

Disciplinary Policy and Process

Introduction

AS Factorum Install Solutions SRL expects professional standards of conduct and work performance from all employees and these standards will be enforced in a fair and systematic way. All employees will be given a fair opportunity to remedy issues of conduct or performance.

Should an employee fail to meet AS Factorum Install Solutions SRL standards of behaviour the disciplinary procedure will be followed.

Managing poor performance, i.e. an employee's inability to meet their job requirement should be first reviewed using the (Company Name)'s underperformance policy.

Policy

The formal process should only be used when other options have been considered. AS Factorum Install Solutions SRL expectation is that the employee will clearly see what is required to be improved and will do so. Any disciplinary action will be preceded by a proper investigation.

No disciplinary action will be taken against an employee until all the facts have been established. In certain cases, a precautionary suspension from work for all or part of this process may be necessary. Employees on suspension will receive full pay and benefits. Suspension should not last for more than ten working days. Employees will be advised at each stage of the process, the details of the complaint against them.

Suspension must be the first action taken when an employee of the Company is considered to be under the influence of drugs or alcohol to the extent that they may be a safety risk to themselves or others. At high-risk locations such as our construction sites, these employees must not be allowed on the site for whatever reason.

At all formal stages of the disciplinary process, the employee has the right to be accompanied by a fellow employee. The colleague is permitted to take notes on the employee's behalf, address the hearing and to confer with the employee during the hearing. However, he or she must not answer questions on behalf of the employee or cross-examine witnesses or the disciplining manager. An employee must inform the person holding the hearing in advance if they wish to be accompanied at the hearing. If the nominated companion cannot attend on the specified date, the employee must provide the hearing manager with details of their availability within five days of the planned meeting, so that it may be re-arranged.

An employee will not be dismissed for a first breach of discipline, except in cases of serious or gross misconduct, where this may, following a disciplinary hearing, result in summary dismissal, without notice and without payment in lieu of notice.

Employees have the right to appeal to the next level of management or a Director against any disciplinary action they receive, in line with Company procedures.

An appointed note-taker may be present at a disciplinary hearing to make a written record of the meeting.

The following list should make it clear the sort of offences which may lead to formal disciplinary action

- Failure to ensure the safety of self or others
- Persistent lateness
- Persistent absence.
- Unauthorised absence
- Failure to comply with company policies and procedures, including Safety, Health, Environment, Quality Policy.
- Non-compliance with Company PPE policy.
- Damage to Company property or the property of an employee or customer
- Misuse of Company property
- Wasting Company materials.
- Poor performance / failure to fulfil duties and responsibilities (conduct issues).
- Failure to instigate appropriate disciplinary proceedings following an incidence of misconduct
- Failure to comply with the Company's IT and mobile phone policies
- Damaging the Company's reputation by inappropriate behaviour either during normal working hours or whilst entertaining clients or professionals outside of normal hours.

Some offences are so serious as to be classified as gross misconduct. These offences need full investigation and a proper disciplinary hearing after which may warrant summary dismissal, i.e. dismissal without notice and without payment in lieu of notice. The following are examples (but not an exhaustive list) of offences which may lead to formal disciplinary action:

- Wilful or blatant acts, breaching safety and causing risk to other employees / members of the public.
- Deliberate disregard for the safety of others whether through instruction to others, a serious breach of Safety Policy, or the actions or inactions of an individual.
- Theft of company property or the property of an employee or customer.
- Deliberate falsification of records, which may be acts or omissions, including accident reporting, statutory registers, time recording, accounts, expenses, self-certification forms and disclosing incorrect information on a CV or job application.
- Unauthorised use or disclosure of confidential information
- Bullying or harassment, including violent, abusive or intimidating behaviour.

