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Author:

Yakshini Naidoo

MACROCOMM GROUP HR DISCIPLINARY CODE POLICY

Document - Template Name	MG-HR-POL-DC09
Previous Name, if changed	MG- PO- DC09 02
Description	MG HR POLICY DISCIPLINARY CODE
Revision No	03
Date of Revision	12 JUNE 2024
Date of Next Revision	12 JUNE 2026



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STAKEHOLDER NAME AND DESIGNATION	SIGNATURE	DATE
Sivi Moodley (Macrocomm Group Chief Executive Officer)		
Elton Chettiar (Macrocomm Group Chief Operating Officer)		
Yakshini Naidoo (Managing Executive: Corporate Services and Compliance)		
Charlene Van Onselen (Business Optimisation Executive)		

Document - Template Name	MG-HR-POL-DC09
Previous Name, if changed	MG- PO- DC09 02
Description	MG HR POLICY DISCIPLINARY CODE
Revision No	03
Date of Revision	12 JUNE 2024
Date of Next Revision	12 JUNE 2026



TABLE OF CONTENTS

1	PURPOSE.....	4
2	DISCIPLINARY CODE AND PROCEDURE	5
3	FORMAL DISCIPLINARY INQUIRY PROCEDURE.....	23
4	ABSCONTION PROCESS.....	25

Document - Template Name	MG-HR-POL-DC09
Previous Name, if changed	MG- PO- DC09 02
Description	MG HR POLICY DISCIPLINARY CODE
Revision No	03
Date of Revision	12 JUNE 2024
Date of Next Revision	12 JUNE 2026



DISCIPLINARY CODE

1 Purpose

The purpose of this code is to outline the standard of conduct and rules applicable to employees at the workplace. It is accepted that a disciplinary code and procedure is necessary for the efficient running of the Company, the safety and fair treatment of all employees and for ensuring sound labour/management relations.

Furthermore it provides guidelines for managers to ensure the fair, just and uniform application of disciplinary measures and to provide a reference for managers engaged in applying discipline. The sanctions as stated in this policy can be relaxed or made more severe due to the specific circumstances and merits of each case. The charges as mentioned in this policy are guidelines to possible offenses and are in no way exhaustive and limited in its application.

1.1 Scope

All Staff Members

1.2 Responsibility and Authority

Management will apply and enforce this code in order to ensure a harmonious working environment characterised by discipline and consistency. Furthermore, it will be a joint effort between management and employees to ensure that all employees are aware of the company's disciplinary code. The code will be accessible through hard copies.

1.3 UNDERLYING PRINCIPLES

This code is based on the following principles, which must be observed under all circumstances:

Document - Template Name	MG-HR-POL-DC09
Previous Name, if changed	MG- PO- DC09 02
Description	MG HR POLICY DISCIPLINARY CODE
Revision No	03
Date of Revision	12 JUNE 2024
Date of Next Revision	12 JUNE 2026



- 1.3.1 The application of discipline is the right and responsibility of supervisors and managers. As disciplinary action should not be taken lightly, the responsibility for implementing action is reserved for company representatives of the appropriate responsibility and seniority. The imposition of discipline is therefore the prerogative of management only.
- 1.3.2 Disciplinary steps are instituted in order to obtain the co-operation and involvement of all employees within the workplace, and to protect the interests of both the employee and the Practice in the process of dealing with unacceptable behaviour.
- 1.3.3 In the enforcement of discipline, the emphasis must rather be focused on guidance and rehabilitation than on the imposition of punishment. In other words, discipline must be corrective rather than punitive. However, where necessary, punishment must be used as a legitimate deterrent in the maintenance of discipline.
- 1.3.4 In certain instances the company reserves the right to impose the most severe sanction on an employee without having to follow the principle of corrective and progressive discipline.
- 1.3.5 The application of discipline must at all times be lawful, just, fair and consistent. When an employee is suspected of committing serious misconduct (e.g. theft, fraud, etc.), prior to an investigation being initiated, the relevant HR Consultant should be notified. This will allow for a decision to be taken on whether the suspected employee should be suspended during the investigation process. On completion of the investigation, the findings should be submitted to the Internal Industrial Relations Specialist who will then advise on the way forward. Should there be a need to interview the suspected employee, an HR representative should be present during this interview; the employee will also have the right to have his representative present if he/she so wishes. This will allow for transparency and in keeping in line with the principles of this policy.

