

DISCIPLINARY POLICY

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1. POLICY OVERVIEW

This policy aims to provide guidance to Heckerbella Limited Employees on the standards of conduct, rules & regulations as well as the roles, responsibilities & procedures for dealing with breaches and non-compliance. Heckerbella Limited Employees are expected to abide by all company's policy as well as the laws of the country.

2. SCOPE

This policy applies to all Employees of Heckerbella Limited. The policy covers aspects required by labour legislations within Nigeria and is also based on principles derived from best practices.

3. PURPOSE

The aim of this policy is to ensure the following:

- 3.1. Protection of the company's core values and culture.
- 3.2. Consistent, objective and equitable handling of disciplinary cases.
- 3.3. Compliance with the principles of fairness, equity and natural justice.
- 3.4. Provision of a system for disciplinary action consistent with the principles of Employee relations practices.
- 3.5. Strengthening the company's internal control mechanism; and
- 3.6. Prompt investigation and timely resolution of disciplinary cases against Employees.

4. POLICY STATEMENT

- 4.1. Heckerbella Limited expects all Employees to provide its customers with professional, customer driven and quality assured service.
- 4.2. Compliance with policies, systems & procedures are intended to support the delivery of excellent service to customers and all other stakeholders.
- 4.3. Violation of any work rule, policy and procedure may result in disciplinary action, up to and including dismissal from employment.
- 4.4. Disciplinary sanctions will be lawful, fair and uniformly applied to all Employees.
- 4.5. Heckerbella Limited is highly committed to the practice of progressive and corrective discipline, the company reserves the right to take whatever disciplinary action it deems appropriate under critical circumstances within the confines of the law.
- 4.6. Heckerbella Limited may only resort to disciplinary sanctions against an Employee after the alleged misconduct has been investigated and the Employee found to have committed the infractions alleged against him or her.

5. POLICY GUIDELINES

5.1. Principles

At all stages in Heckerbella Limited disciplinary procedure, Employees will be:

- 5.1.1. Informed of the nature of the issue(s) of concern or case against them.
- 5.1.2. given a chance to offer an explanation before any decision is taken.
- 5.1.3. given reasonable notice of any formal meeting or hearing.
- 5.1.4. notified of the outcome of any formal meeting or hearing in writing.
- 5.1.5. given a right to appeal against any formal disciplinary action.
- 5.1.6. would be protected under the circumstances from abuse of sanctions and miscarriage of justice.
- 5.1.7. are required to be familiar with the contents of this policy document as ignorance of any of its provisions will not be accepted as a justifiable excuse in cases of violation.

5.2. Standards of Conduct

All Employees have a contractual responsibility to be aware of and conform to Heckerbella Limited's values, rules, policies and procedures. Employees are expected to maintain high standards of conduct both at work and outside of work. The following examples of **misconduct** are intended to help Employees understand the standards required by Heckerbella Limited. These lists of examples are illustrative and not exhaustive.

- 5.2.1. Deliberate provision of false or misleading information.
- 5.2.2. Unauthorized absence from work.
- 5.2.3. Failure to comply with sickness absence procedures and Absence Management.
- 5.2.4. Falsification of official accounts or documents e.g. travel sheets, expense claims.
- 5.2.5. Incapacity at work, due to the effects of alcohol or non-prescribed drugs.
- 5.2.6. Physical violence, indecent behaviour, action or language that is likely to cause offence.
- 5.2.7. Harassment, bullying or victimisation of others, including racial, religious or sexual intimidation or prejudice of other Employees or members of the public.
- 5.2.8. Disruption of others by unruly or disorderly behaviour.
- 5.2.9. Discourteous or improper treatment of others, e.g. the public, colleagues, customers or business partners.
- 5.2.10. Acceptance of bribes or involvement in similar corrupt practice.
- 5.2.11. Lack of integrity that may damage public confidence in the Company.
- 5.2.12. Unauthorised employment; e.g. engaging in unauthorised employment during hours when contracted to work for Heckerbella Limited or engaging during off-duty hours in employment considered detrimental to the interests of the Company.
- 5.2.13. Use of Company time/property/equipment for personal reasons without permission.
- 5.2.14. Theft of, misuse of, damage to or neglect of property or equipment.

- 5.2.15. Disregard for the health and safety of others, including reckless driving or operation of vehicles, equipment, and smoking in prohibited areas.
- 5.2.16. Engaging in activities or conduct that places an individual, e.g. a service user, at risk.
- 5.2.17. Disclosure of confidential information.
- 5.2.18. Dependent upon the circumstances and seriousness of the case, the above examples of misconduct may be regarded as gross misconduct.