- Deliberate damage to Company property or property belonging to fellow employees or customers.
- Serious insubordination (failure to comply with a reasonable instruction).
- Attending work in possession of, or under the influence of alcohol or non-medically prescribed drugs. (It should be noted that no employee or third party should be allowed onto our sites or into our offices if it is suspected that they are under the influence of drugs or alcohol to any degree which may affect their ability to conduct themselves in a safe manner). Any employee should be immediately suspended on full pay and the matter dealt with under the procedures that can be found in the Drugs and Alcohol Policy
- Acts of incitement, or actual acts of discrimination on grounds of sex, race, religion, colour ethnic origin, religion disability or age.
- Offences against the law of the land, especially in respect of dishonesty or theft that affects the trust that AS Factorum Install Solutions SRL places in each of its employees.
- Serious abuse of AS Factorum Install Solutions SRL E-mail and Internet Policy. This includes a deliberate act of insubordination in failing to comply with any Corporate instruction relating to the use of your laptop or desktop, which may jeopardise business critical data.
- The distribution of pornographic material by whatever means.
- The storage of any pornographic material on an AS Factorum Install Solutions SRL PC
- Any action likely to cause serious damage to the Company by bringing it into disrepute, including acts outside of Company premises / time.
- Driving a company vehicle whilst under the influence of drugs or alcohol
- Mobile telephone use whilst driving without the use of a hands-free facility

Monitoring

This procedure will be open to review at any stage, including with a view to periodic up-dating so that it complies with developments in employment legislation, case law, guidelines issued by the WRC or other appropriate body and with good practice generally.

Procedure

1. Investigation

Where a possible disciplinary matter arises, a formal investigation must take place to establish the facts of the case. Where appropriate, a suitably independent investigating manager should interview employees/witnesses and obtain signed statements from them. The employee under investigation should inform the investigating manager of any witnesses who may be able to provide evidence relating to any allegations made.

Where a serious offence has occurred, which may result in a charge of gross misconduct, an employee may be suspended on full pay pending investigation. An employee should not normally be suspended for more than 10 days.

Having investigated the matter thoroughly, the evidence will be presented to the appropriate manager, (normally a line manager or Director) who will then decide whether or not the matter should be dealt with under the disciplinary procedure. Minor cases of misconduct may best be dealt with by informal advice, coaching and counselling rather than through the disciplinary procedure. Informal warnings and / or counselling are not part of the formal disciplinary procedure. Wherever possible the roles of investigation, discipline and appeal should be conducted by three separate individuals.

2. Notification of Disciplinary Hearing

Where disciplinary procedures are instigated the employee will, wherever possible, be given at least three days' notice of the date, time and venue of the disciplinary hearing, as well as the nature of the charge against them. Copies of any evidence that will be presented at the hearing (where appropriate) and a copy of this policy and procedure will be made available to the employee. Where it is in the interest of all concerned to expedite this process it be done by agreement with the employee in question.

They will also be informed of their right to be accompanied at the hearing by a work colleague.

3. The Disciplinary Hearing

In most situations a disciplinary hearing will follow a standard format as follows. The disciplining manager will:

- a) Introduce all parties. Where the employee has chosen to be accompanied, he or she will explain that this person is here to listen and if desired, take notes during the meeting. They may also speak on the employee's behalf but **may not** cross-examine the disciplining manager. If they are not accompanied, the employee should be reminded of their right and adjourn the meeting if necessary, if the employee wishes to be accompanied.
- b) Explain the purpose of the hearing and ensure that the employee has a copy of the Company Disciplinary procedures. If they haven't, issue it and explain the process to them.
- c) Outline to the employee why they are here / the nature of the charge.
- d) Run through the facts of the case and any investigation reports
- e) Ask the employee for their response. It is important that an employee is given every opportunity to respond to any questions and to state their case. They may bring to light new information that could affect the outcome of the meeting.
- f) Ask questions to clarify points and ensure that there is enough information on which to reach a decision.

- g) Once both sides have had the opportunity to raise all relevant issues, the hearing should be adjourned. The disciplining manager should use this time to ensure that they have all the information they need to reach a decision and then to consider what level of disciplinary action, if any, they will be taking (where new evidence is put forward at the hearing the disciplining manager may need to adjourn the meeting until another day in order that this evidence can be fully investigated).
- h) The disciplining manager will confirm their decision on what level of disciplinary action, if any, is being taken against the employee. Within 1-3 working days ideally as soon as possible, however they must take a minimum of 24 hours to consider all aspects of the case. The reason for the decision should be explained to the employee. The employee should also be informed that failure to meet the required standard, or any further misconduct may result in further disciplinary action being taken which could ultimately lead to their dismissal.
- i) Confirm any actions that must happen as a result of this disciplinary action.
- j) Remind the employee of their right to appeal within five working days of receipt of a letter confirming the outcome of the disciplinary hearing

The Four Stages of Disciplinary Action

The Company reserves the right to apply a disciplinary sanction at whichever stage it deems appropriate, given the nature and severity of the alleged misconduct or performance issue.