2 DISCIPLINARY CODE AND PROCEDURE

2.1 DISCIPLINARY SANCTIONS

There are four (4) basic sanctions that can be imposed against any employee. In order of severity, they are:

2.1.1 Counselling

For certain offences, which are deemed to be light or do not warrant a disciplinary inquiry, a counselling session will be held. This session is aimed at trying to correct the employee's unacceptable behaviour. This session will be attended by the Head of Department, the employee and the Human Resources

Document - Template Name	MG-HR-POL-DC09
Previous Name, if changed	MG- PO- DC09 02
Description	MG HR POLICY DISCIPLINARY CODE
Revision No	03
Date of Revision	12 JUNE 2024
Date of Next Revision	12 JUNE 2026



Consultant (where geographically viable). Where it is not geographically viable, for the HR Consultant to attend the counselling session, they will still be required to provide advice and support to the HOD to ensure that the counselling process is properly implemented. The standard Counselling form must be used (see addendum 1). Counselling session outcomes will be recorded and kept in the employee's file.

2.1.2 Verbal warning

In a case of a moderate offence, a manager and their allocated HR Consultant should conduct an informal disciplinary interview with the employee that may result in a verbal reprimand.

*Written record is kept of this warning and it will be valid for three (3) months. Managers are required to forward signed copies of all verbal warnings to their allocated HR Consultant for filing. Please contact your HR Consultant to schedule the disciplinary interview. Note that no formal disciplinary inquiry is required to issue a verbal warning.

2.1.3 Written warning and final written warning

If verbal reprimands do not yield the desired result, in other words if the employee persists with the unacceptable behaviour, then the matter may be escalated to a formal disciplinary inquiry. The Chairperson of the inquiry will recommend the appropriate sanction based on, but not limited to, the severity of the offence, mitigating and aggravating factors.

A written warning will be valid for a period of six (6) months and a final written warning twelve (12) months. No written and final warnings can be issued without a formal disciplinary enquiry been held. All written warnings will be recorded on a disciplinary form that will be placed on the employee's file. A copy of the disciplinary form will be handed to the employee.

* Refer to Section 2: Formal Disciplinary Inquiry Procedure for further details

2.1.4 Dismissal with pay in lieu of notice or summary dismissals.

If an employee commits a serious offence or a series of attempts to correct the employee's behaviour have not been successful, a disciplinary inquiry will be convened before a decision to terminate employment is taken. In certain instances, dismissal without notice pay will be justified depending on the nature and severity of the offence.

* Refer to Section 2: Formal Disciplinary Inquiry Procedure for further detail

Document - Template Name	MG-HR-POL-DC09
Previous Name, if changed	MC- PO- DC09 Rev:01
Description	MG HR POLICY DISCIPLINARY CODE
Revision No	02
Date of Revision	27 MAY 2024
Date of Next Revision	27 MAY 2026



2.2 SCHEDULE OF OFFENCES

WORD KEY

VW - Verbal Warning
WW - Written Warning
FWW - Final Written Warning
DISM - Dismissal

DEFINITION	SAMPLE CHARGES	SAMPLE OFFENCES	1 st	2 nd	3 rd	4 th
2.2.1 Absenteeism and Time Keeping Offences						
2.2.1.1 <i>Unauthorised Absenteeism/leave</i>						
Refers to being absent from work without permission, and without a reasonable excuse, or a medical certificate.	Unauthorized absence in that between <u>(date)</u> and <u>(date)</u> you were absent from work without permission. Note 1: Refer to failure to follow company policy and procedure for possible additional charge.	Absent for 1-2 days	WW	FWW	DISM	
		Absent for 3-4 days	FWW	DISM		
		Absent for 5 days or longer	DISM			

Document - Template Name	MG-HR-POL-DC09
Previous Name, if changed	MC- PO- DC09 Rev:01
Description	MG HR POLICY DISCIPLINARY CODE
Revision No	02
Date of Revision	27 MAY 2024
Date of Next Revision	27 MAY 2026



