy & Procedure	<b>Effective Date</b> 1st August 2020
	<b>Function</b> KT- Human Resources	<b>Status</b> Final

## Disciplinary Policy & Procedure

### Purpose of the policy and procedure

The aims of this Disciplinary Policy and Procedure are to set out the standards of conduct expected of all employees and to provide a framework within which managers can work with employees to maintain satisfactory standards of conduct and to encourage improvement where necessary.

It is our policy to ensure that any disciplinary matter is dealt with fairly and that steps are taken to establish the facts and to give employees the opportunity to respond before taking any formal action.

### Scope

This policy is applicable to EWS-KT employees and third-party staff who work for EWS -KT should there be no policies governing such standards by the agency that manages them.

### Key Principles

- Where possible minor issues like delay in coming to office, not applying for leave before taking a leave (unless it's repetitive), minor issues with performance that can be resolved with counselling, showing lack of interest in work, making minor , rectifiable mistakes due to workload should be resolved informally between the line manager and the concerned staff. The line manager should discuss the matter with EWS-KT for advice.
- If the issue is serious or concerns are repetitive then a more formal process can be followed under the guidance of HRBP-KT.
- Where the staff are managed by a third party, line managers should raise such concerns with the HR of the third party directly.
- An employee will not normally be dismissed for a first act of misconduct, unless it is considered to be gross misconduct or if there are act/s of misconduct previously.
- Any penalty under this policy will be signed off by the HRBP KT.

### Process

#### Informal process

	<b>Document</b> Disciplinary Policy & Procedure	<b>Effective Date</b> 1st August 2020
	<b>Function</b> KT- Human Resources	<b>Status</b> Final

Minor conduct issues should be resolved informally between the employee and their line manager. These discussions should be held in private and without undue delay whenever there is cause for concern.

Managers should make and retain notes of any issues raised and discussed informally, including any agreed outcomes and support. A note of any such informal discussions may be placed on the employees personnel file.

### Formal process

Formal steps will be taken under this procedure if the matter is not resolved, or if informal discussion is not appropriate for example, because of the seriousness of the allegation including but not limited to a breach of the Anti-Fraud & Anti-Corruption policy, Code of Conduct or Safeguarding Policy.

The line manager should immediately raise such concerns to HRBP-KT

### Investigation

- In case of a formal process, no penalty will be applicable to the employee unless the matter is investigated.
- Investigation process and its extensiveness will depend on the concern. Where the concerns are more serious, like breach of the Anti-Fraud & Anti-Corruption policy, Code of Conduct or Safeguarding Policy, the matter will be investigated by a team constituted internally.
- Investigation would include meeting with witnesses, recording their statements under the guidance of an independent investigator as nominated by the KT Director.
- An investigation should be completed within 15 workings of its commencement.
- Suspension:
  - In some circumstances we may need to suspend an employee from work. The suspension will be for no longer than is necessary to investigate the allegations and the arrangements should be confirmed to the employee in writing.
  - While suspended, the employee should not visit their place of work or contact any clients, customers, suppliers, contractors or staff, unless they have been authorised to do so by their manager.
  - Where cases are being investigated under the Safeguarding Policy, suspension would automatically take place whilst the allegation is being investigated.

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	<b>Function</b> KT- Human Resources	<b>Status</b> Final

- o Suspension of this kind is a neutral act; it is not a disciplinary penalty and does not imply that any decision has already been made about the allegations. The employee will continue to receive his/her full salary and benefits during the period of suspension.

## Hearing

- Once the investigation is over a report is ready, the employee will be invited for a hearing process.
- The employee will be given a brief of the reason for hearing in an email whilst being invited for the meeting.
- Hearing is chaired by KT Manager, KT Head or Director based on the seriousness of the issue. HRBP-KT will be present in the hearing process.
- In case of staff under a third party contract, HR from the third party can be included or facilitate the HR process, at the discretion of HRBP-KT.
- The employee will be given an opportunity to explain his/her actions in a hearing meeting based on which the panel (consisting of Chair and HR) will decide the outcome and penalty.

## Disciplinary Penalty

The usual penalties for misconduct are set out below. No penalty will be imposed without a hearing.

- Stage 1- Verbal warning. A first written warning, usually appropriate for a first act of misconduct where there are no other active written warnings on the employee's disciplinary record. This will be recorded in the employee file and can be referred to in the future.
  
- Stage 2 – First written warning. A first written warning, usually appropriate for repeated acts of misconduct and where the act is more serious to warrant a verbal warning. This will be recorded in the employee file and can be referred in the future.
  
- Stage 2 – Final written warning. It will usually be appropriate for:
  - a) Misconduct where there is already an active written warning on an employee's record; or

	<b>Document</b> Disciplinary Policy & Procedure	<b>Effective Date</b> 1st August 2020
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- b) Misconduct that is considered sufficiently serious to warrant a final written warning even though there are no other active warnings on the employee's record.

The written warning will be active for one year from the date communicated in writing to the employee.

Stage 3 – Dismissal. It will usually only be appropriate for:

- a) Further misconduct where there is an active final written warning on record; or
- b) Any gross misconduct regardless of whether there are active warnings on record. Gross misconduct will usually result in immediate dismissal without notice or payment in lieu of notice. Examples of gross misconduct are set out in annexure A to this policy.

### Alternatives to dismissal

In some cases, there may be discretion to consider alternatives to dismissal. Examples include:

- a) Demotion;
- b) Transfer to another department or job;
- c) A period of suspension without pay;
- d) Loss of seniority;
- e) Reduction in pay.

### Appeal

The employee can appeal against a penalty to dismissal to a senior manager (not a part of the hearing panel) in writing within seven days of receiving the penalty. The employee will be invited for an appeal meeting by the senior manager within 5 days of receiving the request and record an outcome to HRBP KT within 2 days of the appeal meeting.

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	<b>Function</b> KT- Human Resources	<b>Status</b> Final

## Annexure A

### Gross misconduct:

The following list provides some examples of offences which are usually regarded as gross misconduct although this is not intended to form an exhaustive list:

- o Sexual misconduct, physical assault or abuse and exploitation;
- o A breach of the Code of Conduct;
- o Concealing a breach of the Code of Conduct by others;
- o Unauthorised possession of goods belonging to EWS-KT its staff, visitors or suppliers;
- o Theft;
- o Fraud;
- o Deliberate falsification of records;
- o Corruption or bribery including the receipt of payment of money, goods or excessive hospitality in respect of services rendered or received;
- o Aggressive or threatening behaviour including verbal abuse and intimidation;
- o Serious disorderly conduct;
- o Bullying where this is intentional and of a serious and/or prolonged nature;
- o Victimisation where this is intentional and of a serious and/or prolonged nature;
- o Unlawful and/or harassment of other members of staff, visitors or suppliers;
- o Deliberate unlawful and/or discrimination;
- o Gross and deliberate misuse of EWS-KT property or name;
- o Serious misuse of EWS-KT, IT resources such as deliberately accessing internet sites for personal use which contain pornographic, offensive or obscene material;
- o Unreasonable behaviour that causes serious damage to the reputation of EWS-KT including the improper use of social media;
- o Conduct seriously and detrimentally affected due to alcohol, drug, or substance misuse;
- o Deliberate and serious damage or misuse of EWS-KT property;
- o Causing loss, damage or injury through gross negligence;
- o A serious breach of health and safety regulations;
- o A serious breach of confidentiality;

*EWS-KT reserves the right to change this policy from time to time, in line with the latest EWS Group related policies.*