**Disciplinary Procedure**

# ***Version Control Table***

| Version | Date | Author | Description |
| --- | --- | --- | --- |
| 1.0 |  |  |  |
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| **Date of Next Revision** |  |
| --- | --- |

This policy will be reviewed for continued completeness, relevance, and accuracy within 1 year of being granted “final” status, and at yearly intervals thereafter.

The version control table will show the published update date and provide a thumbnail of the major change. CAUTION: the thumbnail is not intended to summarise the change and not a substitute for reading the full text.

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# ***Purpose***

This process is designed to ensure that all employees are aware of and understand their rights and responsibilities relating to discipline. It aims to facilitate satisfactory standards of conduct and performance, to encourage improvements where appropriate, and to ensure that cases of alleged misconduct, unacceptable performance, or other acts or omissions considered by management to warrant consideration of disciplinary action are dealt with consistently and fairly within a reasonable timescale.

# ***Scope***

This policy applies to all our employees.

Our rules and policies relating to the conduct of employees have been drawn up to set standards of behavior and performance at work and to deter acts of misconduct. These can be found within various documented policies in the ISMS.

Especially:

1. Code of Conduct;
2. Employee Handbook;
3. Information Security Policies and following sub-policies.

Their main aim is to encourage employees to achieve and maintain high standards of discipline, behavior, and performance. Any breaches may be dealt with as a disciplinary matter under the provisions of this process.

# ***Policy Principles***

* The organization reserves the right to implement the process at any stage as set out below taking into account the alleged misconduct of an employee. Employees will not ordinarily be dismissed for a first disciplinary offense.
* All line managers and supervisors are responsible for identifying promptly any deficiencies in conduct or performance, discussing the matter with the individual member of staff, and assisting him/her to improve. Minor matters will normally be dealt with a verbal warning and corrective actions/counseling.
* Minor cases of misconduct may best be dealt with by informal advice, coaching, and support rather than through the formal disciplinary process. Managers should discuss problems with individuals with the objective of encouraging and helping them to improve. It is important that employees understand what needs to be done, how conduct will be reviewed, and over what period. Employees should also be made aware of what action may be taken if they fail to improve their conduct. This is the main purpose of providing a company’s policies, standards, procedures in the first place.
* Other acts of misconduct may come within the general definition of gross misconduct.
* *[Company]* has the right to modify this policy or act in any other legal or reasonable way as each case demands. But, the company will always enforce [discipline](https://resources.workable.com/progressive-discipline-policy) in a fair and lawful manner.

## Disciplinary procedure workflow

* Managers or HR may choose to repeat the stages of our disciplinary procedure as appropriate. This decision depends on employees' reactions to our disciplinary procedure, whether they repent their behavior, and the nature of their offense.
* The disciplinary procedure begins when there is sufficient evidence to justify it. When there is suspicion or hints of misconduct, managers or HR must investigate the matter first.
* Appeals are allowed and must be filed to the next line of management as soon as possible.
* HR and managers should document every stage of the disciplinary procedure (except the verbal warning.) If appropriate, include necessary information like evidence, testimonies, and employee’s progress or improvement.

# ***Policy Elements***

The stages that may be followed when discipline is deemed necessary include the following:

1. Verbal warning
2. Corrective Actions/Counseling
3. Official written reprimand
4. Disciplinary meeting with the appropriate supervisor or manager
5. Final written warning
6. Detraction of benefits
7. Indefinite suspension or demotion
8. Termination

The nature of the offense must be explained to the employee from the beginning of the procedure. The verbal warning may take the form of a simple oral reprimand but also a full discussion if that is necessary.

The employee must read and sign the written reprimand and final written warning. These documents include the time limit in which an employee must correct their conduct before we take further disciplinary action.

The following scenarios indicate where the disciplinary procedure starts depending on the violation:

**Not-following-company-standards issues**. The disciplinary procedure starts at stage 1.   
Indicator of misconduct includes failure to observe or comply with the organization’s policies, standards, procedures and processes, in particular, those around information security and privacy.

