



Disciplinary Policy

1. Purpose

The purpose of this policy and code is to outline the standard conduct and rules applicable to employees at the workplace. It is accepted that a disciplinary policy and procedure is necessary for the efficient functioning of the Company, the safety and fair treatment of all employees and for ensuring sound labour 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.

This policy serves as a guideline only and each case will be dealt with on its merits. The Company reserves the right to vary any sanction decision as deemed appropriate.

2. Underlying principles

This policy and disciplinary 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 corrective measures, rather than on the imposition of punishment. However, where necessary, punishment may be used as a legitimate deterrent in the maintenance of discipline
- The application of discipline must at all times be lawful, just, fair and consistent

3. Disciplinary Procedure

Disciplinary action can take a number of forms, depending on the seriousness of the offence and whether the employee has breached the particular rule before. An Employee will not be dismissed for his or her first act of misconduct, unless the conduct is regarded as Gross Misconduct. Gross Misconduct is conduct so serious that the Company no longer has enough trust or confidence for the working relationship to be maintained. Refer to the attached **Schedule of offences** to determine serious offences or offences that are regarded as gross misconduct. In these circumstances, the Company reserves the right to summarily dismiss (without notice pay) an Employee following a disciplinary enquiry.

Progressive disciplinary steps should be taken where an employee has committed a similar transgression/ offence for previous warnings issued and which are still valid. The next sanction level may therefore be applied.

There are three types of warnings that can be imposed against any employee before being dismissed. In order of severity these are:

Type of Warning	Validity Period
Verbal Warning	3 Months
Written Warning	6 Months
Final Written Warning	12 Months

3.1 Issuing of Disciplinary Warnings

- In the case of an alleged offence, which may warrant a warning, the immediate line manager will conduct an investigation and complete the **Fact Finder** (Annexure A to this policy) document in which the investigation into the alleged offence has been noted to determine the events that has led to the alleged transgression
- The employee will have the opportunity to state his/her case
- Prior to any warnings being issued, the line manager should request the disciplinary record of the employee from HR to determine previous similar offences and valid warnings to ensure that progressive discipline is followed.
- The line manager may consult with HR to determine and confirm the charges and possible remedial actions to consider, before issuing the employee with a verbal or written warning should he/ she be uncertain as to the charge of the warning .
- Line Managers must consult with HR before issuing a final written warning

- The line manager must inform the employee of the allegations against him/her
- All warnings should be documented and signed by both the line manager, employee and a witness in cases of the employee refusing to sign the warning.
- Should the employee refuse to sign the warning, the employee's refusal to sign must be recorded on the document.
- An employee's refusal to sign the warning, shall not affect its validity.
- In the event of the same or similar transgression occurring during the validation warning period, progressive disciplinary steps may be taken after thorough investigation and formal discussions has been conducted with the employee.
- Copies of disciplinary warnings must be handed to HR immediately to be kept on the employee's file regardless of the expiration and the period of the sanction. This is done in order to show a pattern of offences where such information is required.

3.2 **Disciplinary Enquiry**

- In the event an alleged misconduct justifies a more serious form of disciplinary action than a warning, The UBUNTU Group and or Subsidiaries will initiate a disciplinary enquiry
- This will apply in cases where the potential sanction to an offence may be a final written warning or dismissal. A disciplinary enquiry will also be held for cases of repeated unsatisfactory misconduct after receiving a final written warning for the same or a similar offence
- The investigation must be recorded on the Fact Finder document and the Disciplinary checklist must be signed off by HR.
- The enquiry should be held as soon as possible after the event, provided that a reasonable time is afforded to the employee to prepare for his/her defence i.e. minimum of 48 (forty-eight) hours prior to the scheduled enquiry date
- In circumstances where the allegations against an employee pose a risk to the business or a threat to person, property, witness and/or prejudice an investigation before an enquiry, the employee may be suspended with pay, prior to, during or pending the outcome of the enquiry
- In instances of suspension pending the outcome of an investigation, the investigation must be concluded within 48 (forty-eight) hours of the suspension, unless this period is extended by written authorisation from HR.

3.3 **Notification Process**

- An employee must be issued with a letter notifying him/her to attend a formal disciplinary enquiry at least 48 hours before the scheduled enquiry date.

