

	Reference number	Date implemented
Document Name	DISCIPLINARY CODE	

1. Purpose

- 1.1 The purpose of this code is to outline the standard conduct and rules applicable to employees at the workplace. It is accepted that a disciplinary code and procedure are necessary for the efficient running of company business, the safety and fair treatment of all employees and for ensuring sound labour/management relations.
- 1.2 Furthermore this code aims to provide guidelines for management to ensure the fair, just and uniform application of disciplinary measures and to provide a reference for management engaged in applying discipline.

2. Underlying principles

- 2.1 The application of discipline is the right and responsibility of line management. As disciplinary action should not be taken lightly, the responsibility for implementing action is reserved for the Company representatives of the appropriate responsibility and seniority. The imposition of discipline is therefore the prerogative of management only.
- 2.2 Disciplinary steps are instituted in order to obtain the co-operation and involvement of all employees within the workplace, and to protect the interests of both the employee and the employer in the process of dealing with unacceptable behaviour.
- 2.3 In the enforcement of discipline, the emphasis must rather be focused on guidance and rehabilitation than on the imposition of punishment. However, where necessary, punishment must be used as a legitimate deterrent in the maintenance of discipline.
- 2.4 In certain instances the company reserves the right to impose the most severe sanction on an employee without having to follow the principles of corrective and progressive discipline.
- 2.5 The application of discipline must at all times be lawful, just, fair and consistent.
- 2.6 In terms of Item 7 of Schedule 8 The Code of Good Practice: Dismissal states that *any person who is determining whether a dismissal for misconduct is unfair should consider –*

(a) *Whether or not the employee contravened a rule or standard, regulating conduct in, or relevance to, the workplace; and*

(b) *If a rule or standard was contravened, whether or not –*

- i. *the rule was a valid or reasonable rule or standard;*
- ii. *the employee was aware, or could reasonably be expected to have been aware; of the rule or standard;*

- iii. *the rule or standard has been consistently applied by the employer; and*
- iv. *dismissal was an appropriate sanction for the contravention of the rule or standard.*

2.7 When applying discipline within the workplace, it is recommended that for all sanctions imposed, and not only dismissal, that the requirements as stipulated in Item 7 of Schedule 8 be considered.

3. Disciplinary Sanctions

3.1 There are four basic sanctions that can be imposed against any employee. Breaches of the Code which are similar in nature and sanctions previously imposed for them, if they are still valid, may be considered when deciding what sanction is to be applied against a related breach in that category.

3.2 In order to issue the below stated sanctions correctly, the manager deciding to impose a sanction must first grant the accused employee an opportunity to state a case in response to the allegation made against him/her. A formal hearing does not have to be held, just a discussion to give the accused employee an opportunity to provide a reasonable explanation for his or her failure to adhere to a rule or standard.

3.3 It is important that sanctions be imposed as soon as the employer becomes aware of transgressions. A delay can result in the allegation that the employees' actions have been condoned and the instituting of disciplinary action at a later stage could be viewed as unfair conduct on part of the employer.

3.4 An employee should sign acknowledgement of receipt of the sanction imposed, but an employee cannot be forced to do so. If the employee refuses to sign, a witness can sign to confirm that the employee is aware of the sanction and that the allegations have been explained to him/her. An employee's refusal to sign does not affect the validity of the sanction. The employee can lodge an appeal within three (3) working days (delete if no appeal procedure) or refer the sanction to the Commission for Conciliation Mediation and Arbitration (CCMA) or relevant Bargaining Council as per the dispute resolution procedure stipulated in the Labour Relations Act 66 of 1995.

3.5 In order of severity the sanctions are:

- **Verbal Warnings**

In the case of a moderate offence, a superior should conduct an informal disciplinary interview with the employee that may result in a verbal reprimand. A verbal warning is a reminder to the employee that if he/she continues to commit the same offence, more serious and formal disciplinary action will follow. Although informal, it is the first stage of the disciplinary action process and written record is kept of this warning and it will be valid for (three) 3 months.

- **First and Second Written Warnings**

If verbal warnings fail, management should give the employee a formal written warning. First and second written warnings are a more formal act and warn the accused employee that a repetition of wrongful behaviour or a more serious offence can result in a final written warning.