5.3. Gross Misconduct

Gross misconduct is regarded as a fundamental breach of contract that makes it impossible for Heckerbella Limited to continue with the contract of employment with the Employee. Where an Employee is dismissed for gross misconduct, the dismissal is normally summary, i.e. without notice. An allegation of gross misconduct is extremely serious and is not made lightly. Examples of acts which may constitute gross misconduct includes but not all exhaustive.

- 5.3.1. Negligence which causes unacceptable loss, damage or injury.
- 5.3.2. Serious violation of company health and safety rules.
- 5.3.3. Unauthorized absence from work.
- 5.3.4. Physical violence or intimidation.
- 5.3.5. Deliberate and serious damage to company's property.
- 5.3.6. Theft, fraud, corruption and deliberate falsification of records.
- 5.3.7. Submission of false medical certificate(s) or any other falsified documentation.
- 5.3.8. Breach of the compliance & Ethics Code.
- 5.3.9. Fighting or illegal possession of dangerous weapon within the company premises.
- 5.3.10. Suppression of financial documents/ record.
- 5.3.11. Integrity Issues.
- 5.3.12. Assaults and harassment of a Sexual nature or intimidation of a subordinate or sexual relationship with another Employee under circumstances where the independence or freedom of the other party cannot be guaranteed.

5.4. **Procedure**

5.4.1. **Informal Procedure**

- 5.4.1.1. It is part of the normal supervisory process that managers bring to the attention of the Employees the standards required and the consequences for any failure to meet those standards.
- 5.4.1.2. Cases of minor misconduct, (e.g. recurrent lateness) should be dealt with by the Employee's Line Manager or Head of Department informally and without delay. The manager must speak to the Employee in private and should encourage them to conduct themselves in accordance with the required standards.
- 5.4.1.3. The purpose of this discussion is to ensure that the Employee understands the nature of the concerns, expectations of improvements in conduct within a specified time frame and the nature of any support available.

- 5.4.1.4. It is advisable to confirm the outcomes of any discussions in writing to the Employee. The Line Manager should retain any note of these informal discussions or meetings.
- 5.4.1.5. Following a satisfactory outcome to the use of the informal procedure, the matter will be considered resolved.
- 5.4.1.6. However, where an issue has been discussed with an Employee informally without resolution and the problem persists, with no improvements in conduct and further information becomes available during discussions which make the matter sufficiently serious, the formal procedure should be initiated.

5.4.2. Formal Procedure

- 5.4.2.1. Where the informal process has not led to improved conduct, or where the alleged misconduct is of such seriousness that the Line Manager considers informal action to be inappropriate, formal action will be initiated.
- 5.4.2.2. An investigation of the facts will be conducted to determine whether there is a disciplinary case to answer.
- 5.4.2.3. This investigation will be conducted by a constituted Investigation Committee.
- 5.4.2.4. Where an investigation indicates that there may have been an act of misconduct, the Employee will be required to provide a response in writing to the allegations, which will be considered by the Investigation Committee that must include the Line Manager.
- 5.4.2.5. If the Committee finds the answer satisfactory, then it may either discharge the Employee of the allegations or throw the complaint out, thereby closing the issue, but where the committee considers that the answers provided are not satisfactory, it shall invite the Employee to attend a formal disciplinary hearing at which he/she shall be given the opportunity to respond and state his/her case.

5.4.3. Investigation

- 5.4.3.1. Before a disciplinary hearing is convened there will be an investigation into the circumstances of the alleged misconduct. The purpose of the investigation is to establish the nature of the allegations, gather evidence to enable a decision to be taken on whether there is a disciplinary case to answer and consider if the matter should proceed to a formal hearing.
- 5.4.3.2. The Employee will be informed promptly of any allegation and that an investigation to establish the facts will be undertaken. The investigation must be concluded as soon as reasonably possible whilst allowing enough time to interview relevant parties. Employees must be kept informed if there is any unexpected delay in the process.

- 5.4.3.3. The Employee's Line Manager may appoint a third party not immediately involved in the case to investigate the facts of the situation. A member of the HR team will assist in ensuring that the matters are handled fairly, reasonably and in compliance with this policy.
- 5.4.3.4. If there is no disagreement concerning the facts of the case because the Employee admits misconduct, an investigation may not be necessary before a disciplinary hearing is arranged. However, in cases where misconduct is not admitted or if there are conflicting views or evidence, further investigation will usually be appropriate before a decision is taken to proceed to a formal hearing.
- 5.4.3.5. The outcomes of an investigation may be:
 - 5.4.3.5.1. There is no case to answer and therefore no disciplinary action is taken.
 - 5.4.3.5.2. The matter is dealt with informally, if appropriate with support and or training to resolve the matter.
 - 5.4.3.5.3. Recommendation that there is a disciplinary case to answer and a disciplinary hearing should be arranged.