**Performance issues**. The disciplinary procedure starts at stage 1.   
Indicator of misconduct includes but is not limited to:

* Failure to meet performance objectives.
* A[ttendance](https://resources.workable.com/attendance-company-policy) issues.
* Failure to meet deadlines.

**Misdemeanors/One-time minor offense**. The disciplinary procedure starts at stage 1.   
Indicator of misconduct includes but is not limited to:

* Rude behavior to customers or partners.
* On-the-job minor mistakes. Meaning the influence on the company’s workflow, working process, in general, is minimal.
* Involuntary Discrimination.

**Misconduct/Frequent Offenders.** The disciplinary procedure starts at stage 5.   
Indicator of the misconduct includes but is not limited to:

* Services provided to customers can’t meet the declared level of quality in result
* Lack of response to counseling and corrective actions.
* Lost temper in front of customers or partners.
* On-the-job major mistakes. Meaning the influence on the company’s workflow, working process, in general, is crucial.
* Unwillingness to follow health and safety standards.

**Severe offensive behavior/Felony.** The disciplinary procedure starts at stage 6.   
Indicator of misconduct includes but is not limited to:

* Corruption/ Bribery.
* Breach of the employment agreement.
* Harassment/ Voluntary discrimination.
* W[orkplace Violence.](https://resources.workable.com/workplace-violence-company-policy)
* Embezzlement/Fraud.

A **Gross Misconduct** should be specified in more detail since it will have crucial consequences for the company’s prosperity.The disciplinary procedure starts at stage 6.

Gross misconduct is misconduct of such a serious and fundamental nature that it breaches the contractual relationship between the employee and the organization. In the event that an employee commits an act of gross misconduct, the organization will be entitled to terminate summarily the employee's contract of employment without notice or pay in lieu of notice.

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

* theft, misappropriation or unauthorized possession of the assets, funds, equipment and/or property of the organization, employees or visitors;
* fraud, including any deliberate attempt to defraud the organization, employees or other persons or organizations in the course of duties and responsibilities;
* corruption, including the acceptance of money, goods, favors or excessive hospitality from outside parties in respect of acts or service(s) rendered which are contrary to the interests of the organization;
* deliberate falsification or misrepresentation of records or claims made;
* physical violence towards fellow employees or visitors;
* deliberate damage to property belonging to the organization, employees or visitors;
* serious negligence or breach of safety rules potentially causing unacceptable loss, damage or injury;
* flagrant disregard of the organization’s policies, standards, processes, procedures, regulations or rules in force from time to time including Copyright (or other rights) infringement of any third-party;
* serious acts of insubordination, including flagrant refusal to comply with a reasonable instruction;
* serious misuse of the organization’s property, facilities or name;
* acts or omissions which might damage the organization’s operations and/or which bring the organization into serious disrepute;
* serious breach of Information Security that may have financial or reputational consequences.
* other offenses of dishonesty;
* conviction of a criminal offense that is relevant to the employee's employment;
* discrimination or bullying/harassment of a fellow worker on the grounds of sex, sexual orientation, race, disability, age or religion or belief.
* sexual misconduct at work;
* serious incapability at work or on duty through alcohol, possession, custody or control of illegal drugs on the organization’s premises;
* gross negligence.

# Disciplinary actions

Employees who violate this policy may face disciplinary consequences in proportion to their violation. Management will determine how serious an employee’s offense is and take the appropriate action.

# Change, Review, and Update

This policy shall be reviewed once every year unless the owner considers an earlier review necessary to ensure that the policy remains current. Changes to this policy shall be exclusively performed by the ISMS Manager and approved by the ISMS Committee.

# Responsibility

This is the responsibility of the ISMS Manager to maintain and make sure everyone is aware of this policy.

# Reference

* *[SOC 2 or ISO 27001 controls]*

# Related Documents