DEFINITION	SAMPLE CHARGES	SAMPLE OFFENCES	1 st	2 nd	3 rd	4 th
	Note 2: Refer to desertion/act of absconding for alternative charge for absence longer than five (5) days					
2.2.1.2 Timekeeping						
Refers to the failure of an employee to comply with his/her obligations in terms of stipulated work hours.	<p>Poor timekeeping in that on the (date) you arrived late for work; or</p> <p>Poor timekeeping in that on the (date) you were late arriving back from lunch;</p> <p>OR</p> <p>Continuous poor timekeeping in that on the (various dates) you were late for work</p>	Poor timekeeping, failure to adhere to stipulated starting and end times including, but not limited to starting times and break periods, reporting late for work, leaving work early, taking excessive breaks or breaks that are longer than permitted, not proceeding to the workplace or workstation.	VW	WW	FWW	DISM

Document - Template Name	MG-HR-POL-DC09
Previous Name, if changed	MC- PO- DC09 Rev:01
Description	MG HR POLICY DISCIPLINARY CODE
Revision No	02
Date of Revision	27 MAY 2024
Date of Next Revision	27 MAY 2026



DEFINITION	SAMPLE CHARGES	SAMPLE OFFENCES	1 st	2 nd	3 rd	4 th
	Note 1: refer to failure to follow company policy and procedure for possible additional charge.					
2.2.1.3 Desertion of post						
Absence from workstation without permission and or a valid reason with intention of not returning until the next allocated shift or workday. Refers to a longer period than merely absence from workstation.	Desertion of post in that on the (date), at approximately (insert time) you deserted your workstation without permission and or a valid reason.	An employee leaves his/her allocated post/workstation without permission.	FWW	DISM		
2.2.1.4 Desertion and/or the act of absconding from work						
Unauthorised absence from work without the intention to return. Normally refers to the absence for a period more than five (5) days and the employee, despite being requested to do	Absconson alternatively unauthorized absence from work, in that you have been absent from work from the (date) and despite being requested to do so have failed to contact the	Factors that play a role in determining the intention of the employee are length of absence, communication or lack thereof with the employee concerned and the employee's failure to respond to requests to contact the company.	DISM			

Document - Template Name	MG-HR-POL-DC09
Previous Name, if changed	MC- PO- DC09 Rev:01
Description	MG HR POLICY DISCIPLINARY CODE
Revision No	02
Date of Revision	27 MAY 2024
Date of Next Revision	27 MAY 2026



DEFINITION	SAMPLE CHARGES	SAMPLE OFFENCES	1 st	2 nd	3 rd	4 th
<p>so, failed to inform the company of the reason for absence.</p> <p>NB. Managers are to inform The HR department if an employee has been absent for three (3) days.</p>	company to explain the reason for your absence or your whereabouts.	<p>In such cases, the employer should have taken reasonable steps to establish the whereabouts of the employee.</p> <p>Procedure:</p> <ul style="list-style-type: none"> - A letter instructing the employee to return to work will be sent via courier or registered mail to the employee's last known address. If the employee does not return to work on the date specified in the letter, a notice to attend a disciplinary hearing will be sent to the employee.. <p>In such cases, the employer should have taken reasonable steps to establish the whereabouts of the employee.</p> <p>Procedure:</p> <ul style="list-style-type: none"> - A letter instructing the employee to return to work will be sent via courier or registered mail to the employee's last known address. If the employee does not return to work on the date specified in the letter, a notice to attend 				

Document - Template Name	MG-HR-POL-DC09
Previous Name, if changed	MC- PO- DC09 Rev:01
Description	MG HR POLICY DISCIPLINARY CODE
Revision No	02
Date of Revision	27 MAY 2024
Date of Next Revision	27 MAY 2026



DEFINITION	SAMPLE CHARGES	SAMPLE OFFENCES	1 st	2 nd	3 rd	4 th
		a disciplinary hearing will be sent to the employee.				
2.2.1.5 Abuse of sick leave						
Refers to incidents where a pattern can be established where an employee takes sick leave at regular intervals, for example, before or after weekends, public holidays etc.	Abuse of sick leave in that on the (dates) you (describe incidents)	An employee who uses sick leave to cover up for unauthorised absence.	WW	FWW	DISM	
NB: ALSO REFER TO SICK LEAVE POLICY						
2.2.2 Work Standard Offences						
2.2.2.1 Negligence						
Any failure by an employee to comply with a standard of care that the employee would reasonably be expected to provide in the completion of his/her duties and or tasks. Gross negligence is distinguished from negligence in respect of the seriousness of the offence.	Negligence in that on (date) you failed, without proper cause to perform your duties with the proper care required in that you (describe the event).	-Displaying unreliability, poor co-operation and lack of interest in work. - Failure to exercise proper care and attention regarding the manner in which a task should be performed to the extent that the task needs to be repeated or that equipment is at risk of being damaged. - Failing to perform duties to the required standard without an acceptable reason.	WW	FWW	DISM	

