

DISCIPLINARY CODE

FOR

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*(Company name)*

## **1. THE DISCIPLINARY CODE**

### **1.1 Purpose**

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.

Furthermore 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.

### **1.2 Underlying principles**

This code is based on the following principles, which must be observed under all circumstances:

- 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 Company representatives of the appropriate responsibility and seniority. The imposition of discipline is therefore the prerogative of management only.
- 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.
- 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.
- 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.
- The application of discipline must at all times be lawful, just, fair and consistent.

### **1.3 Disciplinary Sanctions**

There are four basic sanctions that can be imposed against any employee. In order of severity these are:

#### **1.3.1 Verbal warning**

In case of a moderate offence, a superior should conduct an informal disciplinary interview with the employee that may result in a verbal reprimand.

Written record is kept of this warning and it will be valid for (three) 3 months.

#### **1.3.2 Written warning and final written warning**

If verbal warnings fail, management should give the employee a formal written warning. A repetition of wrongful behaviour, or a more serious offence can result in a final written warning.

A written warning shall be valid for a period of 6 (six) months and a final written warning for 12 (twelve) months, or as otherwise determined by the chairperson.

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.

### **1.3.3 Dismissal with pay in lieu of notice or summary dismissals.**

When, in the employer's opinion, a series of progressive and or corrective measures have not produced the anticipated effect; or a series of verbal or written reprimands given for minor misconduct have not been effective; or when an employee is alleged to have committed major misconduct, the company should before taking disciplinary action, hold a formal disciplinary inquiry prior to termination of the employees services.

In certain instances dismissal without notice will be justified in terms of the company policy and precedent and the principles of the common law.

The employee must be informed of the reason for his/ her dismissal in writing.

## **1.4 Schedule of offences**

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.

## **SCHEDULE OF OFFENCES**

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.

Breaches that are regarded to be related have been grouped into a number of specific categories. In the application of discipline, previous breaches and penalties in a given category, which are still valid, must be considered when deciding what action is to be taken against a related breach (in the same category).

If the chairperson is of the opinion that there are valid mitigating factors, he/she may impose a lesser penalty.

The schedule of offences and proposed action indicated below merely serve as a guideline and do not constitute inflexible rules that have to be followed to the letter. 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.

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**

<b>VR</b>	-	<b>Verbal reprimand</b>
<b>WW</b>	-	<b>Formal written warning</b>
<b>FWW</b>	-	<b>Final written warning</b>
<b>DISM</b>	-	<b>Dismissal</b>

DEFINITION	SAMPLE CHARGES	SAMPLE OFFENCES	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	4 <sup>th</sup>	5 <sup>th</sup>
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### 1.4.1 ABSENTEEISM AND TIME KEEPING OFFENCES

1.4.1.1 Unauthorised Absenteeism/leave							
Refers to being absent from work without permission, and without a reasonable excuse, or a medical certificate	Unauthorized absence in that between <u>(date)</u> and <u>(date)</u> you were absent from work without permission	Absent for 1-2 days	WW	FWW	DISM		
	Note 1: Refer to failure to follow company policy and procedure for possible additional charge	Absent for 3 – 4 days	FWW	DISM			
	Note 2: Refer to desertion/ act of absconding for alternative charge for absence longer than five days	Absent for 5 days or longer	DISM				

1.4.1.2 Timekeeping							
Refers to the failure of an employee to comply with his/her obligations in terms of stipulated work hours.	Time keeping in that on the <u>(date)</u> you arrived late for work; or 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 and procedure 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	WW	FWW	DISM	

1.4.1.3 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			

1.4.1.4 Desertion and or the act of absconding from work							
<p>Unauthorised absence from work <u>without the intention</u> to return.</p> <p>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.</p>	<p>Absconsion alternatively unauthorised absence form 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.</p>	<p>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</p>	DISM				