All written warnings will be recorded on a disciplinary form that will be placed on the employee's file. A copy of the disciplinary form will be handed to the employee. First and second written warnings are valid for 6 months.

- **Final Written Warnings**

A final written warning is the last warning an employee can expect before dismissal or a more serious disciplinary penalty may be imposed. The purpose is to give the employee a final chance to correct his/her behaviour. Managers should be cautious not to issue more than one final written warning for the same or similar offence should the employee repeat the misconduct whilst having a valid final written warning.

It is recommended that a disciplinary hearing or a formal discussion be held prior to issuing a final written warning. A final written warning is valid for 12 months.

- **Summary dismissals.**

When a series of progressive and or corrective measures, such as the issuing of the above sanctions, have not produced the anticipated effect; or when an employee is alleged to have committed serious misconduct, the employer may then consider dismissal as a penalty. It is strongly recommended that prior to dismissing the employee; the Company conduct a formal disciplinary hearing.

Termination of the employee's services as a result of misconduct is a summary dismissal in most circumstances which means a dismissal without notice. Such a dismissal would be justified in terms of the company policy and precedent and the principles of the common law once due processes have been followed and dismissal is the appropriate sanction.

The employee must be informed of the reason for his/ her dismissal in writing and of his / her right to refer the matter for appeal within 3 working days (delete if no appeal procedure in place) and to the CCMA or relevant Bargaining Council within 30 days.

4. An employee's duties and schedule of offences

4.1. At the commencement of the employment relationship, an employee incurs six duties that need to be fulfilled throughout the employment relationship. These are:

- A duty to render services

Employees need to place their personal services at the disposal of their employer during work hours. A failure to do so is in breach of the contract of employment and if it is without a valid reason or permission, the employer has the right to discipline an employee accordingly. Employees also have the responsibility in terms of the employment contract to contact their employer should they not be able to render their services when required to do so. Non compliance in that regard is failure on the employee's part to demonstrate acceptable conduct.

- A duty to maintain reasonable efficiency

Employees have a positive duty to deliver work of an acceptable standard and within a reasonable time frame. Failure to do so will constitute misconduct only once the employer can prove that the employee is capable of performing the tasks allocated to him or her. If the employee cannot deliver work of an acceptable standard due to an inability to do so, then the employer should adopt the Incapacity due to Poor Work Performance procedure which significantly differs to misconduct procedures indicated below.

- A duty to demonstrate acceptable conduct and to refrain from misconduct in general
Throughout the employment relationship employees should always endeavour to refrain from misconduct in general by demonstrating acceptable conduct towards clients, fellow employees, management, the public and overall environment. Such conduct must uphold the image of the business at all times and not be detrimental to the maintenance of good order within the workplace. Failure to demonstrate tolerable conduct is deemed as serious and warrants disciplinary action. Employees also have to ensure that when placing their services at the disposal of the employer, they are to be in a proper mental and physical state. Reporting for duty under the influence of any intoxicating substance is unacceptable and regarded as a very serious offence. Should it be as a result of a dependency problem, the Company will provide reasonable assistance to the employee in terms of the incapacity procedure; it should be noted however that reporting for duty under the influence of any intoxicating substance is a very serious offence and employees in breach of this rule, will be dealt with in terms of the disciplinary code.
- A duty to be respectful and obedient
It is an automatic consequence that the employee is under the control of the employer in terms of the contractual powers related to the employment relationship. The employer therefore has the right to draft and implement policies and procedures as well as issue instructions that determine the way work will be conducted, provided it is lawful and reasonable. If the employee fails to comply or carry out these policies, procedures and instructions with obedience and respect, it is a material breach of the contract of employment and the employee renders himself / herself liable for disciplinary action and in severe cases, dismissal.
- A duty to act with honesty and integrity
Trust and confidence is an essential component of the employment relationship between the employer and employee. The employee therefore has to ensure that he or she maintains a high level of integrity and honesty when dealing with the Company, its clients and its fellow colleagues. A failure to act with honesty and integrity could render the trust relationship irreparable thus making the employment relationship intolerable which may justify termination.
- A duty to further the employer's business interest and to act within good faith
Employees must endeavour to devote their interests, skills and energies to furthering the company's business interests. Any form of conduct that intentionally places an employee in a situation where their own interests or the interests of others that they are furthering, conflicts with those of the employer may render the employment relationship intolerable and may justify disciplinary action.

