

# Disciplinary Code (Employees): P10 and PR10

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## Purpose

The purpose of this policy is to regulate discipline in the learning environment with the key principle that THE COMPANY as an education and training service provider should create an environment mutual respect among employees and learners as well as employees themselves.

## Definitions

Glossary	Definition
<b>Discipline</b>	is training to act in accordance with established rules; accustoming to systematic and regular action; drill; or Subjection to rule; submissiveness to order and control; habit of obedience; or to accustom to regular and systematic action; to bring under control so as to act systematically; to train to act together under orders; to teach subordination to; to form a habit of obedience in; to drill.

## Scope

This policy is applicable to all employees employed by THE COMPANY.

## Policy Application

Disciplined behaviour is essential for the successful achievement of THE COMPANY' objectives. It is the responsibility of the management of THE COMPANY to maintain disciplined behaviour. For discipline to be maintained fairly, employees should know what constitutes misconduct and the procedure which will be followed when dealing with misconduct.

A disciplinary code should be based on the following principles:

- Disciplinary action should be corrective as opposed to punitive, the aim being to bring about a change in the behaviour of employees who have indulged in undesirable actions, so that such employees adhere willingly, through greater acceptance and understanding, to standards of conduct and performance.
- Punitive action should only be taken where prior and adequate corrective action has proved ineffectual or when a first offence is very serious and or in deserving cases.
- As far as practicable, similar offences committed under similar circumstances will be treated equally through similar disciplinary action.

## Serious Offences

These could be subject to an inquiry, result in action against the employee in the form of dismissal from THE COMPANY.

## Dishonesty

This could include any of the following:

- Theft
- Cheating assessments
- Misuse of Company property for private purpose (which is theft)
- Any action that can be construed as dishonesty
- Any attempt to commit any of the above.

## Dangerous Actions

These are actions endangering the lives, health and safety of employees, guests or learners:

- Wilful damage to THE COMPANY' property and/or equipment, the property of other employees, learners or guests
- Flagrant disregard of safety standards
- Fighting, assault or attempted assault
- Refusal to obey legitimate and lawful instructions given by a member of THE COMPANY management
- Persistent misconduct following on two (2) previous written warnings for the same or substantially the same form of misconduct
- Bringing and/ or using drugs on THE COMPANY' premises (excluding prescription drugs)

## Other Offences

These usually consist of breaches of general discipline resulting in ordinary disciplinary action. The list of offenses set out is not exhaustive and serve only as an illustration:

- Absence from work without prior notice
- Poor time-keeping
- Being under the influence of liquor or drugs
- Bringing and/ or consuming liquor on the Institute's premises.
- Disorderly behaviour on Institute premises
- Being disrespectful towards other guests

## Procedures

### Disciplinary Action

Flowchart FC 2: Disciplinary Action
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There are four (4) basic methods of disciplinary action which can be taken against learners. In order to severity these are:

- Verbal warning
- Written warning
- Final written warning
- Dismissal from THE COMPANY

### Verbal Warning

In the case of minor offenses, a manager should hold an informal disciplinary inquiry with the employee, which may result in a verbal warning. A written record of this warning should be kept for six (6) months.

### Written Warning and Final Written Warning

If the verbal warning fails, the Learning Facilitator/Assessor should give the employee a formal written warning. A repetition of wrongful behaviour or a more serious offence can result in final written warning. A written warning shall be valid for a period of six (6) months, where after the employee will revert to a clear record.

All written warnings will be recorded on a disciplinary form which will be placed on the employee's file. A copy of the disciplinary form will be sent to the learner's supervisor or employer.

### Dismissal from The Learning Programme

When in the management's opinion:

- Series of verbal and / or written warning given for minor misconduct have not been affected, or
- When an employee is alleged to have committed a major misconduct, the manager must, before taking disciplinary action, hold a formal inquiry.

### Formal Disciplinary Inquiry

The following principles should be observed at that inquiry:

- The inquiry should be held as soon as possible after the event, provided that a reasonable time is allowed for the employee to prepare for his/ her defence.
- The employee may, if necessary, be suspended prior to, during or pending the outcome of the inquiry.