## 1.4.2 WORK STANDARD OFFENCES

### 1.4.2.1 Negligence

<p>Any 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.</p> <p>Gross negligence is distinguished from negligence in respect of the seriousness of the offence.</p> <p>Distinguished from dereliction of duty please refer to 1.4.2.3 in this regard</p>	<p>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>.</p> <p>Note 1: Refer to damage to company property for possible additional charge</p>	<ul style="list-style-type: none"> <li>• If the work done is of a poor quality and/or quantity with out any reason being given.</li> <li>• 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.</li> <li>• Failing to perform duties to the required standard without any acceptable reason.</li> <li>• Displaying unreliability, poor co-operation and a lack of interest in work.</li> </ul>	WW	FWW	DISM		
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### 1.4.2.2 Gross Negligence

<p>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.</p> <p>Generally has the result of incurring substantial losses on the company</p>	<p>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>.</p> <p>Note 1: Refer to damage to company property for possible additional charge</p>	<ul style="list-style-type: none"> <li>• <i>Please note that these are sample offences and may need to be adapted or varied according the specific company requirements</i></li> <li>• Any act or omission which has the potential to give rise to serious consequences to the company or its clients</li> <li>• Any act whereby an employee, through carelessness or negligence, causes the Company's property valued</li> </ul>	DISM				
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		<p>over R 500-00 to be lost or is unable to account for it properly.</p> <ul style="list-style-type: none"> <li>• Action whereby the employee, through carelessness or negligence, causes or allows company property valued more than R 500-00 to be damaged.</li> <li>• Cash shortages of more than R 100-00 will be regarded as gross negligence except where theft or fraud could be proved</li> </ul>					
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1.4.2.3 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 for alternative charge	Failing to complete a task allocated to the employee	VR	WW	FWW	DISM	

1.4.1.4 Loafing/ Idleness							
Refers to standing or sitting about idly or saunter 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 worked related acts instead of concentrating on his/her work.	WW	FWW	DISM		
<p>Note: Attention must be paid to the differences between incapacity (can not) and misconduct (will not). The disciplinary steps provided for in the code should be applied for "will not".</p> <p>If the unsatisfactory work performance is due to incapacity (can not), the following must be adhered to:</p> <ul style="list-style-type: none"> <li>• A formal evaluation must be made of the employee's performance.</li> <li>• 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.</li> <li>• 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.</li> <li>• The employee's performance must be re-evaluated.</li> </ul>							

### 1.4.3 CONDUCT RELATED OFFENCES

#### 1.4.3.1 Abusive Language

Language that is inappropriate, abusive to an employee or groups of employees and may or may not be derogatory in nature	Use of abusive language in that on the <u>(date)</u> you used abusive language while addressing <u>(victims name)</u>	Use of abusive language.  Swearing at fellow employees.	FWW	DISM				
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#### 1.4.3.2 Sexual harassment

Sexual harassment is attention of a sexual nature that is offensive and unwanted. The unwanted attention distinguishes it from behaviour that is welcome and mutual.	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.  The making of comments and or suggestive remarks and or actions that have a sexual connotation or meaning	DISM					
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#### 1.4.3.3 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					
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#### 1.4.3.4 Assault

The physical harming of a work colleague through physical contact and or violence.	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					
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1.4.3.5 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 conduct detrimental to the maintenance of good order within the work place as a possible additional charge  Note 2: Refer to abusive language as a possible additional charge	To incite or intimidate other employees to:  <ul style="list-style-type: none"> <li>• Use violence</li> <li>• Damage Company property</li> <li>• Partake in unlawful industrial action, or indulge in any other disorderly behaviour</li> </ul>	DISM				

1.4.3.6 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 damage property of the company by <u>(describe event)</u>  Note 1: Refer to damage to company property as a possible additional charge.	Incidents were employees deliberately sabotage company property.	DISM				

1.4.3.6 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.	DISM				

### 1.4.4. ALCOHOL AND OR DRUG RELATED OFFENCES

#### 1.4.4.1 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 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.	DISM				
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#### 1.4.4.2 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				
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#### 1.4.4.3 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				
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## 1.4.5 DISOBEDIENCE AND OFFENCES OF A DISRESPECTFUL NATURE

### 1.4.5.1 Insolence

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

<p>A serious act of insolence that has as its elements wilful contempt of the employer's authority. A challenge by an employee</p>	<p>Gross insolence in that on <u>(date)</u> you showed disrespect to your manager by <u>(describe incident)</u></p>	<p>Public refusal of an instruction.</p> <p>Swearing at a manager when refusing follow an instruction</p>	DISM					
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### 1.4.5.3 Insubordination

