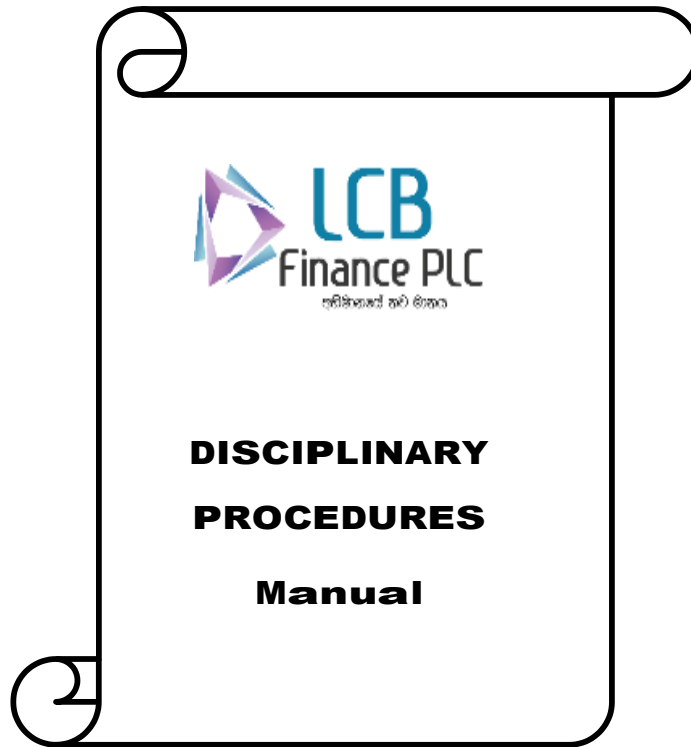


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**Lanka Credit and Business  
Finance PLC,**

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## **Part 1**

### **General**

#### **1. DEFINITION**

1.1 The rules of the Disciplinary Procedures of Lanka Credit Business Finance Ltd (hereinafter referred to as the Company” are contained herein. These rules shall be applicable to all matters concerning disciplinary control, general conduct and performance of employees of the company. The rules contained herein are subject orders issued by the Board of Directors from time to time. All employees of the company shall conform to and abide by the rules governing his service.

1.2 In these rules, unless the context otherwise requires-\

- (a) “Act of Minor Misconduct” means an act of misconduct specified in schedule I of this Procedures.
- (b) “Act of Grave Misconduct” means an act of misconduct specified in schedule ii of this Procedures
- (c) “Head of Human Resources” means the Head for the time being in charge of Human Resource Department of the company
- (d) “Company” Means Lanka Credit and Business Finance Ltd.
- (e) ”Casual Employee” means an employee engaged for casual employment where the work that is occasional, irregular or for a short time.
- (f) “Compulsory Leave” means debarring an employee temporarily attending to his duties with his salary / wages
- (g) “Contractual employee / Temporary Employee” means an employee engaged by the company for employment, on a fixed term
- (h) “Disciplinary Proceedings” Means the proceedings commencing with the preliminary investigation and ending with the decision made by the appropriate disciplinary authority including any steps incidental thereto.
- (i) “Employee” Means any permanent employee, any probationary or trainee employee who has signed a service agreement or trainee agreement with the company and is eligible in due course for permanent employment of the company
- (j) “Chief Executive Officer” means the chief executive officer of the company or any person acting in such capacity.
- (k) “interdiction” means compulsorily debarring and employee temporarily from attending to his duties, pending investigation / inquiry with the withholding of the whole of salary, wages and all other emoluments
- (l) “Month “ means the period of time from a day in one month to the day numerically corresponding to the previous day of the following month.
- (m) “Prima facie case” means a case where there are reasonable grounds to believe that the complaint, allegation or other facts in issue is substantially or probably true, and that there is evidence or other material or that evidence or other material could be obtained or be available, whereby the truth of such complaint, allegation or other facts in issue could be sustained or proved.
- (n) “Salary” means unless otherwise described. The monthly salary together with such allowances.
- (o) “Suspension from duty” means compulsory debarring an employee from attending to his duties temporarily, withholding one half of his salary/ wages and all other emoluments.
- (p) “Termination of employment” or “termination of Services” means termination by the company of the employment of an employee on probation/ training or services of

contractual employee and includes termination of employment/services of such persons under the following circumstance.

- I. On Probation/ training – when discharged before confirmation as a result of the employee failing to discharge his duties to the satisfaction of the company
- II. Engaged on a contract of a term of employment for a specific period and such termination is effected before the expiry of the time period specified therein.
- III. “Wages “mean the remuneration due to temporary employee and includes, basic wages, cost of living allowances, and any allowance for overtime work

1.3 In this Procedures unless the context otherwise requires

- a. “Wrongful acts” includes wrong full omissions
- b. “He” Includes “She”
- c. Singular include plural
- d. [Signature” include mark or thumb impression
- e. “number of days” means number of days including holidays

1.4 Powers of Disciplinary control

Except in the case of employees in the grade of Assistant General Manager and above the Board of Directors hereby delegate power of disciplinary control to the Chief Executive Officer of the company

.15 The provision of this Procedures shall be applicable to:-

- i. All employees referred to in 1.2 above
- ii. Employees who have reached the age of retirement and whose retirement or extension of service have been subjected to the finalization of the pending disciplinary proceedings against them, even after the age of retirement.

1.5 Any matter not covered by the provision of this Procedures shall be reported to the Chief Executive Officer whose discretion shall be obtained on such matter

## **2. OBLIGATIONS OF EMPLOYEES**

Employees of the company shall among other: -

- (a) Be punctual and devote his normal working hours in furtherance of the interest of the company
- (b) Discharge his duties efficiently and diligently with loyalty to the company
- (c) Furnish to the Head of Human resources the number of his national Identity card, his address, his civil status and any changes that may occur subsequently and any such information required by the company over time.
- (d) Act to safeguard the company’s property and its interest
- (e) Maintain confidentiality of matters relating to the company and its customers.
- (f) Accept and carry out all legitimate orders and instructions given to him by his superiors / Executives.
- (g) Conduct himself in such a manner so as not to bring the company into disrepute in its or their relations with the general public and with one another.
- (h) Disclose to the Head of Human Resources any act or acts of misconduct on his part in his previous employment or criminal charge(s) he has not been acquitted.
- (i) Work such overtime as may be reasonably required of him

- (j) Report to Head of Human Resources through the Head of the Department or the Branch Manager as soon as a charge is preferred against him by the state in a Court of Law in respect of a criminal offence.
- (k) Not cause to exhibit or circulate or handle any poster, hand bill, literature, inside the company's premises without the permission of CEO/ Executive Director or Senior Deputy General Manager
- (l) Adhere to the Policies, circulars of the company and the Direction of the regulatory authorities

### 3. OBLIGATION TO GIVE EVIDENCE AT AN INVESTIGATION OR INQUIRY BY THE COMPANY

- 3.1 (a) It shall be the duty of every employee of the company, when called upon to do so by an authorized officer, Investigating Officer, Inquiring Officer to provide in writing or otherwise as required, any information relevant to an investigation, inquiry or appeal in respect of any act of misconduct alleged to have been committed by any other employee of the company within or outside the premises of the company

(b) In the event a statement is to be obtained from an officer senior to such authorized officer/ investigating officer, he shall obtain such statement only in the presence of an officer senior to such officer making the statement

- 3.2 Where under subsection 3.1 above if an employee furnishes an authorized officer / investigating officer with a written statement. Such employee shall on a written application to such Authorized / Inquiring Officer, be entitled to receive a certified copy of such statement and its cost will be borne by the company

- 3.3 If an employee is suspected of committing any act of misconduct refuses to give a statement the company on evidence available proceeds with disciplinary action against him.

### 4. **COST OF PROCEEDINGS AND EMOLUMENTS TO WITNESSES**

- 4.1 All expenses incurred by an employee in defending himself at an inquiry under these rules shall be borne by the employee himself, unless the inquiring officer otherwise directs. Such expenses shall include inter-alia, the expense incurred by the employee in procuring the attendance of witnesses and /or the production of documents on his behalf other than those called for by the company.

- 4.2 Any employee who is summoned by the Tribunal of inquiry or Authorized Officer shall be entitled to duty leave as required any emoluments so as to enable him to attend the disciplinary inquiry/ investigation.

### 5. **DICIPLINARY ACTION WHEN CIVIL / CRIMINAL PROCEEDINGS ARE PENDING**

- 5.1 On an application made by an accused employee for the suspension or postponement of the conduct of the disciplinary inquiry pending completion of civil proceedings or criminal proceedings involving alleged infringement or violation of law in a criminal court the company may not allow such application and the disciplinary inquiry may be suspended/postponed/ or proceeded with

- 5.2 If consequent on an application made by the employee for postponement of the domestic inquiry pending finalization of the civil or criminal proceedings in a Court of Law and where the company has jurisdiction to determine the continuity or otherwise of the service of the employee in relation to alleged offence, and the employee is found not guilty by the court and is subsequently reinstated by the company as decided by the Disciplinary Authority on completion of the domestic inquiry, the company would not be liable to pay any suspended remuneration and other benefits to the employee during the period of postponement of the Disciplinary inquiry at the request of the employee.
- 5.3 Where civil / criminal action or proceedings are pending against an employee the Head of Human Resources may if he deems necessary report the matter to the CEO/ Executive Director and suspend or interdict such employee in terms of section 12.1.
- 5.4 If the employee furnishes to the disciplinary authority proof that he has appealed against the conviction. Order or finding of the court or statutory authority, the disciplinary authority may withhold the disciplinary order until the outcome of such appeal before ordering punishment. If the employee has been interdicted in this connection he should remain interdicted.
- 5.5 The fact that an employee has been acquitted or discharged or found not guilty by a court of law or statutory authority is no reason at all why he should not be dealt with under this Procedures, if there is sufficient material on which disciplinary proceedings can be taken against him.
- 5.6 (a) Where a civil/ criminal action is pending against an employee and such action is not in relation to his employment the Head of Human Resources shall call upon the employee to furnish him a written statement of the facts in respect of such action and the employee shall furnish such statement.
- (b) The request the afore mentioned statement under 5.6 (a) shall be made in writing and shall state that in the event of the employee failing to submit the written statement within 14 days of receipt of the letter of requests, the Head of Human Resources shall proceed with disciplinary action in accordance with the disciplinary Procedures.
- 5.7 The Head of Human Resources after considering the statement if so made or based on available material if no statement has been made may suspend or interdict such employee and initiate disciplinary action for infringement of any company rules with the approval of the CEO/ Executive Director.
- 5.8 the fact that the Court proceedings against such employee are still in progress will in no way affect the making of a disciplinary proceedings against him.
- 5.9 Where at the time of making the order in the court proceedings against and employee, the disciplinary proceedings against him is still in process, it should be continued to its conclusion, irrespective of the court order made unless there is compelling reason or an unavoidable obstacle foot the continuance of the disciplinary proceedings.
- 5.10 Where an employee acquitted by the disciplinary authority of a charge or series of charges is found guilty by a Court of Law of the same charge, the fact that he has been acquitted by the disciplinary Authority should not stand in the way of taking action against him in terms of Section 8 of this Procedures.