Document - Template Name	MG-HR-POL-DC09
Previous Name, if changed	MC- PO- DC09 Rev:01
Description	MG HR POLICY DISCIPLINARY CODE
Revision No	02
Date of Revision	27 MAY 2024
Date of Next Revision	27 MAY 2026



DEFINITION	SAMPLE CHARGES	SAMPLE OFFENCES	1 st	2 nd	3 rd	4 th
2.2.2.2 Gross Negligence						
<p>A serious failure by an employee to comply with a standard of care that the employee would reasonably be expected to provide in the completion and fulfilment of his/her duties and or tasks.</p> <p>Generally, has the result of incurring substantial losses to the company.</p>	<p>Gross Negligence in that on (date) you failed, without proper cause to perform your duties with the proper care required in that you (describe the event).</p>		DISM			
2.2.2.3 Dereliction of Duty						
<p>Failure to perform a task or job function in terms of allocated tasks and or general and recurring duties assigned to the employee.</p>	<p>Dereliction of duty in that on (date) you failed to complete (describe task or function), a task assigned to you.</p>	<p>Failing to complete a task allocated to the employee.</p>	VW	WW	FWW	DISM
2.2.2.4 Sleeping on duty						
<p>Refers to an employee who falls asleep while on duty, that is, during their working hours.</p>	<p>Sleeping on duty in that on the (date) you (describe incident).</p>	<p>Sleeping during normal working hours. This does not include during breaks for example, during a lunch break.</p>	WW	FWW	DISM	

Document - Template Name	MG-HR-POL-DC09
Previous Name, if changed	MC- PO- DC09 Rev:01
Description	MG HR POLICY DISCIPLINARY CODE
Revision No	02
Date of Revision	27 MAY 2024
Date of Next Revision	27 MAY 2026



DEFINITION	SAMPLE CHARGES	SAMPLE OFFENCES	1 st	2 nd	3 rd	4 th
2.2.2.5 Loafing/Idleness						
Refers to standing or sitting about idly or aimlessly and thereby neglecting one's work, failing to work when there is working to be completed.	Loafing/Idleness in that on the (date) you failed to devote all your time to the furtherance of your duties in that you (describe the event)	Where an employee is found doing non work-related acts instead of concentrating on his/her work.	WW	FWW	DISM	
Note: Special attention must be given to the difference between incapacity (cannot) and misconduct (will not). Identify whether the employee is unable to do the work or wilfully chooses not to do the work. After this has been established, the right procedure must be followed. If it's inability to do the work then counselling sessions should be conducted and disciplinary measures taken if the employee has the ability to do the work but fails or opts not to do so. Refer to the Poor Work Performance section.						
2.2.3 Conduct Related Offences						
2.2.3.1 Horseplay						
Intentional interfering with or obstructing other employees in the performance of their duties.	Intentional obstruction of another employee in the performance of their duties in that on (date) you (describe the incident)	Playing at, and or around, a workstation. This may include, chasing each other, playing games and any other form of disruptive behaviour that may cause injury or damage to equipment.	FWW	DISM		
2.2.3.2 Abusive, derogatory and racist remarks						
Language that is inappropriate, abusive to an employee or groups of employees and may or	Use of abusive language in that on the (date) you used abusive	Use of abusive language.	FWW	DISM		

Document - Template Name	MG-HR-POL-DC09
Previous Name, if changed	MC- PO- DC09 Rev:01
Description	MG HR POLICY DISCIPLINARY CODE
Revision No	02
Date of Revision	27 MAY 2024
Date of Next Revision	27 MAY 2026