6. DISCIPLINARY SANCTIONS

6.1. Verbal Warning

- 6.1.1. A verbal warning is verbal advice by the Employee's Line Manager that his/her behaviour is unacceptable and that a repeat of such misconduct within the next three (3) months will lead to further disciplinary action, probably a written warning. Verbal warning issued must be documented and filed for three (3) months in the Employees' personnel record folder.
- 6.1.2. It creates an opportunity for the immediate Line Manager to schedule a meeting with an Employee to bring his/her attention to the existing performance, conduct or attendance issue.
- 6.1.3. The Line Manager should discuss with the Employee the nature of the violation of company policies and procedures.
- 6.1.4. The Line Manager is expected to clearly describe expectations and steps the Employee must take to improve performance or resolve the problem.
- 6.1.5. The Line Manager will prepare a written documentation of the discussion and the corrective measures. The Employee will be asked to sign this document to demonstrate his or her understanding of the issues and the corrective action.

6.2. Written Warning

- 6.2.1. A written warning is given by the Employee's Line Manager when a verbal warning has already been given and similar misconduct occurs again within six (6) months; or where the misconduct is of a more serious nature and justifies more than a verbal warning, even though it occurs for the first time.

- 6.2.2. Written warning involves more formal documentation of the performance, conduct or issues and consequences.
- 6.2.3. The Line Manager and Departmental Head will meet with the Employee to review any additional incidents or information about the performance, conduct or issues as well as any prior relevant corrective action plans and consequences for the Employee of his or her continued failure to meet performance or conduct expectations.
- 6.2.4. A formal performance improvement plan (PIP) requiring the Employee's immediate and sustained corrective action will be issued.
- 6.2.5. A warning outlining that the Employee may be subject to additional discipline up to and including termination if immediate and sustained corrective action is not taken.
- 6.2.6. A written warning remains valid for six (6) months where after it should be removed from the Employee's personnel record folder. If similar misconduct occurs again within that period, a final written warning may be given.

6.3. **Final written Warning**

- 6.3.1. A final written warning is issued by to an Employee when a written warning has already been given and related misconduct occurs again within nine (9) months of the written warning or where the misconduct is of a serious nature that justifies more than a written warning, even though it occurs for the first time.
- 6.3.2. A final written warning remains valid for nine (9) months where after it shall be removed from the Employee's personnel record folder. If a related misconduct occurs within the nine (9) months period, it could result in the dismissal of the Employee.

6.4. **Impact of Written or Final Written Warning on an Employee**

- 6.4.1. **Internal Transfers;** (applying for another position within the Organisation) – the Employee with written or final written warning will not be eligible to apply for vacancies during the period of his/her sanction.
- 6.4.2. **Annual Increase;** Employees on a final warning are not eligible for an annual increase. Employees on a written warning are not automatically eligible for an annual increase but at the Management discretion and in consultation with HR, an increase for an Employee who has been on a Disciplinary Warning may be considered provided they have significantly met and sustained performance expectations within a reasonable period of three (3) months or more.
- 6.4.3. **Promotion;** discipline issues related to a current warning (a written or final written warning within the last nine (9) months may affect Employee promotion for the year under review.

6.5. Suspension

- 6.5.1. The length of a suspension typically depends on the time needed to conduct an investigation.
- 6.5.2. Where applicable, Employees are prohibited from the work site to prevent tampering of evidence, witness intimidation and future harm to co-workers.
- 6.5.3. At the discretion of Heckerbella Limited Management and Disciplinary Hearing Committee, depending on the seriousness of the infraction, an Employee may be suspended without pay as a form of sanction.

6.6. Dismissal

- 6.6.1. The last and most serious step in the disciplinary procedure is a recommendation for Dismissal.
- 6.6.2. Dismissal from Heckerbella Limited may result where an Employee commits a misconduct within twelve (12) months of receiving a final written warning or in the case of a gross misconduct.
- 6.6.3. If an investigation indicates that an act of further or gross misconduct may have occurred, the Employee will be required to attend a formal disciplinary hearing. Employees' act of misconduct may lead to termination of contract.
- 6.6.4. Dismissal does not require notice to the Employee and only wages for the days worked up to the time of dismissal are paid. Reason for the dismissal is often stated clearly on the letter of dismissal.

