

DISCIPLINARY ACTION POLICY

ID: YASH-HRO-001-P007

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Reference No.	YASH-HRO-001-P007	Version No.	1.2
Release Date	06-April-2022	Total Number of pages	11

Particulars	Designation	Name	Date
Prepared by	HR Team	HR Team	06-April-2022
Reviewed by	Corporate HR Team	Corporate HR Team	06-April-2022
Approved by	CFO & Head HR	Dharmendra Jain	06-April-2022

Record of Revisions							
Serial No	Version No	Release Date	Section No	Description	Prepared by	Reviewed by	Approved by
1	1.0	14-June-2013	NA	New Policy	Payal Jain	Sangeeta Prasad	Dharmendra Jain
2	1.1	01-June-2019	Cosmetic Changes	Addition of IT related points and more clarity on type of misconduct Nomenclature change from HR to HRPP	Payal Jain	Dharmendra Jain	Dharmendra Jain
3	1.2	06-April-2022	-	Policy Reviewed (No Changes Made)	HR Team	Corporate HR Team	Dharmendra Jain

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1.0 PURPOSE

This policy outlines the procedure and guidelines for handling cases of breach of acceptable conduct/behavior as defined by applicable laws, Company's (YASH Technologies Pvt. Ltd.) policies and Code of Conduct.

2.0 SCOPE

This policy applies to all employees of YASH Technologies Pvt. Ltd (YASH) including permanent and contractual employees.

3.0 OWNERSHIP/IMPLEMENTATION

The ownership & implementation of this policy lies with Human Resources (HR) Department. It will be effective from **April 06, 2022** & will continue to be in force unless superseded by a revised policy. The HR Department reserves the right to amend, abrogate & reinstate the entire policy or any part of it as & when it deems fit.

4.0 GENERAL PRINCIPLE

As an employer, YASH is committed at complying with the applicable laws, satisfying the Company's Code of Conduct and Ethics, and particularly assuring that business is conducted with integrity. Consequently, guidelines and procedures are defined to ensure the compliance by making employees aware about the expected behavior and actions that could arise out of breach of expected behavior.

4.1 Definitions

1. **Disciplinary Action**-Course of action undertaken in situations where there is any form of protocol /code of conduct/values breached by an employee while on duty or in the premises of Company or in nexus to employment with YASH.
2. **Sanction Period**-It is duration for which a disciplinary action taken against an employee is active. Any repetition of misconduct leading to disciplinary action during this period would lead to increase in level and severity of disciplinary action. Please refer to **section 5.3** for more details.

3. **Un-authorized Absenteeism:**
It is when an employee abstains from duty without the required prior permission of his/her immediate reporting manager and/or without proper justification.
4. **Abusive language:**
It amounts to the use of profanity towards colleagues, superiors, clients or any other employee of YASH either in its premises or elsewhere.
5. **In-subordination / Instigation:**
It amounts to disobedience and rebellious attitude towards the direct and reasonable instructions of the superior and acting in contradiction to the company laid down rules, regulations, policies and values.
Instigation is enforcing your views on others or creating an agitation among all with an aim to create a disturbance that is not in line with the smooth and normal functioning of the company.
6. **Misappropriation / Fraud :**
It involves misuse, cheating, blatant disregard to company information and property. Fraud amounts to swindling and deceit to the organization or its employees with a view to one's own malicious gains.
7. **Misrepresentation of Facts:**
Amounts to willful distortions, concealing and falsification of information provided to superiors or other employees of the company. It also includes providing wrong information at the time of recruitment & selection or during the employment with YASH.
8. **Termination:**
Termination is defined as management initiated separation of employee without giving any prior notice or payment in lieu of notice thereof.

4.2 Responsibility for Disciplinary Action

All the cases of disciplinary action would be handled by HR department. If any case requires a legal intervention from company's side, the Legal team would pursue the matter to its closure.

As an equal opportunities employer, the company will monitor the use and application of this policy to ensure that it is non-discriminatory and free from bias.