- 4.2. The disciplinary code must not be seen as an independent document. The applicable provisions of the disciplinary procedure must be adhered to ensure the fair and just application of discipline within the company.
- 4.3. The action as reflected in the columns represents the maximum proposed disciplinary action that may be applied, depending on the nature/type of breach and how many times it has been committed by an employee.
- 4.4. If the chairperson is of the opinion that there are valid mitigating factors, he/she may impose a lesser penalty.

- 4.5. The schedule of offences and proposed actions indicated below merely serve as a guideline and do not constitute inflexible rules that have to be followed to the letter.
- 4.6. The circumstances and merits of each individual case must be taken into account and the Chairperson is expected to use his/her discretion in making a value judgment. Therefore deviations from the disciplinary code will be permitted where mitigating and / or aggravating circumstances warrant such deviation.
- 4.7. It is further impossible for the company to list each and every offence that an employee may commit in the work place and therefore the company reserves the right to amend this code and / or charge an employee with an offence that although not contained within this schedule, is deemed an offence in terms of the common law and acceptable practice.

WORD KEY

VR	-	Verbal reprimand
1WW	-	First Written Warning
2WW	-	Second written warning
FWW	-	Final written warning
DISM	-	Dismissal

DEFINITION	SAMPLE CHARGES	SAMPLE OFFENCES	1 st	2 nd	3 rd	4 th	5 th
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4.7.1 Failing to render services offences

A1. Unauthorised Absenteeism/leave							
Refers to being absent from work without permission, and without a reasonable excuse, or a medical certificate	Unauthorised absence in that between (date) and (date) you were absent from work without permission Note 1: Refer to failure to follow company policy and procedure in D5 for possible additional charge Note 2: Refer to desertion / act of absconding in A5 for alternative charge for absence longer than five days Note 3: For absences due to illness, a medical certificate must be produced for absences longer than two days or when the employee has been absent on more than two occasions within an eight week cycle in order to be remunerated. Even though the employee is entitled to payment for absences within the requirements as per the Basic Conditions of Employment Act, the employer still requires a valid medical certificate or else the employee faces disciplinary action if they are absent without permission or authorisation.	Absent for 1 day	1WW	2WW	FWW	DISM	
		Absent for 2 days	2WW	FWW	DISM		
		Absent for 3 – 4 days	FWW	DISM			
		Absent for 5 days or longer	DISM				

A2. Timekeeping						
Refers to the failure of an employee to comply with his/her obligations in terms of stipulated work hours.	Poor time keeping in that on the <u>(date)</u> you arrived late for work; or Poor timekeeping in that on the <u>(date)</u> you were late arriving back from lunch; OR Continuous poor time keeping in that on the <u>(various dates)</u>, you were late for work etc. Note 1: Refer to failure to follow company policy in and procedure in D5 for possible additional charge	Poor time keeping, failure to adhere to stipulated starting and end times including but not limited to starting times and break periods, reporting late for work, leaving work early, taking excessive breaks or breaks that are longer than permitted, not proceeding to the workplace or work station.	VR	1WW	2WW	FWW DISM

A3. Sleeping on duty						
Refers to sleeping at workplace when contractually obligated to render services.	Sleeping on duty in that on <u>(date)</u> you were found asleep at your workstation during working hours.	Note 1 – if an employee is found sleeping during his or her lunch hour or tea breaks, no action can be taken. Find out reasons as to why as it could be as a result of intoxication or illness. Note 2 – if the employee is on medication and has proof of the medication, contact HR to advise the way forward.	1WW	2WW	FWW	DISM