## **6. ACTION WHEN DISCIPLINARY PROCEEDINGS REVEAL CRIMINAL OFFENCE**

- 6.1 When in the course of or at the conclusion of disciplinary proceedings a criminal offence is disclosed, the head of Human resources shall where the circumstances so warrant, report the matter to the Police or other appropriate authority for necessary action. The disciplinary inquiry shall however be proceeded with subject to the provisions of 5.1 and 5.2
- 6.2 Acquittal / discharge in a criminal case do not prevent the company from engaging in disciplinary proceedings and come to its findings in relation to his employment. Either in the course of or after the conclusions of disciplinary proceedings, no employee may by reason of the fact that he has been acquitted or discharged or that no punishment has been inflicted on him in any criminal proceedings instituted against him, claim
- (a) that the findings at the disciplinary inquiry be set aside or refuse to attend the disciplinary inquiry which is to be fixed or being held or
  - (b) that only a nominal punishment be imposed or
  - (c ) that such punishment as may already have been imposed on him consequent on the disciplinary, be set aside altogether or be reduced.

Provided however that such employee shall be entitled to forward to the Disciplinary Authority through Head of HR for consideration and for such action he thinks fit, a certified copy of the judgment and order in such criminal proceedings together with a written application to have the punishment imposed on such employee by the company set aside or reduced and such written application shall set out in full the reasons thereof.

## **7. REMANDING OF EMPLOYEE**

- 7.1 If an employee is remanded by a court of Law in connection with any act of misconduct within this Procedures, he may be suspended or interdicted forthwith. When he is released from remand, the question as to whether or not he should remain suspended or interdicted shall be decided by Head of Human Resources in consultation with CEO/ Executive Director and SDGM.
- 7.2 When an employee is remanded by a court of Law in connection with an offence committed outside the scope of his employment in the company, such employee may at any time at the discretion of the Head of Human Resources be suspended / interdicted from duty. When he is released from remand the question as to whether or not he should remain suspended or interdicted shall be decided by Head of Human Resources in consultation with CEO/ Executive Director and SDGM.

## **8. PROCEDURE ON CONVICTION OF AN EMPLOYEE OF THE COMPANY IN A COURT OF LAW**

- 8.1 Where an employee is found guilty or convicted of a criminal offence in a Court of Law in Sri Lanka or abroad, he shall report the findings within two weeks of such pronouncement by court to Head of Human Resources
- 8.2 Where an employee of the company is convicted of a criminal offence as is referred to at section 8.1 above and has reported such conviction with connected papers to the Head of



Human Resources, the latter shall take any or more of the following in consultation with the Senior Deputy General Manager and CEO/ Executive Director.

- (a) Call upon the employee to show cause why he should not be disciplinary dealt with or his service terminated
- (b) Consider the explanation of the employee and if satisfied, dispense with any disciplinary action.
- (c) Refer the explanation of the employee with connected papers through Senior Deputy General Manager to the CEO/ Executive Director with comments and observation to take any one of the actions stated below
  - I. Dispense with any disciplinary action
  - II. Suspend/ Interdict employee or send him on compulsory leave and take such action he may deem necessary.
  - III. Place the matter before a Disciplinary Authority with all connected documents to enable such authority to take action at its discretion considered necessary

8.3 Where the information that an employee of the company has been found guilty or convicted of such an offence as is referred in section 8.1 is received by the company from any source other than the employee himself, Head of Human Resources shall refer the matter with his comments and observation through the Senior Deputy General Manager to CEO/ Executive Director to take any of the actions given below.

- I. Suspend/Interdict employee or send him on compulsory leave take action as required by CEO/ Executive Director.
- II. Call upon the employee to explain in writing why he failed to report the findings of guilt or conviction to the company
- III. Place the matter before a Disciplinary Authority with all connected documents to enable such authority to take action at its discretion considered necessary

8.4 For the purpose of this section the words “convicted” and “Conviction “shall be so construed as to include a case where the offender has not been acquitted.

8.5 The punishment if any, to be meted out to an employee who is dealt with under Section 8.3 shall be commensurate with the gravity of the offence of which such employee has been found guilty or convicted

#### 9. DISCIPLINARY PROCEEDINGS IN RESPECT OF AN EMPLOYEE WHO HAS BEEN TRANSFERRED.

Where an employee has been transferred from one Branch or department to another and disciplinary action is contemplated against him for any act of misconduct Head of Human Resources may decide where the disciplinary proceedings should be held.

#### 10. EMPLOYEES CHARGED JOINTLY

10.1 Where more than one employee is to be charged in respect of acts of misconduct committed in the course of the same transaction, the matter should be reported by the appropriate Authorized officer to the Head of Human Resources. He shall decide whether inquiries should be held separately or not. Such separate inquiries will generally be held where one accused employee can be cited as a witness against another.

- 10.2 Where more than one employee, whether charged jointly or separately, have been found guilty of an act of misconduct committed in the course of the same transaction and such employee are in different grades, then the inquiring authority shall forward the report and findings to the CEO to Executive Director through Senior Deputy General Manager to consider to impose appropriate punishments on the employees concerned.

**11. COMPULSORY LEAVE / TRANSFER PENDING INVESTIGATION OR INQUIRY.**

- 11.1 In the case of an investigation or inquiry into an act of misconduct involving inefficiency, incompetence, negligence, an error of judgment or lack of integrity, where the Branch Manager or by the Head of Department consider that the circumstances do not warrant suspension / interdiction from duty but that it is not desirable that the employee concerned should continue to serve in the Branch or Department in which the act of misconduct occurred, he shall report the matter to the investigating officer who may till the completion of the investigation send the employee concerned on compulsory leave or transfer the employee to another Branch or Department if he consider such action as sufficient.

- 11.2 Period of Compulsory leave may not exceed 30 days

- 11.3 During the period an employee is on compulsory leave, he shall be paid his salary with all allowances.

- 11.4 When an employee is on compulsory leave he shall not be entitled to

- I. Receive Salary Increments as and when they fall due
- II. Apply for salary Advances and or any other Loan and
- III. Enter the company Premises without prior permission of the Branch Manager or Head of the Department concerned

**12. SUSPENSION / INTERDICTION/ PENDING INVESTIGATION OR INQUIRY**

- 12.1 The investigating Officer appointed as per section 22.2.(a) below may report the facts of the case to Head of Human Resources who may in consultation with the Senior Deputy General Manager may suspend/ interdict the employee from duty where he considers that the nature of the alleged offence warrants such action and report to CEO/ Executive Director

- 12.2 CEO / Executive director may confirm, vary or set aside the order made under section 12.1 above

- 12.3 An employee interdicted / suspended from service shall surrender his company Identity Card and any other property of the company in his possession to the Branch or the Head of the Department he reported to. He is also not allowed to enter the company's premises without the prior permission of the Branch Manager/ Head of the department concerned.

**13. SALARY/ WAGES AND OTHER BENEFITS DURING THE PERIOD OF SUSPENSION/INTERDICTION/ FROM DUTY**

- 13.1 When an employee is interdicted from duty, he will not be entitled to receive from the company, any salary/wages or any part thereof during such period of interdiction

- 13.2 Where an employee is suspended from duty he shall be entitled to receive monthly from the company one half of his salary/ wages during the period of suspension.

- 13.3 During the period of suspension/ interdiction subject to the provisions of 13.1 or 13.2 such employee shall not be entitled to receive from the company any privileges or benefits such as bonus/ promotion/ grading or any increments of salary/ wages, or any loan under staff loan schemes.

13.4 Where an employee from whose monthly salary/ wages recoveries on account loans are being made by the company is suspended from duty one half of such recoveries shall wherever possible, be deducted from the salary / wages payable to the employee under section 13.2. Where it is not possible CEO/ Executive Directors use his discretion and issue appropriate instruction on the manner in which the salary/wages payable to that employee under section 13.2 shall be apportioned.

#### **14. BENEFITS AND LEAVE ACCRUED DURING THE PERIOD OF SUSPENSION/ INTERDICTION**

14.1 Where an employee under suspension/ interdiction has been completely exonerated and reinstated by a Disciplinary Authority he shall be entitled to receive all salaries/wages including all increments of salary that were withheld during the period of such suspension/interdiction and such period shall be considered as a period of fully paid leave granted to the employee subject to the provisions of section 14.3

14.2 (a) Where an employee is reinstated, his leave entitlements during the period of suspension/interdiction will be restored in accordance with the order in regard to payment of back wages.