4.3 Protection against retaliation

Regardless of the outcome of disciplinary proceedings, the employee under enquiry, any person providing information and any witness, will be protected from any form of retaliation. While dealing with any complaints or event of misconduct, the Company shall ensure that the Complainant or the witness are not victimized or discriminated against by the accused. Any unwarranted pressures, retaliatory or any other type of unethical behavior would be dealt with strict measures including and up to termination and legal action.

5.0 DISCIPLINARY ACTION - TYPES

5.1 Classification of Conduct:

Any misconduct by an employee can be categorized as:

1.0 MINOR MISCONDUCT – Breach of policies or code of conduct which is of minor to mild severity level. Usually first instance of violation of any of the company policy that does not lead to serious repercussions on the work and on the company.

2.0 MAJOR MISCONDUCT- Breach of policies or code of conduct that is treated as major or high severity or repeated minor misconduct.

3.0 GROSS MISCONDUCT – It is defined as an instance, activity or event that results in serious breach of either company policies or code of conduct or applicable laws or repeated minor or major misconduct.

Any case of misconduct at client site would be considered as misconduct with **high severity** and appropriate action would be taken by Senior Management based on the case and its repercussion on business and relation with client. **In such case disciplinary hearing would be immediately called upon to conclude the case.**

In case any breach or violation committed by an employee tantamount to a criminal offence or severe aberration of any policy of YASH, legal action would be initiated by Legal team accordingly. If an employee is charged with or convicted of a criminal offence committed outside the nexus of employment, company will not automatically use this as a reason for disciplinary action or termination. The company will consider the impact that a criminal charge or conviction will have on the employee's suitability to do the job and their relationship with company, employees and clients.

Please note that company reserves the right to define the category of any misconduct based on the circumstances of the event, its outcome and impact on case to case bases, if required.

Following list can be referred as misconduct categorization but is not limited to as defined:

Type of Misconduct		
Minor	Major	Gross
Late Coming or Early leaving or extended breaks without permission	Breach of Anti Competition law policy	Breach of any agreement signed by employee or implied on employee by any specific policy condition.
Misbehavior	Breach of Applicable laws as an employee	Breach of Code of conduct
Unauthorized Absenteeism	Breach of company policies	Breach of company information security Policy
Use of abusive language	Breach of Health & Safety standards	Misappropriation and/or fraud of company documents and/or funds
Business Attire/Dress Code Violation	Breach of terms and conditions as specified in offer/appointment or any other letter issued by company	Sexual Harassment
Tailgating i.e. making entry or exit in groups.	Consumption of drugs/alcohol at work or an event of company where alcohol is not permitted. In the events where alcohol is permitted, any misbehavior due to over indulgence will be treated under this category	Theft

Abusing any policy & processes.	Insubordination i.e. refusal to obey orders	Unauthorized access &/or sharing of confidential/sensitive information of YASH/Client for personal gains
An employee escorting the visitor / vendor / client through tailgating without raising a request for guest access	Integrity	Corruption in any dealings related to business and its funds
Escorting the prospective client without any approvals and authorized escort.	Misrepresentation/Suppression of facts	Persistent or repeated instances of misconduct.
	Physical Violence/ Assault	Permitting and assisting any person to enter or have access to restricted areas, company documents/records, employee files, etc.
	Damage &/or unacceptable loss to Company property or equipment due to negligence	Possession of any weapons/objects or explosives as defined by law within company premises or in Company Transport or official engagements.
	Unauthorized use or possession of company property/software for personal gains	Any criminal or civil offence within or outside employment deemed to render the employee unsuitable for employment with company.
	Violation of Social Media Policy	Disclosure/Sharing of personal data of employees/clients in any media form
	Unprovoked insolence or disrespect toward the company or its clients or acquaintance	Unauthorized action in client environment, which may lead to data loss or critical business application damage to client/YASH.
	Disparaging remarks or Discrimination on the grounds of race, gender, religion, ethnic background, disability or age.	
	Access the un-authorized applications of company/Client with forged user credentials	
	Accessing Un-authorized / Objectionable / Offensive Sites	

	on the Internet using YASH provided infrastructure	
	Unauthorized Use of software or personal device which is not permitted while carrying out the official duties	