## **Conducting A Formal Disciplinary Inquiry**

Normally present at the inquiry are:

- The chairperson of the inquiry
- The chairperson must not be the complainant.
- The accused
- An employee representative, unless the accused does not require representation
- The representative should be a fellow employee and no legal representation is allowed.
- Interpreter (if necessary)
- The complainant

At the start of the inquiry the chairperson should read out and explains the misconduct under inquiry. The chairperson should ask the accused if she/ he understands the complainant and if so whether he/ she pleads guilty or not guilty

The employee's rights at the inquiry are to:

- Have an interpreter, if requested,
- Have representation by a fellow employee of his/ her own choice, if requested,

- Have the opportunity to confer with representative, at reasonable times before, during and after the inquiry,
- Question the complainant and witnesses during the inquiry, either himself/ herself (he/ or through his 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.
- Give evidence himself/herself to call witnesses to give evidence and to argue either himself/herself or through his/her representative in mitigation of disciplinary action

## Outcome of Inquiry

After hearing all sides of the case, the chairperson must decide whether the alleged misconduct was committed or not and if so, on the action to be taken. The action taken should be in line with this Disciplinary Code and Procedures and thus with previous decisions involving the same or substantially the same circumstances.

The outcome of the inquiry may include:

- Exoneration,
- A verbal warning,
- A written warning, or
- A removal from the learning programme

The employee will be allowed an opportunity to mitigate on the severity of the penalty.

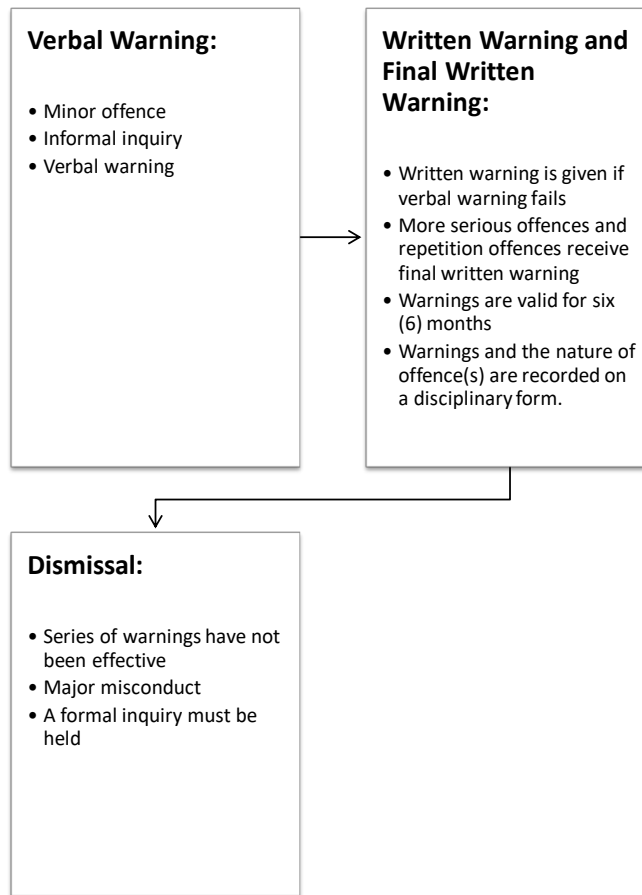
## Right of Appeal

The employee has the right to appeal against a dismissal to the next level of management above that of the chairperson, such appeal to be lodged within three (3) working days of the decision to dismiss.