Stage 1: Verbal Warning

For minor misconduct or failure to achieve satisfactory standards, a verbal warning will be given. Any verbal warning will be recorded in writing and the employee will be asked to countersign the written record to acknowledge receipt. The written record will be kept on the employee's file. If further misconduct (of the same or another type) occurs or there is a failure to improve performance within six months of the warning being given, the Company will normally impose the next level of sanction. Otherwise, the warning will lapse after 6 months.

Stage 2: Written Warning

For more serious misconduct, or in the event of further minor misconduct (of the same or another type) or failure to achieve satisfactory standards occurring within six months of a verbal warning, a written warning will be given. If an employee is then responsible for further misconduct or fails to improve their performance within six months of the first written warning being given, the Company will look to impose the next level of sanction. Otherwise, the written warning will lapse after 12 months.

Stage 3: Final Written Warning

For serious misconduct that warrants a final written warning, or in the event of further misconduct (of the same or another type) during the currency of an earlier warning, or failure to achieve satisfactory standards of performance within a specified time, a final written warning will be given. This warning will state that the

consequences of failure to comply with any requirement imposed will normally be dismissal. A final written warning will lapse after 12 months.

Stage 4: Dismissal

Dismissal may result from a serious first act of misconduct or from any further misconduct (of the same or another type) during the currency of an earlier warning, or failure to achieve satisfactory standards of performance within a specified time. The decision to dismiss will where possible be made by a manager at least two managerial steps higher than the employee being disciplined.

The employee will be notified as soon as is reasonably practicable as to the reason / reasons for the dismissal, the date of termination of employment, the appropriate notice period (or payment in lieu of notice) and the right of appeal. The appropriate Director must be consulted before any decision is made to dismiss an employee.

Gross Misconduct

In the case of gross misconduct, an employee will normally be dismissed without notice or pay in lieu of notice. In exceptional circumstances, or if there are any genuine mitigating circumstances, alternative disciplinary action may be taken. The decision to dismiss for gross misconduct must not be taken, without consulting either a Divisional Managing Director or a Group Director.

The Right of Appeal

In the event that an employee is dissatisfied with any disciplinary action taken against them, they should inform their local Director in writing of their wish to appeal. Any appeal must be made in writing, within five working days of the date of a letter confirming the disciplinary decision. An appeal will normally be based on one of the following reasons

- **the sanction imposed was inappropriate; and/or**
- **new evidence which was not previously available, and which is material to the decision has come to hand; and/or**
- **the disciplinary hearing was not conducted fairly.**

The letter must confirm which grounds of appeal is to be relied on.

The appeal must be heard by a Senior Manager or Director, who has not been involved in the earlier investigation or disciplinary procedure.

The date, time and place of the hearing and who it will be before will be confirmed to the employee.

The employee may be accompanied at the appeal hearing by a witness provided that the name of the person attending is confirmed before the hearing. Where a work colleague is requested to attend, that person will

be entitled to a reasonable amount of time away from their duties with pay to discuss the appeal with the employee and attend the appeal hearing. The person who accompanies the employee at the appeal hearing may address the hearing on their behalf and confer with them but may not answer questions on behalf of the employee.

A management representative will also attend the Appeal Hearing to take a written record of proceedings.

An employee must take all reasonable steps to attend the appeal hearing.

The person who conducted the appeal hearing will inform the employee of their decision within five working days of the hearing and this decision shall be final.

If an appeal is made as a result of an employee being dismissed, the dismissal will be effective as at the date specified in the dismissal letter unless the appeal is upheld. Where an appeal is upheld, the employee will be reinstated, and employment will be deemed to have continued during the period between the decision to dismiss and the appeal decision being made.

Policy Revision History

Version	Date	Description	Author

Distribution List

Copy Number	Holder