(b) Where an employee has been reinstated with deductions relating to wages during the period of suspension/ interdiction etc., then the leave entitlements for such period will be deducted proportionately unless the disciplinary order says otherwise.

14.3 When an employee who has been under suspension/ interdiction is completely exonerated by the Disciplinary authority and reinstated he will be entitled to receive all benefits under all staff welfare schemes subject to the applicable terms and conditions.

14.4 Where an employee under suspension/ interdiction has been completely exonerated by the Disciplinary Authority and reinstated the recovery of loan installments and interest on his loans will be affected with interest being calculated on the basis that normal payments would have been received without a break from his salary during the periods of interdiction/ suspension.

#### **15. PROLONGED INTERDICTION**

Where the period of interdiction exceeds six months pending completion of disciplinary proceedings, except in the case where an employee has been interdicted on alleged acts of dishonesty or criminal proceedings instituted against such employee the Head of Human Resources in consultation with the Senior Deputy General Manager and CEO/ Executive Director, shall on application of the employee concerned convert such interdiction to suspension entitling the employee from the date of such conversion to receive the payment referred to in Section 13.2 depending on the nature of charges and the reason for delay in concluding the disciplinary proceedings.

#### **16. PANEL OF INQUIRING OFFICERS**

16.1 The CEO/ Executive Director shall constitute a panel of inquiring Officers and such panel shall consist of the following persons:-

(a) Persons so selected could be from those who have retired from the company's service at the level of Head of Department or above.

- (b) Persons so selected could be from officers who have retired from the Sri Lanka Administrative Service or allied grades in the Public Service or from Judicial Service or an executive from a Commercial Bank.

16.2 The CEO/ Executive Director shall whenever he deems necessary, appoint any qualified person to the Panel of Inquiring Officers or remove from such panel any person without giving any reasons.

## **17. APPOINTMENT OF TRIBUNAL OF INQUIRY**

17.1 The Head of Human Resources in consultation with CEO/ Executive Director shall appoint either one of the members of the panel of inquiring officers referred to in section 16.1 above or an officer in the grade of Head of Department or above in Company's service and an Attorney at law in the company's service as the tribunal of Inquiry.

17.2 The officers appointed to the Tribunal of Inquiry shall;-

- (a) Be in a higher grade in the company than that of the employee charged with the act of misconduct, and
- (b) Not have any interest in the subject matter of the inquiry, and
- (c) Not be related to such employee, and
- (d) Not be an officer who conducted the preliminary investigation or who has/ had any part in the disciplinary proceedings, or an officer who has been a party to any document connected to the matter in dispute and
- (e) Not be subject to any legal incapacity.

17.3 The appointing authority shall at any time remove any tribunal of inquiry if it is found that such Tribunal of inquiry is subject to any disqualification set out in section 17.2

17.4 An inquiring officer or the Tribunal of Inquiry as the case may be shall be compensated at such rate as shall be decided by the CEO/ Executive Director from time to time, for the time devoted to the inquiry, reasonable cost of travelling. Lodging and subsistence incurred by him in attending the inquiry.

17.5 An inquiring officer or the Tribunal of inquiry as the case may be shall commence the disciplinary inquiry without delay to finalize the meetings/ proceedings of the inquiry within a period of less than one month from the date of appointment of the Prosecuting Officer.

17.6 (a) The Tribunal of Inquiry shall as far as possible, sit continuously day to day and make every Endeavour to complete the inquiry within a period of three months from its commencement.

- (b) Postponements should be granted only on valid grounds depending on the circumstances of each case and where in the opinion of the inquiring officer it is not sought in order to delay or frustrate the course of justice.

## **18. DISCIPLINARY AUTHORITY**

81.1 (a) In respect of alleged acts of misconduct on the part of employees in the grade of Regional Manager or lower the Disciplinary Authority shall comprise of three heads of departments

appointed by the CEO/ Executive Director. The quorum shall be two members and the Manager Legal or his nominee in attendance.

- (b) The Chairman of the Disciplinary authority shall be appointed by the CEO/ Executive Director and such Chairman shall preside at all meetings of the Disciplinary Authority. In His absence, the members of the Disciplinary Authority shall elect one of his members to be the Chairman of that meeting.

18.2 Where one or more of the Heads of Departments referred to in section 18 is/ are unable to discharge the duties of his/ their office for any cause whatsoever the CEO/ Executive Director shall appoint a Head of Department provided such appointees had not been involved in any part in the Disciplinary proceedings

## **PART II**

### **DISCIPLINARY PROCEEDINGS WHERE INQUIRIES ARE NOT REQUIRED**

#### **19. UNAUTHORISED ABSENCE**

19.1 (a) Where an employee absents himself for more than 14 days submit a medical certificate from a Registered Medical Practitioner to the Head of a Department/ Branch Manager the company reserve the right to request such employee to produce a medical certificate either from a District Medical Officer or a Specialist Medical Officer and the employee shall comply with such request.

- (b) If an employee absents himself from duty for a period exceeding three working days consecutively without submitting an explanation or a medical certificate to the Head of Department / Branch Manager such employee shall be informed in writing by the Head of department/ Branch Manager to report to work forthwith. However, if such employee fails to report to work within 14 days from the date of commencement of such unauthorized absence, he shall be treated as having repudiated the contract of service. In such an event a letter shall be sent by the Head of Department/ Branch Manager under registered cover to such employee at his last known place of abode informing that he has been considered as having repudiated the contract of service with effect from the date of commencement of unauthorized absence.

19.2 The Head of the Department/ Branch Manager shall forward a copy of the letter referred to in section 19.1 (b) to the Head of Human Resources to be placed in the personal file. Head of Human resource should notify CEO / Executive Director the above action and stop payment of salary/ wages.

19.3 If the employee so desire, he shall lodge with the Head of Human Resources within 14 days of the date of the said notice, a written appeal fully stating the grounds of such appeal against the decision to consider him as having repudiated the contract of Service

19.4 (a) The Head of Human Resources shall in consultation with the Senior Deputy General Manager and the CEO/ Executive Director shall make an order allowing or rejecting such appeal.

(b) Where an appeal is allowed and the employee is reinstated such order shall specify whether the period during which the employee did not report for duty should be a period of no-pay or whether the employee should be paid his emoluments for such period and , if so, the portion of the emoluments such employee should be paid

19.5 The details of the employee having served with the notice of having repudiated the contract of service should be placed in his personal file.

#### **20. GENERAL INEFFICIENCY – COMPULSORY RETIREMENT OR DISCONTINUANCE OR LESSOR PUNISHMENT**

20.1 Where an employee s generally inefficient in his work, the head of the department/ Branch Manager shall report such fact to the Head of Human Resources who shall, on being satisfied that the facts reported to him are correct, serve the employee concerned, a notice that he is generally inefficient in his work, giving specific instances.

20.2 When three such notices have been served on an employee on three different occasions within a period of two years commencing from the date of the first such notice, Head of Human Resources shall serve on such employee a further notice requiring him within a period of 14 days from the date of such notice, to show cause why his services should not be discontinued.

20.3 (a) On Receipt of the explanation if any, of the employee, the Head of Human Resources shall forward the explanation a with a detailed report on the employee concerned to CEO/ Executive Director

(b) CEO/ Executive Director shall refer the relavant papers to the Disciplinary Authority who may recommend the discontinuance of such employee.

© Thereafter, CEO/Executive Director shall decide the question as to whether or not the service of the employee concerned should be discontinued or a lesser punishment be imposed

(d) However, where an employee whose services are to be discontinued on grounds of general inefficiency has been in service of the company for a period not less than 15 years CEO/ Executive Director may at his discretion decide to permit him to resign as an alternatives to dismissal.

### **PART III CONDUCT OF INVESTIGATION / INQUIRIES**

#### **21.. Classification of Investigation / Inquiry**

An inquiry held under these rules will include any one or both of the following:-

- (i) Preliminary Investigation – An Exploratory investigation held by the company in connection with an act of misconduct
- (ii) An inquiry that may be held by an Independent Tribunal of Inquiry in the presence of the parties connected to an act of misconduct.

## **22. PRELIMINARY INVESTIGATION**

- 22.1 (a) The purpose of the preliminary investigation is to ascertain whether or not there is a prima facie case against an employee in respect of an alleged act of misconduct and the extent thereof.
- (b) However if the authorized officer is satisfied that there is a prima facie case against such employee in respect of an alleged act of misconduct, pending the holding of a preliminary investigation a report of alleged act of misconduct shall be forwarded to the Head of Human resources that the employee concerned be sent on compulsory leave, suspended or interdicted as the case may be with his reasons. This report should be submitted to CEO Executive Director through Senior Deputy General Manager for a final decision.
- © The preliminary investigation should be finalized and the report should be forwarded to the Head of Human Resources within a reasonable period of time.

### **22.2 The following procedure may be followed in the conduct of preliminary investigation**

- (a) The authorized officer on being informed of the commission of an act of misconduct shall appoint a suitable officer of the company as the investigating officer.
- (b) The investigation officer shall in the first instance question the witnesses in order to ascertain whether the evidence of such witnesses is relevant and if he is satisfied that such evidence is relevant, he shall obtain written statements or record or course to be recorded, the statements of such witnesses in the language most familiar to them.
- (c) The name, Occupation /grade and the place of work of the witness should be clearly stated at the beginning and the date time and place of recording the statement should also be clearly entered before the statement of witnesses are recorded. When a statement has been recorded, it should be read over and explained to the witnesses where necessary. When a witness is unable to read the statement made by him, the Investigating officer shall certify at the foot of such statement that it has been read over and explained to the witness by him in his presence, as the case may be. In all cases however, the signature of the witness or his thumb impression with proper certification shall be obtained at the bottom of the statement.
- (d) At a stage of the preliminary investigation, whether or not a particular employee is under suspicion, the investigating officer shall not permit the cross-examination of witnesses by the suspect or anybody since no charges have been framed against any one as there is no accused.
- (e) The investigating Officer should obtain the statement of witnesses at the earliest possible opportunity but it is not incumbent on him that he obtains or records such statement on the same day or in particular order. Where however, allegation are made against a particular employee or where any particular employee is suspected of having committed an act of grave misconduct, it is convenient and preferable to obtain a statement last and he may be questioned in relation to evidence given by other witnesses and his statement recorded/ obtained..When his statement has been recorded or obtained earlier, i.e before the evidence of witnesses had been obtained or recorded. A further statements shall be obtained and recorded. If the suspect employee or the witnesses decline to make statement, a note to that effect shall be made on the investigation report by the investigating officer.