A4. Desertion of post							
Absence from workstation without permission and or a valid reason with intention of not returning until the next allocated shift or workday. Refers to a longer period than merely absence from work station	Desertion of post in that on the <u>(date)</u> , at approximately <u>(insert time)</u> you deserted your workstation without permission and or a valid reason.	An employee leaves his/her allocated post /work station without permission	FWW	DISM			
A5. Desertion and or the act of absconding from work							
Unauthorised absence from work <u>without</u> the <u>intention</u> to return. Normally refers to the absence for a period in excess of 5 days and the employee, despite being requested to do so, failed to inform the company of the reason for absence.	Absconsion alternatively unauthorised absence from work, in that you have been absent from work from the <u>(date)</u> and despite being requested to do so have failed to make contact with the company to explain the reason for your absence or your whereabouts.	Factors that play a role in determining the intention of the employee are length of absence, communication or lack thereof with employee concerned and the employee's failure to respond to requests to contact the company. In such cases, the employer should have taken reasonable steps to establish the whereabouts of the employee	DISM				
A6. Failure or Refusal to work overtime							
A failure or refusal to work overtime scheduled and agreed upon by the employee and employer without a valid reason or permission.	Unauthorised absenteeism in that on <u>(date)</u> you failed or refused to work overtime scheduled. Note: Refer to insubordination and or insolence in D8 and D9 as an additional charge specifically if an instruction was issued.	Note: There must be a prior agreement in place, preferably in writing, to work overtime.	FWW	DISM			

4.7.2 Failing to maintain reasonable efficiency offences

B1. Negligence						
Any failure by an employee to comply with a standard of care that the employee would reasonably be expected to observe in the completion and fulfilment of his/her duties and or tasks. Gross negligence is distinguished from negligence in respect of the seriousness of the offence. Distinguished from dereliction of duty please refer to B2 in this regard.	Negligence in that on <u>(date)</u> you failed, without proper cause to perform your duties with the proper care required in that you <u>(describe the event)</u>. Note 1: Refer to damage to company property in C8 for possible additional charge	• If the work done is of a poor quality and/or quantity without any reason being given. • Failure to exercise proper care and attention in regard to the manner in which a task should be performed to the extent that the task has to be repeated or that equipment is at risk of being damaged. • Failing to perform duties to the required standard without any acceptable reason. • Displaying unreliability, poor co-operation and a lack of interest in work.	1/2WW	FWW	DISM	
B2. Gross Negligence						
A serious failure by an employee to comply with a standard of care that the employee would reasonably be expected to provide in the completion and fulfilment of his/her duties and or tasks. Generally has the result of incurring substantial losses on the company	Gross negligence in that on <u>(date)</u> you failed, without proper cause to perform your duties with the proper care required in that you <u>(describe the event)</u>. Note 1: Refer to damage to company property in C8 for possible additional charge	• Any act or omission which has the potential to give rise to serious consequences to the company or its clients • Any act whereby an employee, through carelessness or negligence, causes the Company's property valued over R 500-00 to be lost or is unable to account for it properly.	DISM			

		• Action whereby the employee, through carelessness or negligence, causes or allows company property valued more than R 500-00 to be damaged. • Cash shortages of more than R 100-00 will be regarded as gross negligence except where theft or fraud could be proved					
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B3. Dereliction Of Duty							
Failure to comply with a duty to perform a task or job function in terms of allocated tasks and or your job description and or general and recurring duties assigned to the employee.	Dereliction of duty in that on <u>(date)</u> you failed to complete <u>(describe task or function)</u> , a task assigned to you Note 1: Refer to insubordination in D1 for alternative charge	Failing to complete a task allocated to the employee	VR	1WW	2WW	FWW	DISM

B4. Loafing / Idleness							
Refers to standing or sitting about idly or sauntering lazily or aimlessly and thereby neglecting one's work, failing to work when there is work to be completed	Loafing / Idleness in that on the <u>(date)</u> you failed to devote all of your time to the furtherance of your duties in that you <u>(describe the event)</u>	Where an employee is found doing non-work related acts instead of concentrating on his/her work for example, playing or fidgeting with cell phones continuously, reading personal magazines etc.	1WW	2WW	FWW	DISM	

Note: Attention must be paid to the differences between incapacity (cannot) and misconduct (will not). The disciplinary steps provided for in the code should be applied for “will not”.

If the unsatisfactory work performance is due to incapacity (cannot), the following must be adhered to:

- A formal evaluation must be made of the employee’s performance.
- Substandard performance as well as ways to correct such performance must be discussed with the employee. The employee must also be informed as to the action that can be taken against him if his/her performance does not improve.
- Time should be allowed for the employee to improve his/her performance. The company must assist the employee as far as possible and retrain if necessary.
- The employee’s performance must be re-evaluated.
- For further clarification, see Poor Work Performance Policy and Procedure