- The letter must include the following information:
 - The date, time and venue of the enquiry
 - Details of the charges against the employee
 - The employee's rights to representation at the enquiry by a fellow employee
- An enquiry shall proceed in an employee's absence unless that employee has, prior to or on the date and time of the enquiry, furnished a reason acceptable to the company for his/her failure to attend the enquiry.

3.4 **Chairperson**

- An impartial chairperson will be appointed by the Human Resources department
- The Chairperson is required to inform Human Resources should he/she believe that the case warrants a dismissal.
- At the conclusion of an enquiry, the Chairperson shall provide a Letter of Finding and Sanction stating the reasons for his/her decision of which a copy must be given to the employee.

3.5 **Conducting the Disciplinary Enquiry**

The following persons will be present at the disciplinary enquiry:

- The Chairperson of the enquiry who, will be assigned by the Human Resources Department. The Company reserves the right to make use of an external impartial chairperson when deemed necessary.
- The accused (employees).
- An employee representative (which must be a fellow employee), unless the accused does not require representation, no outside/external representation will be allowed
- Interpreter (if necessary)
- The initiator
- A representative from the Human Resources Department will attend the enquiry to ensure that the correct procedure is followed

3.6 **Chairperson's Required Actions**

At the commencement of the enquiry, the Chairperson should read out and explain the misconduct/charges to the accused. The Chairperson should ask the accused if he/she pleads guilty or not guilty. The Chairperson will keep written minutes as part of the Chairperson' Pack of the enquiry, which will be signed by all parties present.

3.7 **Employee's Rights at a Disciplinary Enquiry**

During the disciplinary enquiry, the employee will have the right to:

- State his/her case
- An interpreter, if requested (this must be requested to line management 24 hours prior to the enquiry)
- Request a fellow employee to represent them in the enquiry if they wish. No legal or other outside representation will be allowed.
- Confer with the representative, at reasonable times before, during and after the enquiry
- Question the initiator and witnesses during the enquiry either him-/herself or through the representative
- Give evidence him-/herself and to call witnesses
- Give evidence and to argue either him-/herself or through his/her representative on the question of whether the misconduct occurred
- To be advised of the outcome of the disciplinary enquiry and in the event of being found guilty to provide mitigating circumstances

3.8 **Chairperson's Findings**

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

3.9 **Mitigation and Aggravation**

Should the chairperson find that the accused has committed the offence, or if the employee admits guilt, the chairperson must allow the accused the opportunity to give evidence and to argue either by him-/herself or through his/her representative in mitigation (*factors that Justify the actions of the offender*) of the disciplinary sanction to be imposed.

The Company should, be given an opportunity to address the chairperson in aggravation (*factors that influence severity*) of sentence.

3.10 **Issuing a Sanction**

After the chairperson was addressed in mitigation by the employee and if the initiator presented any aggravating circumstances, the chairperson should decide on the appropriate sanction and inform the employee thereof.

In deciding on a sanction the chairperson should take the following into consideration:

- 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

3.11 **The Outcome of the Enquiry**

The following may be handed down to the employee after the enquiry:

- Exoneration
- Verbal warning
- Written warning
- Final written warning
- Dismissal with pay in lieu of notice
- Summary dismissal (without notice)

3.12 **The Right to Refer the Matter to the CCMA**

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.

Line Management must inform the Human Resources Department when a matter is referred to the CCMA.

4. Disciplinary Records and Investigations

- The Company will keep record of disciplinary action taken, specifying the nature of the transgression and reasons for the respective action
- All disciplinary related record/documents must be submitted to HR for record- and safekeeping.
- All offences will require a form of investigation.
- All supporting documentation must be attached to the warning along with the Fact Finder
- In instances of dismissals, the initiators pack needs to be attached to the notice of dismissal and placed on the employee's file

5. Collective Discipline

It is generally accepted that the disciplinary policy and procedure is aimed at an 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 enquiry
- 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 enquiry.
- The enquiry should be conducted according to the disciplinary procedure in which all the rights of the employees' are respected and protected.

6. 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. Below is a table reflecting disciplinary offences. The list is not exhaustive and only give an indication as to the type of offences that may be considered. 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/ Manager 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 and has been approved by Human Resources.

It is further impossible for the Company to list each and every offence that an employee may commit in the workplace 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.