5.2 Stages of Disciplinary Action:

Stages of disciplinary action that can be taken in the event of any misconduct are as defined below-

Types of Disciplinary Action	Description	Duration of sanction / Outcome
First stage – Written Warning 1	In case of any minor misconduct, a formal written warning would be issued to employee guilty of misconduct from HRPP in presence of Immediate Reporting Manager (IRM).	2months
Second stage – Written Warning 2	In case of a major misconduct or repeated examples of minor misconduct where a written warning 1 has been applied.	2 months
Third stage – Final Written Warning	Major misconduct as a first offence or following repeated minor /major misconduct.	2 months
Fourth stage – Termination	Continued major or Gross misconduct following previous written warnings would lead to termination of the concerned employee.	Exit (without notice or payment in lieu of notice period)

Please note that –

1. *Disciplinary Action taken against an employee remains active through the sanction period defined in above table. A single instance of misconduct during the sanction period may lead to increase in severity of disciplinary action to further levels including and up to termination. It is not mandatory to follow through the sequence of afore mentioned stages. Based on severity of repetition any of the possible outcomes could be assigned for a repeated instance of misconduct. For instance an*

employee on an active written warning 1 may be issued warning 2 in case of any repeated misconducted during the sanction period.

2. Any case of misconduct at client site would be considered as misconduct with high severity and appropriate action would be taken by Senior Management based on the case and its repercussion on business and relation with client. **In such case disciplinary hearing would be immediately called upon to conclude the case.**
3. In case of major or gross misconduct, the erring employee could be suspended from services till investigation is completed. The decision of suspension would be based on discretion of Disciplinary Committee and severity of misconduct. Based on outcome of investigation process, further decision would be taken in this regard.
4. HR reserves the right to approve/disapprove the Termination based on the relevant facts and severity of the case. This will be done in consultation with the Senior Management and will be executed as per the standard process followed by a formal communication to the employee through HR.

6.0 DISCIPLINARY ACTION POA

Following are the steps to be followed for initiating any disciplinary action on account of a minor, major or gross misconduct-

Process Step	Description	Responsible POC	Timeline
Action Initiation	Misconduct on account of which Disciplinary Action is to be initiated would be reported to HRPP by Secondary Reporting Manager (SRM) along with an approval from Business Unit Head (BUH).	SRM	As soon as the misconduct is observed. It should not be later than 1 working day from the time of observation.
Severity Determination	HRPP would investigate the misconduct reported by SRM and would determine the type of misconduct.	HRPP	Within 3 working days from action initiation stage.

Disciplinary Hearing	In case of Major Misconduct and Gross Misconduct a Disciplinary Committee would be formed and formal disciplinary hearing would be undertaken as mentioned in section 9.0 .	HRPP & Disciplinary Committee	Within 7 working days from action initiation stage.
Disciplinary Action	Based on the type of misconduct and outcome of Disciplinary Hearing, if applicable, appropriate action would be taken as mentioned in section 5.3 .	HRPP & Disciplinary Committee	Within 10 working days from action initiation stage.
Communication to Employee	The disciplinary action initiated against an employee would be confirmed to him in writing by HR team.	HRPP	Within 11 working days from action initiation stage.

7.1 Guidelines for Reporting Manager

1. It is the responsibility of reporting manager (IRM & SRM) to inculcate a culture of discipline and compliance within their team.
2. In case of observing any minor concern, the corrective action should be communicated to employee first in the form of a verbal warning immediately followed by regular counselling. In case of any recurrence it should be immediately informed to HR PP.
3. In case of any misconduct the reporting manager of erring employee should immediately inform the HRPP about the same so that disciplinary proceedings can be initiated.
4. If disciplinary action has been initiated against any employee, it is responsibility of reporting manager to ensure that there is no discrimination, bias or retaliation done against the employee.
5. It is collective responsibility of HRPP and IRM to observe the conduct of an employee on active disciplinary action during sanction period. Any account of repetition of misconduct should be reported immediately to the disciplinary committee.