4.7.3 Failing to demonstrate acceptable conduct offences							
C1. Intimidation and or incitement							
A threat using words or conduct or a combination of both with the intention to influence a person or group of people to act in a certain way. This is aimed at actions that are detrimental to the company, its staff and or clients.	Intimidation in that on <u>(date)</u> and at <u>(venue)</u> you threatened other employees by <u>(describe incident or behaviour)</u> . Note 1: Refer to abusive language in C2 as a possible additional charge.	To incite or intimidate other employees to: 1. Use violence 2. Damage Company property 3. Partake in unlawful industrial action, or indulge in any other disorderly behavior	DISM				
C2. Abusive and Racist Language							
Language that is inappropriate, abusive and has a racist connotation to an employee or groups of employees and may or may not be derogatory in nature.	Use of abusive / racist language in that on the <u>(date)</u> you used abusive /racist language while addressing <u>(victim’s name)</u> .	Use of abusive language. Swearing at fellow employees.	FWW	DISM			

C3. Threatening Behaviour							
Behaviour that constitutes a threat of harm on another person and or property. Could be verbal or physical actions.	Threatening behaviour in that on <u>(date)</u> you threatened <u>(person threatened)</u> by <u>(describe incident)</u>	Threatening another employee verbally or by actions	DISM				

C4. Assault							
The physical harming of a work colleague through physical contact and or violence. The unlawful and intentional application of force to a person.	Assault in that on the <u>(date)</u> you assaulted <u>(victim)</u> by <u>(describe incident)</u>	The pushing of someone The act of striking a person in any way or form	DISM				

C5. Sexual harassment							
Sexual harassment is conduct of a sexual nature that is persistent, offensive and unwanted. The unwelcome conduct may be verbal, non-verbal, visual, physical or any other form.	Sexual harassment in that on the <u>(date)</u> you <u>(describe incident)</u>	The sending of unsolicited email and or messages of a sexual nature. Unwanted physical contact of a sexual nature. The making of comments and or suggestive remarks and or actions that have a sexual connotation or meaning. Threats, demands, suggestions and requests of a sexual nature.	DISM				

C6. Unprotected strike action							
Refers to employees partaking in strike action as defined by the Labour Relations Act 66 of 1997 but which is regarded as unprotected in terms of the Act.	Participation in unprotected strike action in that on the <u>(date)</u> , you participated in strike action that was unlawful and unprotected.	Work stoppages that occur without following dispute resolution procedures. Contact HR for guidance on whether it is unprotected strike action and the issuing of ultimatums.	DISM				
C7. Sabotage							
Any act by an employee to interfere with the normal operations of the Company by damaging machinery or equipment or by interrupting any supplies of power, fuel, materials or services necessary to the operations; and bomb threats, whether intended seriously or as a joke.	Sabotage in that on <u>(date)</u> you wilfully damaged property of the company by <u>(describe event)</u> Note 1: Refer to damage to company property in C8 as a possible additional charge.	Incidents were employees deliberately sabotage company property.	DISM				
C8. Damage to company property							
The intentional or negligent causing of harm/damage to company property or property of a co-employee.	Damage to company property in that on <u>(date)</u> you caused damage to a <u>(describe the property damaged)</u> . Note 1: Refer to negligence in B1 for possible additional charge	The breaking of a tool or machine of the company	DISM				

C9. Bringing the company name into disrepute							
Any conduct that is detrimental to the image and or good standing of the company within the perception of the public thereby creating a negative image of the company	Failing to demonstrate acceptable conduct in that on the <u>(date)</u> you <u>(describe incident)</u> thereby bringing the company name into disrepute	A complaint received from a member of the public or a client. Badmouthing the Company on social networks or other mediums.	FWW	DISM			
C10. Off duty conduct							
When an employee's conduct outside the workplace impacts on the Company's legitimate business interest or undermines the relationship of trust and confidence of the employment relationship.	Failing to demonstrate acceptable off duty conduct in that on <u>(date)</u> you <u>(describe conduct)</u> Note: There has to be a link to the business interests. Note: Refer to bringing the Company's name into disrepute in C9. Contact HR before charging an employee.	Assaulting a member of the public or fellow employee off duty. Getting arrested for an offence that has an impact on the employee's day to day duties.	DISM				
C11. Endangering the safety of others							
Any conduct wilful or negligent which may place the safety of others in harm's way. Actual injury is not a requirement.	Endangering the safety of others in that on <u>(date)</u> you <u>(describe how the employee placed endangered others' safety)</u> . Note: Refer to Gross Negligence in B2 as an additional charge if it is as a result of negligent behaviour. Contact HR for further clarity before charging.	A wilful or negligent disregard of safety rules and procedures.	DISM				