6.7. Termination

- 6.7.1. An Employee's contract may be terminated without prior notice or through disciplinary hearing process. DC's recommendation to terminate employment must be approved by HR Manager and Departmental Head of the Employee.
- 6.7.2. Final approval may be required from the Managing Director.

7. **DISCIPLINARY HEARING**

7.1. Guideline

- 7.1.1. A Disciplinary Committee may be convened where the outcome of an investigation recommends disciplinary hearing to HR necessitating initiation of a disciplinary proceeding or if a Line Manager becomes aware of a misconduct and refer such issue to the HR for appropriate action.
- 7.1.2. Where an Employee notifies HR of a suspected misconduct, HR may be required to set up a committee to investigate or request for a detailed report of the incident from the Employee.

- 7.1.3. Upon receipt of the investigation report, HR would accordingly refer the matter to the Disciplinary Hearing Committee for consideration where the report shows ample evidence against the Employee involved.
- 7.1.4. HR may also institute a disciplinary proceeding based on policy breach it has investigated and which the HR Manager considers appropriate for consideration by the Disciplinary Committee.
- 7.1.5. HR may place the affected Employee on suspension where the Employee's continued stay could obstruct proper investigation, or the business could be at risk due to the continued stay of the Employee.
- 7.1.6. An Employee who is to appear before a disciplinary committee shall be given a minimum of forty-eight (48) hours notice of the disciplinary hearing. If the Employee fails and/or refuses to appear (without justification) at the hearing on two (2) consecutive occasions, after confirmation that he/she received the notices of the hearing, the disciplinary hearing shall proceed to deliberate on the matter without the Employee and take a decision based on the facts before it.

7.2. Composition of Investigation Committee

- 7.2.1. The investigation committee shall consist of representatives selected from the different departments of the Company based on the nature of the issue.
- 7.2.2. Members of the Investigation Committee must be from the level of Manager and above.

7.3. Composition of Disciplinary Committee

- 7.3.1. The disciplinary committee shall consist of four (4) members and must not be below Manager grade, one of whom shall chair the proceeding, members will be;
 - 7.3.1.1. HR Manager
 - 7.3.1.2. Legal Services representative (when necessary)
 - 7.3.1.3. Head of department other than the department of the Employee involved.
 - 7.3.1.4. Senior Manager
 - 7.3.1.5. Managing Director (where a senior management employee is involved)
 - 7.3.1.6. Any other co-opted member whose contribution or expertise will be helpful to the proceedings e.g. Finance in the case of a financial infraction which it has investigated.

8. APPEAL

8.1. Appeals against warnings, sanctions or action less than dismissal

- 8.1.1. The Employee has the right to appeal against a decision to issue a warning or sanction, less than dismissal, under this procedure. Any appeal should be sent to the HR Manager within five (5) working days of the Employee receiving the written decision. The appeal must state the grounds for appeal.

- 8.1.2. The appeal will be heard by a Manager that is senior to the Employee's Line Manager who has made the decision to issue a sanction and who has had no prior involvement in the case. HR will facilitate the process.
- 8.1.3. The appeal hearing will be a review of the decision to issue a sanction under the disciplinary procedure. The person conducting and hearing the appeal may substitute a different sanction from that appealed against, or confirm the sanction appealed against, however it is not intended that any substituted sanction would be more severe than the original sanction appealed against.
- 8.1.4. The decision may be given verbally at the appeal hearing and will in any event be conveyed or confirmed in writing within five (5) working days of the hearing.
- 8.1.5. The decision following the appeal shall be final and there will be no further internal right of appeal.

8.2. Appeals against Dismissal / Termination of Employment

- 8.2.1. The Employee has the right of appeal against a decision to terminate his/her employment under this policy. Any appeal should be sent to the HR Manager within five (5) working days of the Employee receiving the written decision to dismiss. The appeal must state the grounds for appeal.
- 8.2.2. The HR Manager on review of the appeal if considered justified in accordance with the terms of reference stated hereunder may constitute and convene the Appeal Hearing.
- 8.2.3. The HR Department may advise the Employee of the date, time and venue of the appeal hearing where oral evidence is deemed necessary by the Appeal Committee.
- 8.2.4. The notice of appeal shall state fully the grounds upon which the disciplinary action is being challenged.
- 8.2.5. The appeal will be heard by an appeal committee, the appeal committee will have had no prior involvement with the case and the appeal hearing will be a review of the decision to dismiss.
- 8.2.6. The decision may be given verbally at the appeal hearing and will be conveyed or confirmed in writing within five (5) working days of the hearing.
- 8.2.7. The decision following the appeal shall be final and there will be no further internal right of appeal.