DEFINITION	SAMPLE CHARGES	SAMPLE OFFENCES	1 st	2 nd	3 rd	4 th
may not be derogatory in nature. .	language while addressing (victim's name).give details	Swearing at fellow employees.				
Racist remarks to fellow employees and derogatory remarks	Racism in that you called (describe the incident)	Incidents where one refer to another in a racist and derogatory way/manner	DISM			
2.2.3.3 Sexual harassment						
Sexual harassment is attention of a sexual nature that is offensive and unwanted. The unwanted attention distinguishes it from behaviour that is welcome and mutual.	Sexual harassment in that on the (date) you (describe incident).	The sending of unsolicited emails and or messages of a sexual nature. The making of comments and or suggestive remarks and or actions that have a sexual connotation or meaning.	DISM			
NB: ALSO REFER TO THE SEXUAL HARASSMENT POLICY						
2.2.3.4 Threatening behaviour						
Behaviour that constitutes a threat of harm on another person and or property. Could be verbal or physical actions.	Threatening behaviour in that on (date) you threatened (person threatened) by (describe incident).		DISM			
2.2.3.5 Assault						
The physical harming of a	Assault in that on the (date) you	Pushing, violently grabbing and or striking a person.	DISM			

Document - Template Name	MG-HR-POL-DC09
Previous Name, if changed	MC- PO- DC09 Rev:01
Description	MG HR POLICY DISCIPLINARY CODE
Revision No	02
Date of Revision	27 MAY 2024
Date of Next Revision	27 MAY 2026



DEFINITION	SAMPLE CHARGES	SAMPLE OFFENCES	1 st	2 nd	3 rd	4 th
work colleague or any third party through physical contact and or violence.	assaulted (victim) by (describe incident)					
2.2.3.6 Intimidation and or incitement						
A threat using words or conduct or a combination of both with the intention to influence a person to act in a certain way. This is aimed at actions that are detrimental to the company, its staff and or clients.	Intimidation in that on (date) you threatened other employees by (describe the incident)		DISM			
2.2.4 Sabotage						
Any act by an employee to interfere with the normal operations of the company by damaging machinery or equipment or by interrupting any supplies of fuel, power, materials and services necessary to the operations of the company.	Sabotage in that on (date) you wilfully damaged company property by (describe incident)	Incidents where employees deliberately sabotage company property.	DISM			
2.2.5 Unprotected strike action						
Refers to employees partaking in strike action as defined by the Labour Relations Act 66 of	Participating in unprotected strike action in that on the (date) you participated in strike action that was unlawful.	Work stoppages that occur without following dispute resolution procedures.	DISM			

Document - Template Name	MG-HR-POL-DC09
Previous Name, if changed	MC- PO- DC09 Rev:01
Description	MG HR POLICY DISCIPLINARY CODE
Revision No	02
Date of Revision	27 MAY 2024
Date of Next Revision	27 MAY 2026



DEFINITION	SAMPLE CHARGES	SAMPLE OFFENCES	1 st	2 nd	3 rd	4 th
1997 but which is regarded as unprotected as defined by the Act.						
2.3 ALCOHOL AND OR DRUG RELATED OFFENCES						
Under the influence of alcohol and or any other mind altering substances including but not limited to any prohibited and or prescription drugs. Includes arriving at the workplace unfit to commence with duty due to alcohol consumption.	Under the influence of alcohol and or narcotics in that on the <u>(date)</u> you <u>(describe the incident)</u>	Reporting for work in an unfit condition whilst under the influence of alcohol and/or drugs.	DISM			
NB: ALSO REFER TO THE INTOXICANTS AT WORK POLICY						
2.3.1 Unauthorised consumption of alcohol and or narcotics						
The consumption of alcohol, drugs or related substance whilst on duty	Unauthorized consumption of alcohol in that on the <u>(date)</u> you were seen consuming alcohol/drugs etc whilst on duty.		DISM			
2.3.2 Unauthorised possession of alcohol or narcotics						
Refers to the possession of alcohol or drugs on the company premises	Unauthorized possession of alcohol		DISM			

Document - Template Name	MG-HR-POL-DC09
Previous Name, if changed	MC- PO- DC09 Rev:01
Description	MG HR POLICY DISCIPLINARY CODE
Revision No	02
Date of Revision	27 MAY 2024
Date of Next Revision	27 MAY 2026