Grounds for appeal may include:

- Incorrect procedure followed, or
- New evidence that existed at the time of the misconduct

Flowchart FC 1: Disciplinary Action



**COMPANY DISCIPLINARY CODE  
TRANSGRESSIONS CATEGORIES**

## CATEGORY A TRANSGRESSIONS

Code	Transgression	1 <sup>st</sup> offence	2 <sup>nd</sup> offence	3 <sup>rd</sup> offence	4 <sup>th</sup> offence
A1	Absenteeism (Unauthorised absence from the workplace for a period up to one working day. Includes arriving late initially for work, overstaying tea and lunch breaks and leaving work early)	Verbal warning	Written warning	Final written warning	Dismissal
A2	Disorderly conduct which prejudices the maintenance of general good order in the workplace	Verbal warning	Written warning	Final written warning	Dismissal
A3	Use of foul language or swearing language at the workplace	Verbal warning	Written warning	Final written warning	Dismissal
A4	Poor work performance due to neglect (The employee is competent but fails to perform according to the required standard due to neglect).	Verbal warning	Written warning	Final written warning	Dismissal

## CATEGORY B TRANSGRESSIONS

Code	Transgression	1 <sup>st</sup> offence	2 <sup>nd</sup> offence	3 <sup>rd</sup> offence
B1	Sleeping at the workplace during normal working hours	Written warning	Final written warning	Dismissal
B2	Failure to follow standing operating procedures	Written warning	Final written warning	Dismissal
B3	Failure to produce a medical certificate after being absent on sick leave for more than two working days	Written warning	Final written warning	Dismissal
B4	Smoking in the workplace	Written warning	Final written warning	Dismissal

## CATEGORY C TRANSGRESSIONS

Code	Transgression	1 <sup>st</sup> offence	2 <sup>nd</sup> offence
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C1	Absenteeism (Unauthorised absence from the workplace for a period of two to three working days)	Final written warning	Dismissal
C2	Insubordination (Refusal and/or failure to follow reasonable verbal or written instructions)	Final written warning	Dismissal
C 3	Negligent use of company equipment irrespective of whether or not such use results in damage the equipment	Final written warning	Dismissal
C4	Unauthorised use of company equipment/property (Including the use of company equipment for private use)	Final written warning	Dismissal
C5	Accessing/attempting to access company information without the necessary authority	Final written warning	Dismissal
C6	Reporting for duty under the influence of alcohol or drugs	Final written warning	Dismissal
C7	Participation in unwanted or unreasonable unprotected labour action including go-slows	Final written warning	Dismissal
C8	Abuse of company office phone and company cellular phone	Final written warning	Dismissal
C9	Use of abusive/offensive language at the workplace (racist, sexist, defamatory, or other utterances of a very serious nature)	Final written warning	Dismissal
C10	Gross negligence	Final written warning	Dismissal
C11	Breach of safety, hygiene and security rules or failure to take the necessary safety, hygiene or security precautions	Final written warning	Dismissal
C12	Language of an abusive nature (racist, sexist, defamatory, or other utterances of a very serious nature)	Final written warning	Dismissal



## CATEGORY D TRANSGRESSIONS – DISMISSIBLE OFFENCES

Code	Transgression
D1	Disclosure of confidential information to unauthorised persons/parties
D2	Theft (Including unauthorised possession of goods/products belonging to the company of the fellow staff members. Includes the unauthorised removal of any company equipment from the premises of the company)
D3	Fraud (Including the wilful falsification of information/documents)
D4	Dishonesty (i.e. dishonest completion of attendance registers, claiming overtime not worked, dishonest expense claims or insurance claims, misrepresentation, falsifying documentation / medical certificates, forging signatures)
D5	Bribery (Involving fellow staff members or external persons/parties)
D6	Abscondment (Unauthorised absence from the workplace for more than three working days without notifying the company in advance)
D7	Being under the influence of alcohol or drugs at the workplace during working hours
D8	Malicious or deliberate damage to company property
D9	Possession of dangerous weapons on company premises
D10	Assault or fighting on company premises (Includes threatened assault and intimidation and pointing a dangerous weapon at another)
D11	Sexual or other forms of harassment
D12	Material breach of company policy, procedures, rules and regulations, including the Tiger Brands Code of Ethics.
D13	Bringing the name of the Company into disrepute
D14	Corruption (accepting a bribe in exchange for acting/performing in a particular manner)
D15	Competing with the employer (e.g. by also working for a competitor of Tiger Brands simultaneously, or performing work not related to Tiger Brands work during working time)