

 ETHIOPIA • ESTABLISHED 1993	Company Name: ደስታ ኃ/የተ/የገል ማህበር DESTA PLC	Document No.: PL/CM/0021
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**DISCIPLINARY POLICY AND
PROCEDURE**
2022
Compliance Department

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Disciplinary Policy and Procedure

The purpose of this policy which applies to all practice staff both temporary and permanent is to ensure that employees are aware of what is acceptable conduct at work. It explains the procedure sets out the process by which issues of conduct will be addressed, and ensures consistency and fair treatment by promoting effective and open communication.

Code of conduct

Employees must comply with the terms of their employment or engagement and with the duties and responsibilities detailed in their job descriptions.

Matters that the practice views as amounting to disciplinary offences include (but are not limited to):

- persistent bad timekeeping
- unauthorised absence
- minor damage to practice property
- failure to observe practice procedures
- abusive behaviour
- refusal to comply with a reasonable instruction issued by a manager or supervisor
- poor attendance
- smoking in non-designated areas of the practice premises
- unauthorised use of practice equipment

Principles

If you are subject to disciplinary action: -

- this procedure is designed to establish the full facts quickly and deal consistently with disciplinary issues. No disciplinary action will be taken until the matter has been fully investigated
- at every stage you will be advised in writing of the nature of the complaint against you and will be given the opportunity to put your side of the case
- you will be issued with copies of any documentation that may be relied upon during the disciplinary process
- at disciplinary hearing meetings you may be accompanied by a trade union representative or official or fellow employee of your own choice
- you will not be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty will normally be dismissal without notice and without pay in lieu of notice
- you will have a right to appeal against any disciplinary action taken against you
- the formal disciplinary procedure may be implemented at any stage if your alleged misconduct warrants such action
- clear and confidential notes of all stages of the procedure will be kept by the practice

Right to be accompanied

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You may be accompanied to any disciplinary hearing and appeal hearing by a trade union representative or official or fellow employee of your own choice.

Disciplinary meetings

At each stage of the formal procedure a disciplinary hearing will take place before any sanction or reprimand is issued. This meeting will normally be held with your line manager and [a partner].

However the practice manager or any partner responsible for the investigation of the disciplinary offence(s) shall not be a member of the panel, although such persons may present any supporting facts and material to the disciplinary hearing.

You will be given an opportunity to put your case forward and answer any allegations. You will be given a reasonable opportunity to ask questions, present evidence and call relevant witnesses. Where the practice intends to call relevant witnesses you will be given advance notice of this. The employee must also give advance notice if he/she intends to call relevant witnesses.

The practice may adjourn the disciplinary proceedings if it appears necessary or desirable to do so, for example, in order to gather further information. You will be informed of the period of any adjournment. If further information is gathered, you will be allowed a reasonable period of time, together with your fellow worker or trade union official, to consider the new information prior to the reconvening of the disciplinary proceedings being reconvened.

Any decisions regarding improvements required or disciplinary sanctions will be confirmed in writing to you afterwards including notification of your rights to appeal.

Stage 1 – Informal meeting/counselling session

Before consideration is given to any formal disciplinary action, the practice manager will make every effort to resolve the matter through informal discussion with you. You will be informed regarding the concerns, the improvements that are required, and the deadline by which improvement is expected. Only where this fails to bring about the desired improvement or where the alleged misconduct would deem an informal meeting to be inappropriate, should the formal disciplinary procedure be implemented.

Stage 2 – Written warning

If, after informal discussion, your conduct or performance continues to be unsatisfactory, you will be given a written warning and/or a performance note setting out the practice's expectations.

First written warnings will last [six months] after which they will expire. Under certain circumstances this period may be longer, in which case you will be informed of this in writing.

You will also be informed that a final written warning may be considered if there is no sustained satisfactory improvement or change.

Where the first offence is sufficiently serious, it may be justifiable to move directly to a final

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written warning, in which case you will be informed of this.

Stage 3 – Final written warning

If there is no improvement in standards, or if a further misconduct occurs while a first written warning is still running, you will receive a final written warning.

Final written warnings will last for [12 months] after which they will expire. Under certain circumstances this period may be longer, in which case you will be informed of this in writing. You will also be informed that dismissal may be considered if there is no sustained satisfactory improvement or change.

Dismissal or action short of dismissal

If conduct or performance has failed to improve you may be dismissed. Unless you are being dismissed for reason of gross misconduct. You will be given your normal contractual notice, or paid in lieu if your contract provides for this.

Where your contract allows for it action short of dismissal may be considered where it is felt to be appropriate. Such action may include disciplinary suspension without pay, demotion, loss of seniority or loss of increment.

Gross misconduct

Gross misconduct is misconduct of such a serious and fundamental nature that it breaches the contractual relationship between the employee and the practice and could justify summary dismissal, whereby the practice may terminate the employee’s contract of employment without notice or pay in lieu of notice.

Matters that the practice views as amounting to gross misconduct include (but are not limited to):

- stealing from the practice, members of staff or the public
- other offences of dishonesty
- falsification of a qualification that is a stated requirement of the employee’s employment or results in financial gain to the employee
- falsification of records, reports, accounts, expense claims or self-certification forms, whether or not for personal gain
- sexual misconduct at work
- fighting with or physical assault on members of staff or the public
- deliberate damage to or misuse of the practice property
- serious damage to the practice property
- drunkenness or being under the influence of illegal drugs while at work
- possession, custody or control of illegal drugs on the practice premises
- serious breach of the practice rules, including, but not restricted to, health and safety rules and rules on computer use
- gross negligence
- conviction of a criminal offence that is relevant to the employee’s employment
- conduct that brings the practice name into disrepute; and

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- Discrimination or harassment of a fellow worker on the grounds of sex, sexual orientation, race, disability, age or religion or belief.

Other acts of misconduct may come within the general definition of gross misconduct.

Suspension

While alleged allegations are being investigated, the employee may be suspended, during which time they will be paid their normal pay rate. Any decision to dismiss will be taken by the employer only after full investigation. Every effort will be made to keep the duration of the suspension to a minimum and, for this reason, it will be kept under review. Suspension should be viewed as a neutral act and is not in itself a disciplinary sanction.

Appeals process

If you wish to appeal against any disciplinary decision, you must appeal, in writing to the partner who has been designated to hear the appeal within [10] working days of the decision being communicated to you. The practice will endeavour to arrange for a partner/or manager who was not involved in the original disciplinary action to hear the appeal and decide the case as impartially as possible. You will have the right to be accompanied by a union representative, friend or colleague of your own choice at the appeal hearing.

Failure to attend a meeting

If you are persistently unable or unwilling to attend a disciplinary hearing or appeal without good cause, a meeting may be convened in your absence and a decision made based on the evidence available.

Record keeping and Data Protection Act

A written record will be kept by the practice of each stage of the procedure. Such records will be kept only for as long as necessary in accordance with the Data Protection Act and will be treated as confidential. Copies of relevant meeting records will be provided to you.

Endorsed by

_____ Signature _____
Factory manager

_____ Signature _____
Managing Director

Date _____

Revised on 2022

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The policy will be reviewed yearly by the Sustainability Manager.