Types of Charges	Description of Offences	Verbal Warning	Written Warning	Final Written Warning	Dismissal
Absenteeism & Time Keeping Offences					
Unauthorised Absenteeism/ Leave	Un-communicated absence (failure to inform company of intended absence in advance, or on the morning of the first day of absence should the absence have been unforeseen)		x	x	x
	Absence from work for a period of one or more days/shifts without permission, a valid explanation or submitting a medical certificate for the period of absence where required		x	x	x
	Leaving work premises without permission from the line manager during working hours		x	x	x
Excessive Absence	Repetitive absence due to abuse of sick leave; unauthorised and unpaid absences	x	x	x	x
Poor Timekeeping	Reporting to work late or leaving early	x	x	x	x
	Repeated absence from workstation without permission/ extended breaks (short periods – lunch, tea, facilities)	x	x	x	x
Desertion of Work Station	Absence from workstation without permission and/or a valid reason with the intention of not returning until the next allocated shift or workday (longer periods – part of shift)				x
Abscondment / Desertion	Being absent from work for 3 or more consecutive working days without having obtained authorisation or providing notification/validation (Please refer to the desertion process)				x

Work Standard Offences					
Types of Charges	Description of Offences	Verbal Warning	Written Warning	Final Written Warning	Dismissal
Sleeping on Duty	Sleeping while on duty during working hours		x	x	x
Negligence	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		x	x	x
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 result of incurring substantial losses to the Company				x
Dereliction of Duty	Failure to comply with a duty to perform a task/job function in terms of allocated tasks and/or your job description and/or general and recurring duties assigned to the employee		x	x	x
Gross Dereliction of Duty	Serious failure to comply with a duty to perform a task/ job function in terms of allocated tasks and/ or your job description and/ or general and recurring duties assigned to the employee which has serious repercussions and consequences for the Company				x

Offences Detrimental to the Company

Types of Charges	Description of Offences	Verbal Warning	Written Warning	Final Written Warning	Dismissal
Poor Customer Services	Showing disrespect/ being rude towards the customer			x	x
Poor Customer Services Misrepresentation	Providing an unprofessional service to customers (abruptness, cheekiness, bad attitude)			x	x
	Producing sales and or leads not entered into or qualified by a 3 rd party customer or provider.			x	x
Work Avoidance	Course of action taken by an Agent in which he/she intentionally excludes him/herself from the all or any work		x	x	x
Bringing the Company's Name into Disrepute	Bringing the Company's name in disrepute (verbal or written), damaging the Company's image/reputation including but not limited to social media posts		x	x	x
Abusive/ Offensive Language	Use of language that is deemed to be racially offensive or discriminatory towards customers				x
Abusive/ Offensive Language	Use of abusive and/or offensive language towards customers				x
Breach of Confidentiality	Unauthorized disclosure of confidential information including but not limited to the Company's trade secrets, confidential documentation, technical know-how and data, drawings, system, methods, software, processes, client lists, programs, marketing and or financial information (verbal/ written disclosure of information which is regarded as sensitive to the business)				x
Breach of Contract	Undertaking private work without permission (indirect/ indirect competition with the business)				x

Conduct Related Offences

Type of Charges	Description	Verbal Warning	Written Warning	Final Written Warning	Dismissal
Abusive Language	Language that is inappropriate, abusive to an employee/ colleague/ manager or groups of employees and may or may not be derogatory in nature			x	x
	Use language that is deemed to be racially offensive or discriminatory towards other employees/colleagues/managers				
Intimidation and Threats of Violence	Behaviour that constitutes a threat of harm to another person and/ or property. Could be verbal, written or physical actions.				x
Assault	Causing physical/ bodily harm to others and the safety of others through physical contact and or violence				x
Victimisation	Unfair treatment at the workplace			x	x
Sexual Harassment/ Assault/ Conduct	Any form of unwanted or offensive sexual attention, whether verbal, written or physical, that can be deemed to be harassment or assault				x
	Any form of sexual conduct at the workplace				x
Intimidation and/ or Incitement of Violence	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				x
	Instigating or encouraging violence amongst employees				x
	Instigating or encouraging unprotected strike action				x
Unacceptable Behaviour	Any form of unacceptable behaviour or conduct towards a colleague or manager whether verbal or written which can include but is not limited to bullying, spreading malicious				x