<p>The intentional disobeying of a reasonable and lawful instruction given by management.</p> <p>Any act or conduct of disobedience that has the effect of challenging the authority of the superior, management, supervisor.</p>	<p>Insubordination in that on the <u>(date)</u> it is alleged that you engaged in gross misconduct 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></p>	<p>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.</p>	FWW	DISM				
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### 1.4.5.4 Gross insubordination

<p>A serious act of refusing to comply with a reasonable and lawful instruction</p>	<p>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></p>	<p>When an employee is given an instruction and fails to carry out the instruction resulting in damage to the company</p>	DISM					
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**1.4.5.5 Breach of company policy and procedure**

<p>A negligent or intentional failure to follow a company policy that has been implemented.</p>	<p>Breach of company (<u>name of policy</u>) policy and procedure in that on the (<u>date</u>) you failed to abide to the policy by (<u>describe event or conduct</u>)</p>	<p>An instance where there is an implemented company procedure and the employee fails to follow it.</p>	<p>WW</p>	<p>FWW</p>	<p>DISM</p>		
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## 1.4.6 DISHONESTY OFFENCES

### 1.4.6.1 Making a false statement

The intentional making of a statement with the intent to deceive or conceal the truth	Gross dishonesty in that you on the <u>(date)</u> made a false statement by <u>(describe incident)</u>	An employee makes a false statement or submission to the company	DISM				
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### 1.4.6.2 Fraud

The intentional making of a false statement either in writing or verbally with the intention to obtain some form of benefit and or unjustified enrichment	Gross dishonesty in that you committed fraud in that on the <u>(date)</u> you presented a false <u>(describe document and or conduct)</u>	The creation of a false document with the intent to mislead (defraud), resulting or calculated to result in some prejudice, harm or loss to another or undue benefit to the employee, e.g. altering a medical certificate, travel claim, accommodation claim etc	DISM				
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## 1.4.7 OFFENCES DETRIMENTAL TO THE COMPANY

### 1.4.7.1 Breach of confidentiality

Refers the unauthorised disclosure of confidential information including but not limited to company's trade secrets, confidential documentation, technical know how and data, drawings, system, methods, software, processes, client lists, programs, marketing and or financial information	Gross dishonesty - in that on the <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				
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### 1.4.7.2 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	Bringing the company name into disrepute 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	FWW	DISM			
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### 1.4.7.3 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 1: Refer to confidentiality obligations for further charge		DISM				
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1.4.7.4 Conduct detrimental to the maintenance of good order within the work place

<p>Conduct that has the effect of being detrimental to the moral of the company and its employees. Normally associated with continuous behaviour of the kind that leads to disharmony within the work place and behaviour that is aimed at challenging the authority of the company</p>	<p>Conduct detrimental to the maintenance of good order within the work place in that on the <u>(date)</u>, you <u>(describe conduct)</u>.</p>	<p>Normally as a result of small acts of the employee that treated separately do not constitute a serious offence but treated together add up to a serious challenge to the authority of the company.</p>	<p><b>DISM</b></p>				
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## 1.4.8 PROPERTY RELATED OFFENCES

### 1.4.8.1 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> , being the property of the company or co- employee.  Note 1: Refer to negligence for possible additional charge	The breaking of a tool or machine of the company	DISM				
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### 1.4.8.1 Theft

Being in the possession of company and or client and or a fellow colleagues property with the intention to permanently deprive the affected party of the item	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	The unauthorized removal or taking of property other than the employee's own including fellow employees property	DISM				
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### 1.4.8.2 Attempted theft

Refers to the attempted removal of property of the company and or client and or fellow employee without authorisation	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	Incidents where an employee is caught by security being in possession of property not belonging to them prior to vacating the company premises	DISM				
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### 1.4.8.3 Unauthorised possession of company property

Being in possession of company property without the necessary permission and or authority.	Unauthorised possession of company property in that on the <u>(date)</u> your were found in possession of <u>(describe item)</u> without authorisation  Note 1: Refer to breach of company policy and procedure for a possible further charge	Incidents where a employee is found in possession of 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				
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## 1.5 Collective discipline

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. 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.