- (f) The investigating officer is not bound to notify any witness the time, date or place at which the preliminary investigation is to be conducted or is being conducted, but he may do so where his concludes it necessary and provided he is reasonably satisfied that no evidence is likely to be tampered with as a result of such prior notification. No person other than the witness is entitled to be present at a preliminary investigation when a statement of that witness is being recorded and this provision will evenly apply to the employee against whom allegations have been made.
- (g) All statements at a preliminary investigation and /or at any other proceedings up to the time of framing charges should be recorded in duplicate.
- (h) Within 21 days after the conclusion of the preliminary investigation, the investigating officer shall forward the report with a draft of a charge sheet to the Head of Human resources with a copy to the Head of Internal Audit indicating therein whether a prima facie case exist against any employee and if so, for what acts of misconduct and to what extent.
- (i) Notwithstanding the provisions of Section 22.2 an investigating officer may at any stage of the preliminary investigation act under section 12.1
- (j) If in the course of a preliminary investigation, an employee desire to make an unqualified admission of guilt, the investigating officer shall follow the procedure set out in section 34.1,34.2 and 34.4
- (k) Copies of statements recorded/ obtained from one witness at a preliminary investigation shall not be given to another

22.3 The Head of Human resources shall after having considered the investigation report submitted in terms of section 22.2 shall in consultation with the CEO/ Executive Director and Senior Deputy General Manager determine whether or not a prima facie case has been established in respect of an employee or employees and decide whether a disciplinary inquiry should be conducted or otherwise to take steps in terms of Section 23.1

## **23 WHEN DISCIPLINARY INQUIRY MAY BE DISPENSED WITH**

23.1 Upon Receipt of the report of the authorized officer in terms of Section 22.1 or the report of the Investigating Officer in terms of section 22.2 (h) if the act of misconduct disclosed therein is of such a nature as would not in the opinion of the CEO/ Executive Director warrant the holding of a disciplinary inquiry and /or is not a misconduct referred to in the Schedule II of this Procedures he shall determine a disciplinary order in terms of 14.2.b after considering the representations made by the accused employee or his "Representative". Otherwise CEO/Executive Director forward such report to the Disciplinary Authority together with is observations that the holding of a Disciplinary Inquiry be dispensed with that an appropriate disciplinary order be made straight away by the Disciplinary Authority after considering representations made by the accused employee and / or his "Representative".

23.4.2 If the Disciplinary Authority agrees with the observations of the CEO/Executive Director and if the accused employee consents to the dispensation of the formal disciplinary inquiry, such consent should be recorded and signed by the accused employee. The Disciplinary Authority shall make its order in terms of section 44.7 and shall forward such order in the manner set out in section 46.1 if the accused employee is found guilty, which order shall be liable to an appeal.

23.3 Where the Disciplinary Authority is not agreeable with the observations under section 23.1 it shall take either of the following steps



- (i) It is of the view that the employee is not guilty of any act of misconduct whatsoever, it shall set out in full its reasons for such view and make order that no further steps be taken in that regard, or
- (ii) if it is of the view that the act of misconduct is such as to warrant the holding of a disciplinary inquiry, it shall set out its reasons for such view and shall make an order accordingly, and shall forward the relevant papers to the Head of Human Resources for appropriate action.

## **24 CHARGE SHEET AND AMENDMENT THEREOF**

24.1 The Charge Sheet shall be specific and contain particulars of the date, place and time of commission of the act of misconduct and wherever possible the person against whom and/or the matter in respect of which the same was committed as are reasonably sufficient to give the employee notice of the charges against him and should preferably be in the form appearing in schedule III A provided however that where a charge sheet is to be served on an employee in connection with an act of misconduct in respect of which the employee had made an unqualified admission of guilt, the charge sheet preferably be in the form appearing in Schedule III B.

24.2 On receipt of the unqualified admission of guilt together with the report referred to in Section 34.4 except in case in which a disciplinary Inquiry is not required to be held) or of the report of the relevant officer in terms of Section 22.1, if the act of misconduct disclosed there in is such as would in the opinion of the Head of Human Resources warrant the holding of a disciplinary Inquiry or within two weeks of the receipt of an order from the disciplinary authority under Section 23.3.(II) THE Head of Human Resources shall cause the authorized officer to issue a charge sheet, within 14 days from the date of receipt of the preliminary investigation report, on the employee setting out the charges against him and calling such employee to state in writing,

- (i) Why he should not be disciplinarily dealt with and\
- (ii) the grounds upon which he depends to exculpate himself within 14 days of the date of receipt of such charge sheet

Provided that an employee served with a charge sheet may, on valid grounds adduced by him be granted by the authorized officer such extension of time not exceeding a further seven days as the authorized officer may consider reasonable for the purpose of enabling such employee to answer the charge sheet.

24.3 If it is necessary that the charge sheet should be amended such amendments will be permitted by:

- (a) Before commencement of the inquiry by Head of Human resources
- (b) The Inquiring officer at any stage of the inquiry, on application by the Prosecuting officer/ Authorized Officer/ Head of Human Resources.

24.4 Where the charge sheet has been amended under Section 24.3 the employee shall be served with the amended charge sheet and the same shall be answered by him within seven days of the receipt by him of such amended charge sheet or within such extended time as is referred to in section 24.1. Where it has been decided that the charge should be amended the inquiry will proceed only after such amendment.

## **25. ANSWER TO THE CHARGE SHEET**

- 25.1 (a) An employee called upon to answer a charge sheet may furnish a full statement of the facts he will be relying upon for his defense, within 14 days of receipt of the charge sheet or plead not guilty to the charges and request for an inquiry to prove his innocence
- (c) In the event the accused employee wishes to have access to any relevant document with a view to answering to the charge sheet, he should seek in writing for same from the authorized officer after giving him prior notice. The said documents excluding statements obtained from any witness/ investigation report will be made available to him, only for perusal in the presence of an officer higher in grade than the accused employee
- 25.2 On receipt of the answer tendered by the employee in response to the charge sheet the authorized officer shall within seven days of the receipt thereof, forward the same with his observation and recommendations to the Head of Human resources who will in consultation with the Senior Deputy General Manager and CEO/ Executive Director consider the explanation offered along with the observations and recommendations of the authorized officer, and if the explanation offered by the employee is accepted, no further disciplinary action shall be taken against the employee if it relates to an act of minor misconduct.
- 25.3 In the event the employee fails to answer the charges or if the answer of the employee or his application for further time to answer the charges fails to reach the authorized officer within the stipulated time, the Disciplinary Inquiry shall be proceeded with ex-parte, under Section 29.
- 25.4 If in the answer to the charge sheet an employee makes an unqualified admission of guilt, or having made an unqualified admission of guilt, merely shows cause as to why he should not be dismissed from the service of the company or otherwise disciplinary dealt with, the authorized officer shall forward such answer together with any comments / observations to the Head of Human Resources who may decide in consultation with the Senior Deputy General Manager and CEO/ Executive Director to dispense with any further investigation/ inquiry and place the relevant documents with his recommendations before the Disciplinary Authority for an appropriate order.
- 25.5 If the Head of Human Resources is not satisfied with the answer to the charge sheet, he shall within 30 days of the receipt of the documents referred to under Section 25.2 shall in consultation with the Senior Deputy General Manager and CEO / Executive Director appoint or cause to appoint a Tribunal of Inquiry and the prosecuting officer described under section 17 and Section 28 respectively. The answer of the employee together with copy of the charge sheet, the report of the preliminary investigation and the relevant documents or copies thereof shall be handed over to the Prosecuting Officer. The Authorized Officer shall inform the accused employee of the appointment of such tribunal and the prosecuting Officer.

## **26 INFORMATION OF THE EMPLOYEE BEFORE INQUIRY AND EMPLOYEES LIST OF WITNESSES AND DOCUMENTS**

- 26.1 The Tribunal of Inquiry shall fix the date of inquiry and shall in writing give the employee at least 14 days notice of the date of inquiry. The notice shall set out the following:-
- (a) The date, time and place at which the inquiry will be held

- (b) That the employee is entitled to be presented by a “Representative” at the Inquiry.
- © A list containing names of witnesses and /or the documents if any. That will be produced against him at the inquiry
- (d) That the aforesaid documents can subject to the provisions of Section 27.3 be examined by the employee and / or his representative by prior arrangement with the officer leading evidence (Prosecuting officer).

26.2 On receipt of the notice referred to in Section 26.1 the employee or his “Representative” shall file with the tribunal of inquiry, at least 7 days prior to the date of inquiry, a list under the hand of the employee or his ‘Representative” containing the names and addresses of the witnesses who will be giving evidence for the employee at the inquiry, together with a further list setting out full particulars of documents, if any, on which the employee will be relying for his defense.

26.3 Prior to issuing summons On a witness whose name has been included in either the list filed by the Prosecuting Officer or the list filed by the employee (or His Representative) the tribunal of inquiry shall be entitled to or require the prosecuting officer or employee(or his representative) as the case may be to state the nature of evidence which is proposed to be obtained from such witness at the inquiry, and the Tribunal of Inquiry will thereafter issue summons on such witness only after it is satisfied that the evidence that is proposed to be obtained from him is relevant to the subject matter of the inquiry.