8.3. Terms of Reference of Appeal Committee

- 8.3.1. An appeal will be considered only under the following circumstances:
 - 8.3.1.1. New evidence / fact
 - 8.3.1.2. Alleged procedural irregularities
- 8.3.2. The Appeal Hearing is by way of a rehearing and the case would be considered based on documentary evidence and facts before the Committee. Oral

evidence may however be allowed when deemed necessary by the Appeal Committee. The Appeal Committee is not obligated to hear the parties.

8.3.3. If the Appeal Committee is satisfied that the appeal should succeed, it shall overturn or substitute the disciplinary sanction imposed at the initial proceedings or overturn or substitute the finding of the Committee of the initial proceedings as to the culpability of the Employee.

8.3.4. The decision of the Appeal Committee shall be final and binding. No further right of appeal or review is permissible.

8.4. Composition of Appeal Committee

The appeal committee shall consist of the following members:

8.4.1. Two (2) Members of the management team.

8.4.2. HR Manager

8.4.3. One (1) other member appointed by Managing Director (which can be external individuals).

9. CRIMINAL CONVICTION OUTSIDE EMPLOYMENT

9.1. If an Employee is charged with, or convicted of a criminal offence, this will not necessarily in itself be reason for disciplinary action. However, consideration will be given as to what effect the charge or conviction has on the Employee's suitability to do their job, their relationship with Heckerbella Limited, work colleagues, other parties, and whether there is damage to Heckerbella Limited's reputation.

9.2. Heckerbella Limited may also consider if the Employee has breached any of the Company's policy or ethics in relation to the criminal conviction by ensuring a detailed investigation process is carried out.

9.3. There is no automatic application of the Disciplinary Policy if an Employee becomes the subject of police enquiries or charges relating to a criminal offence outside employment or if they are absent from work because they have been remanded in custody. This applies regardless of whether the offence has any direct relevance to the Employee's duties.

9.4. In determining whether or not it is appropriate to apply the Disciplinary Procedure in this context, Line Managers must discuss the matter with the HR Manager, General Manager and the Managing Director.

9.5. If, on conviction for any offence, an Employee is sentenced to a period of imprisonment, this will not automatically be treated as a reason for dismissal. However, HR Director will need to consider the effect of the Employee's enforced absence, and if any further action is required before making a decision.

9.6. Heckerbella Limited Management Team may have to determine the next line of action on case by case basis.

10. DEFINITION OF TERMS

Abbreviation	Meaning
HR	Human Resources Department
DC	Disciplinary Committee
Company	Heckerbella Limited

11. ROLES & RESPONSIBILITY

11.1. Investigation Committee

- 11.1.1. Investigation of cases brought to its notice.
- 11.1.2. Presentation of report of findings before the Disciplinary Committee.
- 11.1.3. Proffer suggestions on ways to prevent or reduce disciplinary incidences.




11.2. Finance

- 11.2.1. Investigation of financial cases brought to its notice.
- 11.2.2. Presentation of audit report of findings before the Disciplinary Committee.
- 11.2.3. Advice on ways to prevent or reduce disciplinary incidences.

11.3. Human Resources

- 11.3.1. Custodian of the disciplinary policy.
- 11.3.2. Periodic review of disciplinary policy, procedure and process in line with current development.
- 11.3.3. Receive report of findings on infractions from investigating authority and initiate the sitting of the DC.
- 11.3.4. Provide necessary support for the Disciplinary Committees.
- 11.3.5. Implementation of the recommendations of the Disciplinary and Appeal Committees.
- 11.3.6. Articulate learning points from cases emanating from the Disciplinary Committees and disseminate same to all Employees (where necessary).
- 11.3.7. Review notices of appeal and examine conformity with established grounds of appeal and terms of reference under this policy.
- 11.3.8. Initiate the sitting of the Appeal Disciplinary hearing.
- 11.3.9. Provide support and necessary documentation to legal services in the handling of litigation that may arise from disciplinary matters.

APPROVAL

Approval	Name	Job Title	Signature	Date
Reviewed by	Patience Diamond	H.R.M		22/10/18
Reviewed by	Peter Okiti	COO		15-10-18
Approved by	Yemi Keri	CEO		30/10/18