C12. Abuse of Company Property							
Using company property excessively for private use.	Abuse of Company property in that on <u>(date)</u> you made excessive use of (name property) without permission for your own private purpose. Note: Refer to breach of Company Policy in D5 as an additional charge.	Incidents where an employee can use items incidentally for private use but makes excessive use, causing financial loss. E.g. abuse of company telephones, cellphone, internet, email, photo copy machines etc.	1/2 WW	FWW	DSM		
C13. Unauthorised use of company property							
Making use of company property without authorisation	Unauthorised use of company property in that on the <u>(date)</u> you made use of <u>(describe item)</u> without authorisation or permission. Contact HR for further clarity before charging.	Incidents where a employee makes use of company property which he / she is not authorised to use at all or using company property privately and the primary purpose is solely business.	FWW/ DISM				
C14. Under the influence of alcohol and or narcotics							
Under the influence of alcohol and or any other mind altering substance including but not limited to any prohibited and or prescription drugs. Includes arriving at the work place unfit to commence with duty due to alcohol or narcotics consumption	Under the influence of alcohol and or narcotics in that on the <u>(date)</u> you <u>(describe incident)</u>	Reporting for work in an unfit condition whilst under the influence of alcohol and/or drugs.	FWW/ DISM				

C15. Unauthorised consumption of alcohol and or narcotics							
The consumption of alcohol, drugs or related substance whilst on duty.	Unauthorised consumption of alcohol in that on the <u>(date)</u> , you were seen consuming alcohol/drugs etc. whilst on duty.	Consumption of alcohol and or drugs whilst on duty.	DISM				
C16. Unauthorised possession of alcohol or narcotics							
Refers to the possession of alcohol or drugs on the company premises	Unauthorised possession of alcohol and or narcotics in that on the <u>(date)</u> , you were found in possession of <u>(describe substance found)</u>	Found in possession of alcohol and or drugs	DISM				

Note: Attention must be paid to the differences between incapacity due to ill health and wilful misconduct. If there is a dependency problem, the incapacity due to ill health procedure should be observed. It should be noted however that even though the employer has acknowledged that the employee may be having a dependency problem and has accommodated the employee as far as reasonably possible, the employer still reserves the right to discipline the employee accordingly for any alcohol related offences within the workplace as noted above.

For further clarification, see Incapacity due to Ill Health Policy and Procedure and contact HR.

4.7.4 Failing to be respectful and obedient offences

D1. Insolence							
Action by an employee that constitutes and shows disrespect to his/her employer. A direct (verbal) or indirect (through actions) challenge to the authority of the employer and or his designated representative.	Insolence in that on <u>(date)</u> you showed disrespect to your manager by <u>(describe incident)</u>	Being belligerent in the acceptance of an instruction. Accepting an instruction but then voicing dissatisfaction to colleagues. Openly refusing to accept an instruction from a superior Non verbal conduct e.g. clicking of the tongue, rolling of eyes etc.	FWW	DISM			

D2. Gross Insolence								
A serious act of insolence that has as its elements wilful contempt of the employer's authority. A challenge by an employee	Gross insolence in that on <u>(date)</u> you showed disrespect to your manager by <u>(describe incident)</u>	Public refusal of an instruction. Swearing at a manager. Disrespecting and or badmouthing a manager in the presence of colleagues, clients or members of the public.	DISM					
D3. Insubordination								
The intentional disobeying of a reasonable and lawful instruction given by management. Any act or conduct of disobedience that has the effect of challenging the authority of the superior / management / supervisor.	Insubordination in that on the <u>(date)</u> it is alleged that you were insubordinate by challenging the authority of the employer/superior and/or failing or refusing to obey a reasonable and lawful instruction relating to <u>(details of instruction/incident)</u> Note: Refer to Insolence in D1 as additional charge if employee refused to carry out the instruction.	An employee directly or indirectly confronts his supervisor by e.g. refusing verbally and/or making no effort to carry out the work when instructed to do so.	FWW	DISM				
D4. Gross insubordination								
A serious act of refusing or failure to comply with a reasonable and lawful instruction.	Gross insubordination in that on the <u>(date)</u> , you refused to obey a reasonable and lawful instruction relating to <u>(details of instruction/incident)</u> Note: Refer to Gross Insolence in D2 as additional charge if employee refused to carry out the instruction. Contact HR further guidance.	When an employee is given an instruction and fails to carry out the instruction resulting in damage to the company.	DISM					