## **27. EXAMINATION OF DOCUMENTS**

27.1 An Employee who is charged with an act of misconduct shall be permitted on a written request made by the employee or his Representative” (vide Section 28.3) to the authorized officer or the persecuting Officer (as the case may be) to examine at a place at a time determined by such Authorized officer or Prosecuting officer the document (or photo copies thereof if the originals are not available) that are intended to be used against him. This facility will be made available to him at a reasonable time on a working day at least 5 days before the date on which he has to answer the charges or attend the inquiry, as the case may be.

27.2 Where a document is made available only in the course of an inquiry, the Tribunal of Inquiry shall permit the employee or his “Representative” to examine the same on production and may on the application of the employee or his “Representative” grants such adjournment of the inquiry as may be necessary for the purpose.

27.3 Section 27.1 and 27.2 shall not be applicable to Minutes of the Board of Directors and that of any committee of the company

27.4 The Originals of any certified copies may be caused to be produced at an inquiry for verification if necessary at the discretion of the inquiring officer.

## **28.. REPRESENTATIVE AT THE DISCIPLINARY INQUIRY**

28.1 In every case when a disciplinary inquiry is held the procedure given in Section 17 of this Procedures should be followed. The Head of Human Resources shall with the concurrent of the CEO/ Executive Director within 14 working days of the constitution of the tribunal of inquiries, appoint an officer who is not a witness at the inquiry to act as the

Prosecuting Officer who shall be an employee or an ex employee of the company. Thereupon he shall inform the accused employee in writing of such appointment. The prosecuting Officer shall be higher in grade or if in the same grade should rank higher in seniority than the accused employee. If an ex employee is appointed as the Prosecuting Officer. He should have been higher in grade than the accused employee at the time of relinquishing duties.

28.2 The accused employee shall be entitled to nominate a "Representative" to represent him at the disciplinary proceedings and such nomination shall be made in writing to the respective authorized officer within 7 working days of the accused employee being informed of the appointment of the Prosecuting Officer.

28.3 The "Representative" shall be an employee of the company who does not / shall not

- I. Exercise direct supervisory control over the accused employee or be his direct subordinate at the time of the alleged incident and / or during the whole of the disciplinary inquiry process
- II. Appear as a witness at the inquiry.

Provided that under no circumstances shall a member of the legal profession whether or not engaged in the practice of law be permitted to represent either the employee or the company.

28.4 The appointment of a "Representative" made as aforesaid shall be binding on the accused employee until-

- a. Such appointment is revoked in writing by the accused employee to the Head of Human Resources or when a disciplinary inquiry has commenced to the tribunal of inquiry ( such revocation is not retrospective and will not affect the proceedings already held) or
- b. The "Representative" refuse to act or to continue to act or
- c. The "Representative" dies or become incapable of acting in such capacity, or
- d. The "Representative" ceases to be an employee of the company.

All acts of commission or omission on the part of the "Representative" in the course of the disciplinary proceedings shall for all purposes be deemed to be acts of commission or omission on the part of the employee himself and they shall also for all purposes be deemed to be fully effectual as if such had been done or omitted to be done by the employee himself.

28.5 If in the course of an inquiry it transpires that the Prosecuting Officer or the Representative" is required to be called as a witness at the inquiry then the appointment of such employee as Prosecuting Officer or "Representative" shall forthwith cease and the inquiring Officer shall at his discretion decide as to whether the proceedings so far held should be set aside and the inquiry commenced afresh. If the Inquiring officer considers that the inquiry can proceed with, then the inquiring officer shall adjourn the inquiry to enable another prosecuting Officer or "Representative", as the case may be, to be appointed.

28.6 The "Representative" shall be entitled to reasonable duty leave to enable him to appear for the employee before a Tribunal of Inquiry / Disciplinary Authority.

## **29. DISCIPLINARY INQUIRY - EX- PARTE**

29.1 Where the employee is given an opportunity to take part in a disciplinary inquiry refuses to avail himself of same and deliberately or without reasonable grounds absents himself and fails to inform the tribunal of his inability to attend the disciplinary inquiry, the tribunal may postpone the inquiry for another date not later than 7 days from the date appointed for the inquiry and inform the employee in writing under Registered Cover that if he fails to attend the inquiry on such subsequent date or give satisfactory reasons for his inability to be present the tribunal of inquiry would hold an ex-parte inquiry against him.

29.2 If the accused employee is not personally present and has not forwarded to the Tribunal of Inquiry any satisfactory reasons for his absence, the Tribunal of Inquiry shall notwithstanding the fact that the “Representative” of the accused employee may be present at the disciplinary inquiry, postpone the disciplinary inquiry for another date not later than 7 days from the date appointed for the inquiry and inform such employee that if he fails to attend the inquiry on such subsequent date or give satisfactory reasons for his inability to be present on such date the Tribunal of Inquiry will hold an inquiry against him with the “Representative” representing him with a specific letter of authority.

If however no specific letter of authority from the accused employee is furnished on or before the subsequent date of inquiry authorizing the “Representative” to represent him at the inquiry even during his absence the inquiry will proceed ex-parte.

29.3 (a) If the employee fails to attend the inquiry on such subsequent date and does not give satisfactory reasons for his inability to be present on that date, the inquiry shall be proceeded with ex-parte.

(b) Failure to attend the inquiry on Medical Grounds should be supported by a Medical Certificate issued by a Registered Medical Practitioner.

(c) Where the accused employee reports sick and fails to attend the disciplinary inquiry, the company may if it suspects the bona-fides of the medical certificate submitted by him, instruct the accused to appear before a doctor nominated by the company and the employee shall comply with such instructions.

i. If the Doctor nominated by the company reports that the accused employee is fit to attend the disciplinary inquiry, the company may proceed to hold the disciplinary inquiry after due notice to the employee and if he continues to keep away from the inquiry proceedings, hold ex-part inquiry.

ii. If the Doctor appointed by the company is of the opinion that the employee is sick and would not be able to attend the Disciplinary Inquiry for some time, the company the company shall accept such opinion and respond accordingly.

29.4 On the date fixed for the ex-parte inquiry, the Prosecuting Officer shall lead the evidence of such witnesses and produce such documents as shall be necessary to prove the charges preferred against the accused.

## **30. DISCIPLINARY INQUIRY – LANGUAGE FOR THE CONDUCT THEREOF**

Where possible the proceedings at a disciplinary Inquiry should be held in the language most familiar to the accused employee and the evidence of a witness should be taken in the language most familiar to him subject to the language in each of these two instances being in Sinhala, Tamil or English. If however, the language in which the proceedings are held and the

evidence of witnesses taken down is not understood by the employee and / or his “Representative” the evidence given by witnesses should be translated and explained to him or them in Sinhala, Tamil or English.

### **31 DISCIPLINARY INQUIRY – APPEARANCE AT DISCIPLINARY INQUIRY**

At the commencement of the disciplinary Inquiry, the date, name, time and place at which it is held, the name/s of the member/s of the Tribunal of Inquiry and the names of the accused employee and his “Representative” and the name of the Prosecuting Officer and any officer assisting him should be recorded... Similarly where a disciplinary inquiry is resumed after postponement or an adjournment, the foregoing particulars should be recorded at the commencement of proceedings. Provided that at a Disciplinary inquiry, the only person permitted to be present besides the Tribunal, of Inquiry, The Prosecuting Officer and any officer assisting him and the accused employee “Representative” and the witness giving evidence and the recording officer unless special permission is granted by the tribunal of Inquiry to any other person or persons to be present.

### **32 DECISION OF THE TRIBUNAL ON PROCEDURAL MATTERS**

The decision of the Tribunal of Inquiry on any matter pertaining to the procedures of conducting the inquiry if not provided in these rules, which include change of venue, shall be final. The Tribunal shall not be impeded by technicalities of a procedural nature in conducting the inquiry, provided that no injustice is caused there by to any party.

### **33. DISCIPLINARY INQUIRY – CHARGES BEING READ OUT**

The disciplinary inquiry shall commence with the Tribunal of Inquiry reading the Charges to the accused employee (who shall be personally be present) on recording his pleas on each and every charge.

### **34. UNQUALIFIED ADMISSION OF GUILT**

34.1 Where an employee informs the officer holding a preliminary investigation that he wants to make an unqualified admission of guilt, the officer shall request the employee to state so in writing in the presence of an officer higher ion grade or rank to that of the investigating officer and not having direct supervisory control over the employee, to avoid complaints of use of force or manipulation. The Employee shall certify that the statement was made on his own free will. Where the employee is not sufficiently literate or not in a sound physical condition to make a statement, it may be so recorded by the said higher officer that the contents were explained to the employee before obtaining his signature or the thumb impression of the employee.

34.2 All steps referred to in section 34.1 shall be taken in the presence of at least one witness who have identified himself as such shall, as in the capacity of a witness, certify the admission and declaration made by the employee.

34.3 Where, under Section 34.1 an employee makes an unqualified admission of guilt, such employee shall be entitled to receive from such higher officer a certified copy of his admission at the cost of the Company. A certified copy of the admission should also be given to the Investigating Officer for completion of the investigation and the original forwarded directly to the Authorized Officer.

34.4 Where an employee makes an unqualified admission of guilt under Section 34.1 the officer holding the preliminary investigation shall after completing such investigation, forward his report on the matter to the Authorized Officer who shall in turn forward same to the Head of Human Resources.

34.5 Upon receipt of the admission of guilt and the preliminary investigation report,, if the act of misconduct disclosed therein, in the opinion of the Head of Human Resources does not warrant the holding of a disciplinary inquiry the matter shall be dealt in accordance with the procedure prescribed in Section 23 of this Procedures with notice to the CEO Executive Director through Senior Deputy General Manager. In all other cases a disciplinary inquiry shall be held in accordance with the procedure herein after provided for.