DEFINITION	SAMPLE CHARGES	SAMPLE OFFENCES	1 st	2 nd	3 rd	4 th
	and or narcotics in that on the <u>(date)</u> , you were found in possession of <u>(describe the substance found)</u>					
2.4 Disobedience and Offences of a Disrespectful Nature						
2.4.1 Insolence						
Action by an employee that constitutes and shows disrespect to his/her superior. A direct (verbal) or indirect (through actions) challenge to the authority of the superior.	Insolence in that on the <u>(date)</u> you showed disrespect to your manager by <u>(describe incident)</u>	Being belligerent in the acceptance of an instruction. Accepting an instruction but then voicing dissatisfaction to colleagues.	FWW	DISM		
2.4.2 Gross Insolence						
A serious act of insolence that has elements of wilful contempt of the superior's authority.	Gross insolence in that on <u>(date)</u> you showed disrespect to your manager by <u>(describe incident)</u>	Public refusal of an instruction. Swearing at a manager when refusing to follow an instruction.	DISM			

Document - Template Name	MG-HR-POL-DC09
Previous Name, if changed	MC- PO- DC09 Rev:01
Description	MG HR POLICY DISCIPLINARY CODE
Revision No	02
Date of Revision	27 MAY 2024
Date of Next Revision	27 MAY 2026



DEFINITION	SAMPLE CHARGES	SAMPLE OFFENCES	1 st	2 nd	3 rd	4 th
2.4.3 Insubordination						
<p>The intentional disobeying of a reasonable and lawful instruction given by management.</p> <p>Any act or conduct of disobedience that has the effect of challenging the authority of the superior, management, supervisor.</p>	Insubordination in that on the <u>(date)</u> you <u>(describe the incident)</u>	An employee directly or indirectly confronts his/her supervisor by e.g refusing verbally and/or making no effort to carry out the work when instructed to do so.	FWW	DISM		
2.4.4 Gross insubordination						
A serious act of refusing to comply with a reasonable and lawful instruction.	Gross insubordination in that on the <u>(date)</u> , you refused to obey a reasonable and lawful instruction relating to <u>(detail the instruction)</u>	When an employee is given an instruction and fails to carry out the instruction resulting in damage to the company.	DISM			
2.4.5 Breach of company policy and procedure						
A negligent or intentional failure to follow a company policy that has been implemented.	Breach of company <u>(name of policy)</u> policy and procedure in that on the <u>(date)</u> you failed to abide to the policy by <u>(describe event or conduct)</u>	An instance where there is an implemented company procedure and the employee fails to follow it.	WW	FWW	DISM	

Document - Template Name	MG-HR-POL-DC09
Previous Name, if changed	MC- PO- DC09 Rev:01
Description	MG HR POLICY DISCIPLINARY CODE
Revision No	02
Date of Revision	27 MAY 2024
Date of Next Revision	27 MAY 2026



DEFINITION	SAMPLE CHARGES	SAMPLE OFFENCES	1 st	2 nd	3 rd	4 th
2.5 Dishonesty Offences						
2.5.1 Making a false statement						
The intentional making of a statement with the intent to deceive or conceal the truth.	Gross dishonesty in that you on the <u>(date)</u> made a false statement by <u>(describe incident)</u>	An employee makes false statement or submission to the company.	DISM			
1.8.6.2 <u>Fraud</u>						
The intentional making of a false/fraudulent statement/entry/alteration either in writing or verbally with the intention to obtain some form of benefit and or unjustified enrichment.	Gross dishonesty in that you committed fraud on the <u>(date)</u> you presented a false <u>(describe document or conduct)</u>	The creation of a false document with the intent to mislead (defraud), resulting or calculated to result in some prejudice, harm or loss to another or undue benefit to the employee, e.g altering medical certificate, travel claim, accommodation claim etc	DISM			

Document - Template Name	MG-HR-POL-DC09
Previous Name, if changed	MC- PO- DC09 Rev:01
Description	MG HR POLICY DISCIPLINARY CODE
Revision No	02
Date of Revision	27 MAY 2024
Date of Next Revision	27 MAY 2026



DEFINITION	SAMPLE CHARGES	SAMPLE OFFENCES	1 st	2 nd	3 rd	4 th
1.8.6.3 <u>Misrepresentation</u>						
Refers to an employee providing false information about their qualifications, experience and/or capabilities in order to secure employment with the Practice. This could be information on their Curriculum Vitae (CV) or information that they provide during an interview. This will also be in a case where an employee gives false information to enable him/her to gain financial benefit from it.	Misrepresentation in that you (<u>describe information that was disclosed</u>)	The key aspect of this charge is that had the employer/ interviewer known the correct information about employee, prior to hiring them, they would not have employed them. This will be in cases where an employee knowingly claim for something and receive payment whilst he was not entitled to it i.e. medical aid, transport food, etc.	DISM			
1.8.7 Offences Detrimental to the Company						
1.8. 7.1 <u>Breach of confidentiality</u>						