A major factor is the witnesses' previous knowledge of the person being identified as an alleged transgressor; while of less importance are identification marks, facial features or clothing. 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.

## **1.6 Formal disciplinary inquiry**

It is not required that for every offence a formal disciplinary inquiry be convened prior to deciding on appropriate action. In cases of minor offences an informal inquiry can be conducted prior to imposing a disciplinary sanction. A key aspect of this process is to hear the other side prior to imposing any form of disciplinary action.

However, in the event that a severe offence has been committed or there exists the possibility that should the employee concerned be found guilty, he / she could face severe sanction up to and including a final written warning or dismissal, a disciplinary inquiry should be convened.

In the event that a disciplinary inquiry is convened the following principles should be observed:

- The inquiry should be held as soon as possible after the event, provided that a reasonable time is accorded to the employee to prepare for his defence;
- The employee may, if necessary, be suspended with pay, prior to, during or pending the outcome of the inquiry;
- The employee should, within a reasonable time after the commission of the alleged offence, be notified in writing of the date, time and venue of the inquiry; and
- The employee must be informed in writing of the misconduct, which he/she is alleged to have committed, and of his/her rights at the inquiry.
- The written notification of the alleged offences committed by the employee should have sufficient information thereupon for the employee to prepare a defence to the charges.
- Please note that no employee should be dismissed without a disciplinary hearing being conducted.

## **1.7 Conducting the Formal Disciplinary Inquiry**

1.7.1 The following persons will normally be present at the disciplinary inquiry:

- The chairperson of the inquiry who will be assigned by management. The company reserves the right to make use of an external impartial chairperson.
- The accused.
- An employee representative, unless the accused does not require representation (the representative should be a fellow employee). No outside representation should be allowed. In the event that the employee requests an outside representative, the chairperson will allow a submission in the regard. The company will be permitted an opportunity to respond and thereafter the chairperson will make a ruling in this regard taking into consideration the parties comparative ability, possibility of a complex legal argument or if the matter should bear some form of public interest.
- Interpreter (if necessary)
- The complainant

1.7.2 At the commencement of the inquiry the chairperson should read out and explain the misconduct under inquiry. The chairperson should ask the accused if he/she pleads guilty or not guilty. Written minutes should be taken of the inquiry and signed by all parties present.

1.7.3 The employee has the following rights at the inquiry:

- 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 this 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.

1.7.4 After hearing all sides of the case, the chairperson must decide whether the alleged misconduct was committed or not and if so to inform the employee of the finding.

1.7.5 The chairperson must only consult the employee's previous work records after he/she has reached a decision on whether or not the alleged misconduct was committed.

1.7.6 Should the chairperson find that the accused has committed the offence, 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.

1.7.7 After the chairperson was addressed in mitigating by the employee and if the employer forwarded any aggravating circumstances, the chairperson should decide on the appropriate action to be taken and inform the employee thereof. In deciding on a sanction the chairperson should take into consideration the following:

- Evidence submitted in mitigation
- Evidence submitted in aggravation (previous record)
- Precedent set within the company (previous decisions)
- Company standing policy and procedure in terms of disciplinary sanction

1.7.8 The outcome of the inquiry

The following outcomes may be handed down to the employee after the inquiry:

- Exoneration;
- A verbal reprimand;
- A written reprimand;
- Dismissal with pay in lieu of notice;
- Summary dismissal (without notice)

1.7.10 Right to refer the matter

After the sanction has been handed down the employee must be informed of his/her right to refer the matter to the CCMA or Bargaining Council (if applicable) within 30 days of receipt of the sanction.

Please note the company does not allow for an appeal procedure. No appeal will be considered and the employee is requested to refer the matter to the appropriate body should he/she feel aggrieved by the decision of the chairperson or of the action taken against him/her.

**NOTE**

**THE COMPANY RESERVES THE RIGHT TO AMEND, ADD TO OR ADAPT ANY PROVISION OF THIS CODE. SUCH AMENDMENTS WILL HOWEVER BE COMMUNICATED TO ALL EMPLOYEES.**