### **35. DISCIPLINARY INQUIRY- EMPLOYEE PLEADS GUILTY – NOT GUILTY**

35.1 If the employee pleads guilty to the charges, the Tribunal of Inquiry shall inform the employee of the consequence that his plea may result in his dismissal from the company or that he may be otherwise punished by the company and enter on record the fact the employee was so informed. The Tribunal of Inquiry shall, thereafter enquire from the employee whether in spite of such notice he still pleads guilty and if the employee answers in the affirmative his plea shall be entered on record and the signature of the employee shall be obtained against such plea. The employee and / or his Representative may then inform the Tribunal of Inquiry that a plea would be made to the Disciplinary Authority seeking mitigation in respect of punishment to be imposed.

35.2 If the employee pleads not guilty to the charges, the inquiry shall be proceeded with,

### **36. DISCIPLINARY INQUIRY – RECORDING OF EVIDENCE**

- 36.1 (a) The Prosecuting Officer shall lead the evidence of the witnesses for the Bank. The Accused Employee and his “Representative” shall be premitted to be present Throughout the inquiry. The Prosecuting Officer shall produce all documentary evidence (If any) against the employee. Provided that where documents which the employee or his “Representative” has not had the opportunity of examination are produced in evidence , then such documents may be permitted to be used as evidence after the employee or his “Representative” is afforded the opportunity of examining the documents subject to however to the provision in Section 27.2 and
- (b) Proceedings shall be recorded clearly and legibly and evidence shall always be recorded in direct speech as if the witness himself is narrating it and not as if the tribunal of inquiry is narrating it.
- (c) Cross examination of witnesses by the employee or his “Representative” as the case may be shall be allowed and recorded in question and answer form
- (d) Secondary evidence may be led where the witness is sick or abroad or dead or where his whereabouts are not known or where the witness is not present in spite of notice under Registered Cover.
- (e) The prosecuting Officer may reexamine the witness, to clarify the answers given by him during cross examination or to elicit additional evidence with the permission of the Tribunal of Inquiry, in which event cross examination shall be permitted to the defense.

(f) The company is not precluded from calling any witness whose names have not been furnished prior to the commencement of the inquiry, on new matters so raised with the sanction of the Tribunal of Inquiry.

36.2 Except for evidence given in cross examination, evidence should not ordinarily be taken down in the form of question and answer, although the Tribunal of Inquiry may for any special reason or at the request of the employee or his “representative” or the Prosecuting Officer, arrange to take down any particular question and answer.

36.3 The employee shall be entitled to receive a copy of the proceedings at the end of each day or as soon thereafter as possible.

36.4 After recording the evidence of all witnesses for the prosecution, The Tribunal of Inquiry shall call upon the employee or His “Representative” as the case may be, to lead evidence of the witnesses for the defense including that the accused employee. If the employee declines to give evidence on his own behalf and / or “Representative” does not call any witnesses, that fact must be entered on record. Otherwise such evidence shall be recorded by the Tribunal of inquiry and the cross examination of the witnesses by the Prosecuting Officer and reexamination by the defense shall be permitted in the same manner as set out in 36.1 (e) and 36.2

### **37. WITNESS CONTRADICTING HIS EVIDENCE GIVEN IN THE PRELIMINARY INVESTIGATION**

Where at the inquiry any witness or the accused employee, contradicts the statement made by him in the course of the preliminary investigation, The Tribunal of Inquiry shall request him to explain such contradictions. His Answer, if any, shall be recorded. If he remains silent, such fact shall also be recorded. With regard to the contradictory evidence given by a witness, the prosecuting officer may treat such witness as hostile and question him, with regard to the contradictions.

### **38. REFUSAL TO ANSWER QUESTIONS**

39.1 On refusal by a witness or the accused employee to answer a question the Tribunal of Inquiry shall record such question and refusal.

39.2 Where a witness or an employee on being questioned remains silent. Such fact as well as any other incidents such as abuse or acts of exasperation which are observed by the Tribunal of Inquiry and any objections raised by any party. Along with the ruling on same shall be recorded in the proceedings.

### **39.. CONCLUSION OF DAY’S PROCEEDINGS / WITNESSES’ EVIDENCE**

39.1 At the end of evidence of each witness, he should be requested to sign each and Every page of the proceedings relevant to him, and should initial all alterations/interpolations.

39.2 The Accused employee, the Prosecuting Officer and the Tribunal of Inquiry would also be required to sign the original copies of the day’s proceedings at the end of each page. The Prosecuting Officer and the accused employee shall be entitled to copies of the day’s proceedings



#### **40. POWERS OF THE TRIBUNAL OF INQUIRY**

40.1 The Tribunal of Inquiry may exercise the following powers on its own accord or on the application of the Prosecuting Officer or of the employee or his "Representative".

- (a) To recall any witness for further examination
- (b) To put any relevant questions at any time to any witness and / or the accused employee if he has opted to give evidence
- (c) To proceed personally to examine the place or places in which the alleged incident occurred
- (d) To call for and examine any document and/ or other records of the company if in its opinion, such document. And/ or other records may be of assistance at the inquiry.
- (e) To summon witnesses, who have not been summoned previously by either party
- (f) To refuse to summon any witness whose evidence it considers as not relevant and record the same.

40.2 Any employee who though summoned to attend the inquiry fails to comply with such summons and does not adduce any valid reasons for such failure, or having attended the inquiry refuse to give evidence, or has given false evidence, is guilty of an act of grave misconduct and shall be reported to the CEO/ Executive Director through the Senior Deputy General Manager who will order disciplinary action against such employee

40.3 The summons to an employee to give evidence at any inquiry shall be in the form of a letter and shall be issued on the instruction of the Tribunal of the Inquiry by the appropriate Authorized Officer who shall arrange for the witness to be released to attend the inquiry.

#### **41. CONCLUSION OF SITTINGS / MAKING OF SUBMISSIONS**

41.1 After the evidence of all the witnesses has been recorded, any objections raised by the Prosecuting Officer or the "Representative" with regard to the general conduct of the inquiry and comments thereon by the Tribunal of Inquiry shall be recorded and signed by all.

41.2 The Tribunal of Inquiry shall then inquire from the employee or his "Representative" whether he wishes to make further submissions re. The innocence in respect of the charges preferred and / or evidence let at the inquiry. If the answer is in the affirmative and the submissions are to be made orally, they will have to be made and recorded immediately.

41.3 After the evidence of all the witnesses has been recorded the Tribunal of Inquiry shall permit the employee or his "Representative" to make his written submission regarding:-

- (a) The innocence of the employee in respect of the charges preferred against him and/ or
- (b) The evidence led at the inquiry.

41.4 The prosecuting officer shall also be afforded an opportunity to make written/ oral submissions regarding-

- (a) The charges preferred against the employee and/ or

(b) The evidence led at the inquiry

41.5 On the day of the conclusion of the inquiry, the Tribunal of Inequity shall inform the parties the date of submission of the report to the company and the same should be recorded in the proceedings. The Tribunal of Inquiry may permit the submission of both parties to be made orally or in writing as decided by them at their discretion. If the parties opt to tender written submissions such submissions shall be made or forwarded to the Tribunal of Inquiry on date to be fixed not later than 14 days from the date on which the order is made or forward submission was made., No such order shall be made until the Prosecuting Officer and the accused employee are informed by the Tribunal of Inquiry of the availability of a copy of the proceedings.

#### **42. CONCLUSION OF THE INQUIRY FINDINGS**

42.1 Tribunal of inquiry should conclude the inquiry within 30 days from the date of the 1st Meeting

42.2 Within 14 days from the receipt of the submissions or lapse of the order to make submissions, the Tribunal of Inquiry shall forward two copies of the report to the appointing authority indicating the findings together with the proceedings of the inquiry and the documents produced at the inquiry along with the submissions received.

42.3 The Tribunal of Inquiry shall not at any stage of inquiry or thereafter indicate to the accused employee or any other person other than the Head of Human resources with its findings are.

42.4 The Tribunal of Inquiry shall not make any recommendations with regard to punishments. It may however, state any mitigating circumstances that may be taken into consideration by the relevant authority who will determine the punishment to be meted out.

#### **43. ERRORS, OMISSIONS AND IRREGULARITIES DURING DISCIPLINARY PROCEEDINGS**

Findings at a disciplinary inquiry shall not be invalidated. Reversed or modified in any way by reason only on errors, omissions or irregularities in the conduct of the investigation or inquiry, unless it is shown to the satisfaction of the Disciplinary Authority that such error, omission or irregularity amounts to failure or denial of justice. In such an event the Disciplinary Authority may make a suitable order.

#### **44. DISCIPLINARY ORDER**

44.1 The Head of Human Resources shall on receipt of the documents referred to in Section forward the report of the investigation or inquiry in triplicate within 14 days and the record of proceedings to the Disciplinary Authority along with the submissions.

44.2 (a) The Disciplinary Authority is free to accept or reject or review any or all of the findings of the inquiring Officer in arriving at a decision, provided however that in the event of the disciplinary Authority rejecting or revising any of such findings it shall set out its reasons for doing so.

(b) The disciplinary Authority shall summon the accused employee to make an oral submission in its presence before determination of a disciplinary order. The accused employee shall have the right to appear before the Disciplinary Authority with or without a "Representative".

- (c) If the accused employee or his “Representative” or both fail to appear before the Disciplinary Authority without a valid reason in writing the Disciplinary authority shall exercise its discretion to determine a disciplinary order on the reported incident without a postponement.

44.3 If the Disciplinary Authority requires further clarification on any point, it may refer the matter back to the Tribunal of Inquiry for report, or further inquiry as necessary.

44.4 Where a Tribunal of Inquiry has found the employee guilty/ not guilty of any one or more or all charges preferred against him and the Disciplinary Authority agrees with such findings, the Disciplinary Authority shall make order accordingly.

