

VIAMED Ltd

Company Personnel Manual

Section 15. Disciplinary Procedures

In any organisation, it is essential that certain standards and performance must be maintained to protect the smooth running of the company, and the well being of its employees.

The disciplinary procedure is designed to ensure fair treatment for those whose job performance is below requirement, and those involved in breaches of discipline.

Depending upon the seriousness of the case, the disciplinary procedure may be entered into at any of the stages outlined below. Except for instances of gross misconduct, dismissal will not be the first step.

In general, particular shortcomings on the part of an employee in meeting job requirements or standards, will be initially brought to his / her attention by the immediate supervisor in informal conversations accompanied by the offer of assistance in achieving improvement.

Guidelines for the conduct of Disciplinary Meetings:

- a) Employees have the right to be accompanied by a fellow employee, if they so wish, at any meeting held under the disciplinary procedure.
- b) The manager will state the reasons for invoking the disciplinary procedure, the disciplinary action to be taken and the corrective action required from the employee, together with a specified date by which acceptable improvement should be made.
- c) Full opportunity will be given for the employee to state his / her case.
- d) The employee will be advised of the full disciplinary procedure, including the provisions for appealing against disciplinary action, and the consequences that will follow if acceptable improvement is not made.

Stages of the Disciplinary Procedure:

Stage 1 – Oral Warning

Should an employee's conduct or performance remain less than satisfactory after an informal warning, the situation will be formally reviewed with his / her immediate supervisor, who will talk to him / her about his / her shortcomings, and suggest ways in which he / she might put these right. The supervisor will keep a written record of this meeting.

Stage 2 – Written Warning

If the employee's conduct or performance remains less than satisfactory in relation to the agreed improvement plan made at stage 1, or more serious cases, the situation will be formally reviewed with him / her by his/ her manager.

Following this meeting, the employee will receive from his / her manager a letter recoding the nature, and outcome of the disciplinary meeting. The employee will be asked to sign a copy of the warning letter to confirm understanding of the terms of the letter. The letter will clearly state a plan of improvement and the deadline dates for achievement, and a copy will be held on the employee's personnel file.

Stage 3 – Final Written Warning

If the employee's conduct or performance fails to meet the standards established at stage 2, or in more serious cases, the situation will be reviewed with the employee by his / her manager.

Following this meeting, the employee will receive a letter from his / her manager recording the nature, and outcome of the disciplinary meeting. The employee will be asked to sign a copy of the warning letter to confirm understanding of the terms of the letter. The letter will clearly state a plan of improvement and the deadline dates for achievement and indicate that if no improvement is forthcoming, the company will take steps to dismiss the employee concerned.

Stage 4 – Dismissal

In cases of gross misconduct, summary dismissal may be the only reasonable course of action for the company. Examples of actions, which are likely to be treated as gross misconduct include:

- Fighting at work, or striking a colleague or supervisor;
- Drunkenness on duty;
- Theft.

When gross misconduct is suspected, the employee will normally be suspended on full pay for up to five working days, to allow for an appropriate investigation of the case. This investigation will be conducted by a nominated senior manager (normally neither directly responsible for the individual, nor necessarily within the employee's function) to assure impartiality. This investigation will include a meeting with the employee. Following the investigation, the employee will be asked to attend a meeting with the responsible senior manager. If the investigation has upheld the case of gross misconduct, the employee will be summarily dismissed without notice, or pay in lieu. The decision will be confirmed to the employee in writing, and this letter will also confirm details of the appeal procedure.

Appeals

- a) Any appeals against disciplinary action must be made in writing within five working days of the disciplinary action.
- b) An appeal against a written warning should be made to one of the following, as appropriate: Mrs G Lamb, Mr D Lamb or Mr S Nixon.

He / She will carry out a full review of the facts, which may include a further meeting with the employee and management. Following this review, he / she will reply in writing to the employee's comments.

- c) An appeal against dismissal should be made to Mr J.S. Lamb. He, or a nominee, will carry out a full review of the facts and will reply in writing to the employee within five working days.

Records

A record of any disciplinary action taken will remain on the employee's personnel file for three years

Examples of misconduct and gross misconduct

These instances are not intended to be exhaustive, merely illustrative.

Categories of misconduct:

Misconduct:

- a) Minor breaches of safety regulations.
- b) Drunkenness or disorderly conduct on duty where consequences are not serious.
- c) Poor timekeeping.
- d) Absence without leave.
- e) Bad personal Hygiene.
- f) Poor work performance or job capability.
- g) Refusal to carry out the instructions of a supervisor.
- h) Breaking statutory regulations relating to industry.
- i) Failure to meet with the required dress code.
- j) Mistakes and repeated errors.
- k) Breaking ISO systems.

Gross Misconduct:

- a) Pilferage or theft.
- b) Fraud or deliberate falsification of records for personal gain, including falsification of time card use.
- c) Arson.
- d) Espionage.
- e) Malicious damage to equipment or colleagues' property.
- f) Negligent behaviour endangering a colleagues' life.
- g) Submission of false references.
- h) Breaking statutory regulations that would render the company, or its employees, liable to prosecution.
- i) Fighting or violence towards others.
- j) Gross insubordination.
- k) Serious breaches of confidence.
- l) Gross negligence, or dereliction of duties.

Note: Whether a particular act or omission is gross misconduct, or misconduct, will depend on the circumstances.

Appendix 1

List of supervisors / managers in relation to disciplinary procedures:

Managing Director - Mr D. Lamb

Mrs G. Lamb, Mr S. Nixon, Mrs H Lamb.

Note: The above is for general guideline purposes only and, as and when necessary, any of the above managers may invoke any necessary disciplinary procedures.