D5. Breach of company policy and procedure							
A negligent or intentional failure to follow a company policy that has been implemented.	Breach of company (<u>name of policy</u>) policy and procedure in that on the (<u>date</u>) you failed to comply by (<u>describe event or conduct</u>).	An instance where there is an implemented company procedure or policy and the employee fails to follow it. Employee failing to notify the Company of his or her absence.	1WW	2WW	FWW	DISM	

4.7.5 Failing to act with honesty and integrity offences

E1. Giving false evidence, making a false statement / declaration, supplying falsified documents							
When a deliberate attempt is made to mislead the Company through misrepresentation of a fact, either verbally or in writing.	Gross dishonesty in that you on the (<u>date</u>) made a false statement / submitted a falsified document/ gave false evidence by (<u>describe incident</u>)	An employee makes a false statement or submission to the company Submitting falsified claims or medical certificates	DISM				
E2. Fraud / Forgery							
Any wilful misrepresentation verbally or non-verbally with the intention to derive personal gain and or to cause actual or potential prejudice to another party.	Gross dishonesty in that you committed fraud in that on the (<u>date</u>) you misrepresented information to the company by (<u>describe document and or conduct</u>). Note: Could be linked to offence stipulated in E1. Contact HR for further clarity before charging.	Submitting a fraudulent qualification, failing to disclose pertinent information etc.	DISM				

E3. Bribery							
Giving or receiving or attempting to give or receive any bribe / money in order to perform any act to the detriment of the company or that will result in any form of unjustified gain or benefit.	Gross dishonesty in that you committed or attempted to commit bribery in that on the <u>(date)</u> you <u>(describe acts of bribery or corruption)</u> . Contact HR for further clarity before charging.	Accepting gifts/ money from parties without authorisation for preferential treatment. Offering to pay money / carry out favours to another party in order to gain some form of unjustified advantage or to act in a dishonest manner.	DISM				
E4. Theft / Attempted theft							
Being in the possession of company and or client and or a fellow colleague's property with the intention to permanently deprive the affected party of the item.	Theft or Attempted theft, in that on the <u>(date)</u> , you were found in possession of <u>(describe the item)</u> being the property of the company/client/colleague without authorisation and or permission. Note: Differs from unauthorised possession, removal and consumption and misappropriation mentioned below. Contact HR for further clarity before charging.	The unauthorised removal or taking of property other than the employee's own including the company's / fellow employees' / clients' property.	DISM				
E5. Unauthorised possession / removal / consumption of property							
Being in possession of or removing or attempting to remove or consuming company property without the necessary permission and or authority.	Unauthorised possession /removal / consumption of company property in that on the <u>(date)</u> you were found in possession of / removing <u>(describe item)</u> without authorisation Contact HR for further clarity before charging.	Incidents where an employee is found in possession of or removing company property that although the intention to steal the item is not there, he/she has no authority to have the item in their possession.	DISM				

E6. Misappropriation						
The incorrect application of company funds, assets or property for reasons of personal gain and or any other such purpose.	Misappropriation of company funds / property / assets in that on <u>(date)</u> you <u>(describe the employee's conduct of misappropriation)</u> Contact HR for further clarity before charging.	Incidents where an employee takes something and does not use it for the purpose it was originally intended for e.g. taking petty cash for personal use etc.	DISM			

4.7.6 Failing to act within good faith or conflict of interest offences						
F1. Breach of confidentiality						
Refers to the unauthorised disclosure of confidential information including but not limited to company's trade secrets, confidential documentation, technical knowhow and data, drawings, system, methods, software, processes, client lists, programs, marketing and or financial information.	Failing to act within the best interest of the company in that on <u>(date)</u> , you disclosed <u>(describe information disclosed)</u> being confidential information of the company without authorisation.	Any disclosure of company information without permission and authorisation.	DISM			
F2. Competing with the employer and or conflict of interest						
Acting contrary to the best interest of the employer in disclosing confidential information to a competitor of the company and or conducting business in competition to the company and or failing to disclose an interest in a competing business to the company.	Competing with the employer and or conflict of interest in that on <u>(dates)</u> you worked/made/conducted the business of/gave information concerning <u>(describe content)</u> to <u>(competitors name)</u> in competition with the company and in breach of your contract of employment/duty as an employee. Note: Refer to breach of confidentiality in F1 for further charge	Having own business which is in direct competition with the employer. Furthering the business of a competitor. Working simultaneously for another employer without permission	DISM			