44.5 Where a Tribunal of Inquiry has found the employee not guilty of any one or more or all charges preferred against him, and the Disciplinary Authority rejects such findings and is of the view that the employee is guilty of one or more charges preferred against him, the Disciplinary Authority shall minute its reasons for so doing and make the an order accordingly or may quash the inquiry proceedings and order a fresh inquiry before another Tribunal of Inquiry.

44.6 Where a Tribunal of Inquiry has found the employee guilty of one or more or all charges preferred against him and the Disciplinary Authority rejects such findings and is of the view that the employee is not guilty of one or more or all charges preferred against him, the Disciplinary Authority shall minute its reasons for so doing and shall make order accordingly and impose any punishment as may be necessary.

44.7 In making the orders referred to in Section 44.4 to 44.6 above the Disciplinary Authority shall comply with the relevant provisions in this Procedures and every Endeavour shall be made for such order to be determined within 10 days of the receipt of the relevant papers from the Head of Human Resources.

#### **45. EMPLOYEES FOUND GUILT**

Where charge sheet has been served, the punitive order shall indicate the charges the employee has been found guilty of.

#### **46 COMMUNICATION OF THE DISCIPLINARY ORDER**

46.1 The Disciplinary Authority shall forward its order through the Head of Human Resources who shall communicate in writing the disciplinary order to the employee concerned with copies to Head of Finance for necessary action.

46.2 In the event of Disciplinary Authority has recommended dismissing or terminating the services of the accused employee, such punishment will be conveyed to the employee in the manner stated in section 46.1 above, subject to the approval of CEO/ Executive Director.

## **PART IV APPEALS**

#### **47 APPEALS BY EMPLOYEES IN THE SENIOR MANAGER GRADE AND LOWER GRADES**

47.1 An employee in the grade of Senior Manager or below who is dissatisfied with the punitive order made by the appropriate Disciplinary Authority due to.

- (a) The manner in which the disciplinary was held by the Tribunal of inquiry, and/ or

- (b) The order of the Disciplinary Authority directing the holding of a fresh inquiry and/or
- (c) The punishment imposed by the Disciplinary Authority may tender a written appeal duly signed regarding the same within 10 days of communication of the order to him.

47.2 The appeal shall substantially be in the form given in schedule V and shall set out fully all the grounds on which the appeal is made and shall be addressed to the CEO/ Executive Director.

#### **48. CONSTITUTING THE APPEAL TRIBUNAL**

The CEO/ Executive Director shall within 7 days on receipt of an appeal against a punishment submitted by an employee in the grade of Chief Manager or Below nominate three executives to constitute the Appeal Tribunal indicating who the Chairman will be where appropriate.

#### **49. PROCEEDINGS BEFORE THE APPEAL TRIBUNAL**

49.1 Head of Human Resources shall, within seven days of the constitution of the Appeal Tribunal shall refer the appeal to such Appeal Tribunal.

49.2 The appeal Tribunal shall make every Endeavour to submit its report on the appeal to the CEP/ Executive Director within 14 days from the date on which the Appeal was referred to it by the Head of Human Resources.

49.3 In Considering the Appeal Tribunal may. If it deem necessary, call for oral or written submission from the Appellant or his “Representative” and /or the Prosecuting Officer. The Appeal Tribunal shall not however, be entitled to summon or examine any witnesses whether or not such witnesses had given evidence before the Tribunal of Inquiry.

49.4 The Appeal Tribunal shall in such report recommend that the decision appealed against be confirmed, varied or revoked or recommend further inquiry by the Tribunal of Inquiry on such matter or on such lines as it may specify in that behalf or recommend a fresh inquiry before another Tribunal of Inquiry. The report of the Appeal Tribunal shall contain reasons for its recommendations

49.5 The CEO/ Executive Director upon the receipt of the report of the Appeal Tribunal shall confirm the appropriate recommendation made in terms of section 49.4 which shall thereafter be conveyed to the appellant and the relevant Authorities by the Head of Human Resources, If the Appeal Tribunal has not arrived at a clear decision the CEO/ Executive Director shall make an appropriate order whose decision shall be final, other than in the case of a dismissal order which shall be referred to the Board for a Final decision.

Where however, the CEO/ Executive Director disagree with the recommendations of the Appeal Tribunal, of if the Appeal Tribunal has not been able to arrive at a decision, the CEO/ Executive Director shall place before the Board of Directors the report of the Appeal Tribunal together with his observations and recommendations for the final decision of the Board of Directors.

49.6 After an Appeal, if any, by the employee, within 14 days of conveying the recommendation of the Appeal Tribunal as lay down in 49.5 such recommendations together with CEO/ Executive Director’s observations if any shall be submitted to the Board of Directors by a Memorandum under the signature of the Head of Human Resources. The Decision of the Board shall be conveyed to the employee concerned in the manner stated in Section 46.1

49.7 The decision of the Board of Directors shall be conveyed to Appellant by the Head of Human Resources.

49.8 In cases of punishments imposed by the Board, only the Board may review the punishment imposed.

## **50 APPEALS AND FINALITY**

The decision taken by the CEO/ Executive Director on an appeal against a punitive order other than a dismissal,

Or

The decision taken by the Board of Directors, on an appeal against a punitive order of dismissal shall be final and conclusive within the Company

# **PART V**

## **51 CLASSIFICATIONS OF PUNISHMENTS**

Punishments are classified as minor or major. Any one or more of the following punishments may be imposed upon an employee.

51.1 Minor Punishments will include among others, the following:-

- (a) Reprimand & Severe Reprimand  
(Caution, Warning, Severe Warning are not punishments)
- (b) Disciplinary Transfer at the expense of the employee ( The fact that a Disciplinary Transfer may be imposed under these rules as a punishment does not mean that a transfer on disciplinary grounds may not be ordered by the Authority competent to order such a transfer without proceedings having been taken under these rules, Such Transfers which shall not be at the employees expense may be ordered at the discretion of the Authority concerned independently of these rules)
- (c) Surcharge up to a sum of Rs 5,000/-
- (d) Suspension of increment (This means the withholding for a specified period of an increment falling due shortly) If an employee whose increment has been suspended fails to show any improvements within the period of suspension, the award of suspension of increment should be converted to one of stoppage.

Suspension of increment may not-

- I. Be imposed for a specific act of grave misconduct but may be limited to cases where the employee has been found to be generally inefficient and has failed generally to perform his duties to the best of his ability and where it is considered that such employee should be placed under closer observation, and

II. Be imposed for period exceeding six months after which if no improvement is observed in the discharge of his duties, the employee may be given the punishment of stoppage of increment.

- (e) Reduction of increment for a specific period less than one year (this is appropriate where stoppage would not take effect within one month of the order)
- (f) Stoppage of increment (This means the withholding of an increment due for a specified period on the basis that the next increment will fall on the due date) Stoppage of increment may be imposed for a specific act of misconduct or for cases of general inefficiency where deferment is considered to be too severe and in the latter event, the employee shall be made aware at the time of stoppage of increment that if no improvement is observed in the discharge of duties, the stoppage will be extended and thereafter, after the specified period of its extension. It will be converted to deferment of increment.
- (g) Deferment of an increment for less than one year (This means the continues loss of pay until the maximum of the scale is reached and which entails a change in the increment date as well.

#### 51.2 MAJOR PUNISHMENTS

- (a) Surcharge
- (b) Deferments of Increments for a period exceeding one year
- (c) Deferment of Promotions for a specified period
- (d) Disqualification from applying for any promotion for a specified period
- (e) Reduction in Seniority; Reduction of specified number of places or grade to which the officer belongs.
- (f) Reduction in Rank or Demotion
- (g) Deprive staff welfare benefits
- (h) Retirement for inefficiency Section 20 and 46.2)
- (i) Compulsory Retirement as merciful alternative to dismissal
- (j) Stoppage of extension of service
- (k) Dismissal (after formal disciplinary inquiry. But may be imposed without a disciplinary inquiry in exceptional circumstances and as far as may be permitted by law for the time being in force. This punitive order shall be subject to approval as per procedures laid down section 46.2 above.

#### 52 PUNISHMENT WHERE APPROPRIATE

52.1 Minor Punishments – Appropriate for acts of minor misconducts and for acts of misconduct of a type which are not serious enough to warrant a major punishment, compulsory retirement or dismissal.

52.2 Major Punishments - Appropriate for acts of grave misconduct illustrated in schedule II which warrant serious punishment compulsory retirement or dismissal (repeated acts of misconduct of a type which considered in isolation are not serious enough to warrant imposition of a serious punishment/ Compulsory retirement / dismissal, but where persisted to n extent, when viewed as a

whole, serious punishment/ compulsory retirement/ dismissal would be appropriate.

## **PART VI**

### **MISCELLANEOUS**

#### **53. CUSTODY OF THE RECORD OF DISCIPLINARY PROCEEDINGS**

53.1 The entire record of the disciplinary proceedings (including the appeal if any) and the orders made in the course such proceedings and appeal shall, at the conclusion of such disciplinary proceedings or appeal as the case may be, be forwarded to the Head of Human Resources who shall keep the same in his custody for a period of 6 years and thereafter destroy the same, provided however, that such records shall not be destroyed if there is a pending before a Court of Law or a Labour Tribunal any action relating to the employment of the employee concerned or if for any reason whatsoever the Head of Human Resources deems necessary to retain such record for a longer period.

53.2 A record which has been retained for a period of 6 years and which is not required to be retained for any further length of time may be destroyed after all necessary particulars relating to such record have been duly entered in a register to be maintained for the purpose and the entry containing such particulars has been signed by the Head of Human resources.

#### **54. AMENDMENTS TO THE DISCIPLINARY PROCEDURES**

The Board shall have the power to make from time to time all such amendments / alterations in and additions to the rules contained in this Procedures, as the Board may at its absolute discretion deem fit.