Sabotage	rumours or gossiping, excessive criticism and shouting personal insults			x	
	Any form of unacceptable behaviour or conduct towards a colleague or manager whether verbal or written which can include but is not limited to bullying, spreading malicious rumours or gossiping, excessive criticism and shouting personal insults			x	x
	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				x
Abuse of Company Resources/ Equipment/ Time/ Property	Refers to the abuse of company property including but not limited to damage/ misuse or abuse of: assets, funds, buildings, electronic equipment or devices, facilities, furniture, materials, machinery, tools, telephones & stationery		x	x	x
Abuse of Company Resources/ Equipment/ Time/ Property	Execution of private work during work hours that does not compete with the business of the employer, thereby abusing company resources (time, tools, electric equipment, etc)				x
Abuse of Customer/ Company e-mail/ Internet /Telephone Facilities	Refers to incidents where the employee abuses the Company /customer e-mail, telephone or internet facilities by spending a considerable amount of time on personal matters or using the work e-mail/telephone/internet for prohibited use			x	x
Unprotected/ Illegal 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				x
Possession of Firearms/ Weapons	Possession of a firearm and/or dangerous weapon on Company premises				x

Alcohol and/or Drug Related Offences

Type of Charges	Description	Verbal Warning	Written Warning	Final Written Warning	Dismissal
Under the Influence of Alcohol and/ or Narcotics	Reporting for work whilst 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		x	x	x
Reporting to Work Smelling of Alcohol	Reporting to work smelling of alcohol, but alcohol test reading is negative		x	x	x
Unauthorised Possession of Alcohol and/ or Narcotics	Refers to the possession of alcohol on the Company premises		x	x	x
	Refers to the possession of drugs (narcotics) or related substances on the Company premises				x
Unauthorised Consumption of Alcohol and/ or Narcotics	The consumption of alcohol, drugs (narcotics) or related substance whilst on duty				x
Disobedience and Offences of a Disrespectful Nature					
Insolence	Refers to an action by an employee that constitutes and shows disrespect to his/ her Employer This could be a direct (verbal) or indirect (through actions) challenge to the authority of the Employer and or his designated representative		x	x	x
Gross Insolence	A serious act of insolence that has as its elements willful contempt of the Employer's authority. A challenge by an employee which could be in the form of a public refusal of a reasonable instruction and/ or swearing at a manager when refusing to follow an instruction				x
Insubordination	The failure or refusal to obey a reasonable and lawful instruction given by management as well as any act or conduct of disobedience		x	x	x

	that has the effect of challenging the authority of the superior, management or supervisor				
Gross Insubordination	Deliberate or repeated refusal to comply with a reasonable and lawful instruction OR The refusal to obey a material instruction that could result in serious loss, damage or injury				x
Non-Compliance of Company Rules, Policy & Procedure	Failure to comply with or follow any operational, departmental and Company rules, policies and standard operating procedures that has been implemented and may result in the business, its customers, employees and/or company processes being at risk		x	x	x
Non-Compliance with Company House Rules	Failure to comply with Company House Rules i.e., housekeeping rules and dress code requirements		x	x	x
Non-Compliance with Company House Rules	Unauthorised possession of cell phones, tablets, iPads or any technological devices in the Contact Centre				x
Dishonesty Offences					
Making a False Statement (Misrepresentation)	The intentional making of a false or misleading statement with the intent to deceive or conceal the truth				x
Misappropriation	Applying or attempting to apply the funds, assets or property of the company for an incorrect or unauthorised purpose				x
Fraud	The intentional making of a false statement either in writing, electronically, or verbally with the intention to obtain some form of benefit and or unjustified enrichment				x
	Falsification of documents (including sick/ doctor's certificate) or changing any document, and/ or tampering with company equipment				x
Damage to Company Property	The intentional or negligent causing of harm/ damage to Company property or property of another person/ entity				x

Theft	Being in the possession of Company and/ client and/ a fellow colleague's property with the intention to permanently deprive the affected party of the item				x
Attempted Theft	Refers to the attempted removal of property of the Company and/ or client and/ or fellow employee without authorisation				x

Document Control:

The Company reserves the right to make changes to this policy document as and when required, and will endeavor to provide reasonable notice where changes are applied.			
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