7.2 Guidelines for Employee

1. Employees should follow a practice of compliance with all the company policies, code of conduct and applicable laws.
2. It is responsibility of employee to become aware of the policies, code of conduct and applicable laws. Employees can reach out to their HRPP for getting details on the same.
3. An employee on active disciplinary action should understand that these actions are taken in good faith and are imperative to maintain a fair and transparent process driven work culture.

7.3 Guidelines for HRPP

1. It is responsibility of HRPP to ensure that the disciplinary process is conducted fairly and transparently.
2. It is the responsibility of HRPP to ensure that all disciplinary hearings are conducted without any discrimination on grounds of seniority, grade, caste, creed, religion or gender.
3. HRPP should ensure that the erring employee gets adequate opportunity to present his/her case to the committee for consideration.

8.0 INVESTIGATION PROCESS

HRPP would conduct a thorough investigation on receiving the account of misconduct from IRM. This investigation would include-

1. Collection of all facts and scenarios related to the misconduct.
2. Employee would be sent a show cause notice on e-mail to receive an explanation of misconduct from employee.
3. Information gathering from all possible sources who have witnessed the misconduct or were affected by the same.
4. Formulation of an Investigation Report which would include
 - Case History.
 - Facts associated to the misconduct.
 - Statements from employee, witnesses and reporting manager.
 - Consultation with Legal team wherever required.
 - Description policies/code of conduct/laws applicable.
 - Summary of misconduct.
 - Recommendation of type of disciplinary action.
5. This report would be signed off by the SRM, BUH and Location HR head.

9.0 FORMAL DISCIPLINARY HEARING

9.1 Formation of Disciplinary Committee

For any case of gross misconduct or major misconduct, a disciplinary committee would be formed. Following are the guidelines for formation of committee:

1. The committee would include at least 3 members.
2. Only employees who are neutral in the context of misconduct would be made members such that none of the members are affected / benefited by the outcome of disciplinary hearing.
3. Committee would mandatorily include the Location HR Head and BUH of concerned employee as members.

9.2 Preparing for the hearing

1. The committee would decide the date and time for hearing and would communicate the same to location HR POC.
2. Location HR POC would send the details of hearing along with the summary of misconduct to the erring employee & stakeholders involved.

9.3 Non-Attendance

1. In case an employee fails to appear for the scheduled hearing, a show cause notice would be issued to the employee in order to get the reason of non-attendance.
2. In case committee finds the reason appropriate and justified, hearing would be scheduled for another date.

3. In case committee finds the reason is not appropriate or if the employee fails to attend the scheduled hearing for second time as well, committee would consider the details mentioned in the Investigation Report and would recommend the outcome based on the same.

9.4 Conducting the hearing

- Committee would ask the erring employee to present the facts about the alleged misconduct.
- If he/she desires to tender any documents by way of evidence before the Committee, she/he shall supply original copies of such documents.
- 3) The Committee shall call upon all witnesses, if any as mentioned in the Investigation Report.
- Based on all the facts presented during the hearing the committee shall announce the outcome of hearing to HRPP POC

9.5 Outcome

HRPP would communicate the outcome to the erring employee and would arrange for a written communication in this regard. Outcome of disciplinary action could be

1. A final level written warning
2. Termination of employment.

Please refer to **section 5.3** for more details.

10.0 AUTHORIZATION & EXCEPTIONS

Any other exceptions and deviations to this Policy will require an approval & justification by respective BGH & HR Head.

11.0. REPORT SUGGESTIONS & QUERIES

We believe an employee is the biggest asset for the company. Hence; your suggestions & queries are most welcome. This will help us in making the policies more employees friendly. Should you have any suggestions & queries; please e-mail at corphr.india@yash.com.