#### **55. AUTHORITY OF THE BOARD OF DIRECTORS**

Nothing herein contained shall be deemed to affect the powers / authority conferred by law on the Board in respect of its employees.

#### **56. INTERDICTION/ SUSPENSION/ SERVED WITH NOTICES OF HAVING REPUDIATED THE CONTRACT OR SERVICE**

Human resource Department should maintain details of employees who have been interdicted/ suspended from service or served with notices of having repudiated the contract of service for future reference.

#### **57. STATEMENT OF PENDING DISCIPLINARY MATTERES**

Human resource Department should submit to CEO / Executive Director a quarterly statement with regard to disciplinary matters pending.

#### **58. TIME PERIODS WHICH ARE NOT MANDATORY**

Time periods laid down under clauses Nos n 24.2, 24.4,25.2,25.5,26.1,41.5,44.1,47.1,48,49.& 49.6 are not mandator

## ANNEXURES

### **SCHEDULE I**

#### **ACTS OF MINOR MISCONDUCT**

Acts of minor misconduct shall include; -

1. Absence from work with our reasonable excuse
2. Late attendance at work without reasonable excuse
3. Malingering
4. Violation of instructions given for maintenance of assets.
5. Violation of Instructions in the Procedures of Conduct of the Company
6. Smoking in Prohibited areas
7. Unauthorized use/ misuse of stationery or equipment
8. Exceeding the stipulated time intervals.
9. Leaving Station without permission
10. Failure to wear the Company's Identity card. As stipulated in the Company's regulations
11. Failure to comply with instructions/ attend training classes without reasonable excuse
12. Default in payment of loan installments
13. Lending/ borrowing or collecting money within the company premises without prior permission of the Management.
14. Any other act or omission considered as an act of minor misconduct by the company

### **SCHEDULE II**

#### **ACTS OF GRAVE MISCONDUCT**

##### **Acts of grave misconduct shall include-**

1. Incivility towards the customers of the Company.
2. Causing loss or damage to the goods or articles belonging to the company including computer hardware and software, such damage or loss being directly attributable to negligence, willfulness or default of the employee.
3. Mischief within the Company's premises on persons and / or his property or in respect of company's property.
4. Theft, extortion, robbery, cheating, misappropriation, fraud, dishonesty, breach of trust of property, (including Cash, valuables, Securities, and funds) of or in custody of the company or any Association society connected with the company.
5. Forgery, Falsification, of documents or accounts or tampering with documents, computer software, data and or Passwords
6. Trespass / Criminal trespass within company's premises
7. Intimidation, insult, threat, or causing annoyance to, or assault of, any employee of the company within its premises or outside, provided where it is outside the Company's premises such intimidation, insult, threat or annoyance is any way connected with the employment of the accused employee and / or complainant employee
8. Sexual advances on another employee by use of words or action causing sexual annoyance or harassment whether in working place or elsewhere
9. Willful failure on the part of the employee to comply with any lawful order given to him in relation to his work by his superior/s



10. Willful insubordination or willful breach of discipline
11. Disrespectful conduct, Insubordination intimidation, threats or incivility, using vulgarity in speech or in action or in writing or cause inconvenience to any member of the public in connection with his transaction with the company.
12. Making or publishing false or malicious statements concerning the company or its management or any employee in any form or in any social media.
13. Giving or soliciting of gratification / consideration or being associated therewith in any manner whatsoever.
14. Negligence, gross negligence/recklessness /callousness at work /.misrepresentation of facts, Insubordination.
15. Sleeping on duty or loitering in the premises.
16. Interference with any safety devices and computer systems installed in the company premises and or damaging Company's property.
17. Reckless or negligent driving of vehicles belonging to or used by the company
18. Failure to avoid an accident depending on the circumstances, when driving a vehicle belonging to the company
19. Unauthorized use of a vehicle of the company
20. Deviation by driver of a company vehicle from the usually accepted route without reasonable cause.
21. Failure by a driver of a company vehicle to report an accident involving the vehicle within 48 hours of such accident to head of Human resources.
22. Driving a company vehicle after consumption of alcohol or drugs.
23. Cause or assist or handle any hand bills, poster emblem or device or other literature for display or exhibition within the company's premises without the previous sanction of the Branch Manager or the Head of the Department or use premises or assist in the use of the bank premises for immoral or criminal purposes or use of intoxicants.
24. Smelling of liquor or drunkenness or being under the influence of narcotic drugs within the company's premises while on duty or not, if evidenced by procedures laid down in the company's regulations.
25. Conviction In a Court of Law or where an order under Section 306 (1) of the Procedures of Criminal Procedure Act No 15 of 1979 is made in respect of a criminal offence involving moral turpitude.
26. Leaving the place of work during working hours without permission
27. Breach of regulations in circulars and Manual of operations of the company
28. Gross impropriety
29. Disorderly behavior or gambling or handling / making bets within the premises of Rhe Company.
30. Altercation whilst on duty
31. Making false complaints or causing innuendo against employees of the company.
32. Refusing to give evidence or giving false evidence or refusal to answer a question raised in the course of any disciplinary proceedings / investigation.
33. Failing to report to the Authority concerned any loss of or damage to property belonging to the company.
34. Sabotage.
35. Any Repetitive act of minor misconduct which in the opinion of the disciplinary Authority is regarded as an act of grave misconduct
36. Failure on the part of the employee who is aware of the commission by another employee (s) of any act of misconduct to report to his own Head of Department or Branch and of all such facts in relation thereto as are within his knowledge
37. Breach of any of the and conditions of employment stipulated in the letter of appointment / service agreement
38. Submission of documents bills with the intention of defrauding the company and / or causing loss to the company
39. Submission of false claims/ impersonation. False clocking in/ out.
40. Failure to inform the company within a reasonable period that a criminal/ civil case involving moral turpitude against him or failure to report within two weeks the conviction of a criminal offence in a Court of Law in Sri Lanka or abroad.

41. Possessing dangerous weapons or unauthorized inflammable substances or consuming narcotics within the company premises
42. Engaging in activities on or off the company premises which in the opinion of the company could be considered a discredit to the company or its employees
43. Unauthorized manipulation of computer systems including password.
44. An act of misconduct involving inefficiency, incompetence, negligence or lack of integrity.
45. The abetment of or an attempt to commit any one or more of the acts of misconduct enumerated in Schedule II
46. Any other act or omission considered as an act of major misconduct by the company

### **Recommendation**

**We recommend to the Board of Directors the approval the adoption of this revised version II of the Disciplinary Procedures of the company**

**CEO/ Executive Director**

SPECIMEN

SCHEDULE III A

Registered post  
Date

.....  
.....

CHARGE SHEET

Further to the Investigation held regarding the alleged misconduct / our letter..... Suspending you from duty\*/ interdiction you from service of the company you are hereby required to show cause in writing why you should not be disciplinarily dealt with in accordance with its disciplinary rules in that;

1

2

In respect each of the charges mentioned above you may state separately whether or not you are guilty of same or you may plead not guilty and request an inquiry to prove your innocence. Your explanation if any, stating fully the grounds upon which you depend to exculpate yourself should reach the undersigned within 14 days of receipt of this letter.

If no explanation is received from you within the time mentioned above it will e presumed that you have no explanation to offer and that you are guilty of the said charges and disciplinary action will be taken against you

Signature of the Authorized Officer.

· Delete where necessary

Specimen

SCHEDULE III B

Registered Post

.....  
.....

CHARGE SHEET

(Upon an Unqualified Admission of Guilt)

Further to the Investigation held regarding the alleged misconduct / our letter..... Suspending you from duty\*/ interdiction you from service of the company you are hereby required to show cause in writing why you should not be disciplinarly dealt with in accordance with its disciplinary rules in that;

(a)

(b)

In respect of the charges mentioned above, you have on....day of.....20..made an unqualified admission of guilt. Your answers in respect of each of the charges mentioned above may be forwarded in writing to the undersigned within 14 days of the receipt of this letter. In the event of your failure to do so, it will be presumed that you have no cause to show and the matter will be dealt with accordingly.

Further to the Investigation held regarding the alleged misconduct / our letter..... Suspending you from duty\*/ interdiction you from service of the company you are hereby required to show cause in writing why you should not be disciplinarly dealt with in accordance with its disciplinary rules in that;

Signature of the Authorized Officer

· Delete where necessary

Specimen

SCHEDULE IV A

Registered post

Residential Address of Employee

Dear Sir/ Madam

Unauthorized Absence

We regret to note that you have been absent from work from..... Our Human Resource Management and circulars requires that you should notify absence on account of any ill-health within 24 hours of the commencement of your absence and a medical certificate should be forwarded to me within 3 working days of the commencement of such absence.

You are aware that absence from work without a reasonable excuse is an act of misconduct.

The Management however on compassionate grounds wishes to offer an opportunity to correct yourself and advice you to report for duty on or before..... If however you do not report for duty as required, we would presume that you have no intention to continue to work with us and your contract of employment will be determined accordingly.

Yours faithfully,

Manger / Head of Department

Cc:

Head of Human Resources

(Absence for more than 03 days)

SCHEDULE IV B

Specimen  
Registered Post

Date

Residential address

Dear sir/ Madam,

REPUDIATION OF THE CONTACT BY YOUR OWN ACCORD

We have to bring to your kind notice that you have not reported for duty since\*..... Without approval or intimation whatsoever and despite the opportunity afforded to you to report to duty on or before-----by our letter dated.....

Therefore in terms of Part II section 20.1 (b) of the company's Disciplinary Procedures. You are hereby treated as having repudiated the contract of service by your own accord and volition with effect from \*.....

If you so desire, you may within 14 days of the date of this notice lodge with the Head of Human Resources an appeal against the above decision stating fully therein your grounds for appeal

Manager / Head of Department

CC  
Head of Human Resources

\*Date should be the date of commencement of unauthorized absence