	Note: The employee can also be charged for dishonesty. Contact HR for further clarity						
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F3. Failing to act within the best interest of the employer							
Any conduct that whether deliberate or negligent that prejudices the interest of the employer.	Failing to act within the best interest of the company in that on <u>(date)</u> you <u>(describe the incident)</u> Contact HR for further clarity before charging.	Incidents where a employee fails to report acts of misconduct of fellow employee's Acting out of the scope of authority.	FWW	DSM			
F4. Breach of fiduciary duty							
A failure to responsibly manage that which the company has entrusted the employee with.	Breach of Fiduciary Duty in that on <u>(date)</u> you <u>(describe the employee's conduct)</u> . Contact HR for further clarity before charging.	Being placed in a position of trust to act on behalf of and take care of the interests and failing to do so in order to derive secret profits or further another's interests at the detriment of or prejudicing the Company.	DISM				

5. Collective discipline

5.1. It is generally accepted that the disciplinary code and procedure is aimed at the individual employee. However, in certain circumstances it might be necessary to take action against a group of employees who have breached the company's rules and regulations that is a collective entity.

5.2. In this case, the following guidelines are suggested:

- If specific employees have been identified in the larger group, cognisance must be taken of the evidence required for identification.
- Identifying witnesses must have had a sufficient opportunity for reliable identification.
- Identifying witnesses must be reliable.
- Witnesses must have a sufficiently clear recollection of the events.

5.3 If a substantial group of employees are involved, the following practice should be adhered to:

- If practicable, present the employees with the option of an individual hearing.

- If this option is refused, request a delegation, the size of which is dependent upon the number of employees involved. The selected representatives will then represent the employees in the disciplinary hearing.
- The hearing should be conducted according to the disciplinary procedure in which all the rights of the employees' are respected and protected.

6. Formal disciplinary inquiry

- 6.1. In the event that a disciplinary inquiry is convened the employee may, if necessary, be suspended with pay, prior to, during or pending the outcome of the enquiry.
- 6.2. The employee must be informed at least 48 hours prior to the hearing in writing, in the form of a charge sheet, of the misconduct which he / she is alleged to have committed, and of his / her rights at the enquiry.
- 6.3. The charge sheet should have sufficient information thereupon for the employee to prepare a defence to the charges.
- 6.4. At the disciplinary inquiry, the employee has the following rights:
 - Have an interpreter, if requested.
 - Have representation by a fellow employee who can be a shop steward if requested. No legal or other outside representation will be allowed.
 - Have the opportunity to confer with the representative, at reasonable times before, during and after the inquiry.
 - Question the complainant and witnesses during the inquiry either himself or through the representative.
 - Give evidence himself/herself (he/she cannot be compelled to do so); to call witnesses to give evidence and to argue either himself / herself or through his / her representative on the question of whether the misconduct occurred.
- 6.5. At the hearing the chairperson must decide after hearing all sides of the case, whether the alleged misconduct was committed or not and if so to inform the employee of the finding. If the employee is found guilty, the chairperson must allow the accused the opportunity to give evidence and to argue either by himself or through his / her representative in mitigation of the disciplinary sanction to be imposed. The company should be given an opportunity to address the chairperson in aggravation of sentence.

- 6.6. The chairperson will then decide on the appropriate sanction taking all relevant factors into account. The sanction will be communicated to the employee in writing.
- 6.7. Please note that no employee should be dismissed without a disciplinary hearing being conducted.
- 6.8. Contact HR if in doubt or before instituting any form of disciplinary action against employees who transgress.

It is the employee's responsibility to contact management should he / she have any queries.

Manager name	
Signature	
Date	

I, _____, (employee number/ ID number) hereby agree that I have read and understood the contents of this policy and agree to comply with the provisions of this policy.

Employee name	
Signature	
Date	