Document - Template Name	MG-HR-POL-DC09
Previous Name, if changed	MC- PO- DC09 Rev:01
Description	MG HR POLICY DISCIPLINARY CODE
Revision No	02
Date of Revision	27 MAY 2024
Date of Next Revision	27 MAY 2026



DEFINITION	SAMPLE CHARGES	SAMPLE OFFENCES	1 st	2 nd	3 rd	4 th
Refers to the unauthorized disclosure of confidential information including but not limited to company's trade secrets, confidential documentation, technical know how and data, systems, methods, software, processes, client lists, programs,	Gross dishonesty in that on the <u>(date)</u> you disclosed <u>(describe information disclosed)</u> being confidential information of the company without authorization.	Any disclosure of company, patient and or employee information without permission and authorisation.	DISM			
marketing and or financial information and patient results and information or employee information.						
NB: PLEASE REFER TO THE CONFIDENTIALITY CLAUSE IN YOUR CONTRACT						
1.8.7.2 <u>Bringing the company name into disrepute</u>						
Any conduct that is detrimental to the image and or good standing of the company within the perception of the public, customers or	Bringing the company name into disrepute in that on the <u>(date)</u> you <u>(describe the incident)</u>	A complaint received from a member of the public , client or other companies.	FWW	DISM		

Document - Template Name	MG-HR-POL-DC09
Previous Name, if changed	MC- PO- DC09 Rev:01
Description	MG HR POLICY DISCIPLINARY CODE
Revision No	02
Date of Revision	27 MAY 2024
Date of Next Revision	27 MAY 2026



DEFINITION	SAMPLE CHARGES	SAMPLE OFFENCES	1 st	2 nd	3 rd	4 th
other companies thereby creating a negative image of the company.						
1.8.7.3 Competing with the employer and or conflict of interest						
Acting contrary to the best interest of the employer in disclosing confidential information to a competitor of the company and or conducting business in competition to the company and or failing to disclose an interest in a competing business to the company.	Competing with the employer and or conflict of interest in that on <u>(dates)</u> you worked/made/conducted the business of/gave information concerning <u>(describe content)</u> to <u>(competitor's name)</u> in competition with the company and in breach of your contract of employment/duty as an employee.		DISM			
1.8.7.4 Conduct detrimental to the maintenance of good order within the workplace						
Conduct that has the effect of being detrimental to the morale of the company and its employees. Normally associated with continuous behaviour of the kind that leads to disharmony within the workplace and behaviour that is aimed at challenging the	Conduct detrimental to the maintenance of good order within the workplace in that on the <u>(date)</u> , you <u>(describe conduct)</u> .		DISM			

Document - Template Name	MG-HR-POL-DC09
Previous Name, if changed	MC- PO- DC09 Rev:01
Description	MG HR POLICY DISCIPLINARY CODE
Revision No	02
Date of Revision	27 MAY 2024
Date of Next Revision	27 MAY 2026



DEFINITION	SAMPLE CHARGES	SAMPLE OFFENCES	1 st	2 nd	3 rd	4 th
authority of the company.						
1.8.8 Property Related Offences						
1.8.8.1 <u>Damage to company property</u>						
The intentional or negligent causing of harm/damage to company property or property of a co-employee.	Damage to company property in that on <u>(date)</u> you caused damage to a <u>(describe the property damaged)</u> . <u>Negligence could be an additional charge.</u>		DISM			
1.8.8.2 <u>Theft</u>						
Being in the possession of a company and/or client and/or a fellow colleague's property/funds with the intention to permanently deprive the affected party of the item/money.	Theft in that on <u>(date)</u> you were found in possession of <u>(describe item)</u> being the property of the company/ client/colleague without authorization and or permission.		DISM			
1.8.8.3 <u>Attempted theft</u>						
Refers to the attempted removal of property of the company and or client and or	Attempted theft in that on the <u>(date)</u> you were found in possession of <u>(describe the item)</u> being the property	An example of this could be an employee caught by security guards as they exit the premises.	DISM			

Document - Template Name	MG-HR-POL-DC09
Previous Name, if changed	MC- PO- DC09 Rev:01
Description	MG HR POLICY DISCIPLINARY CODE
Revision No	02
Date of Revision	27 MAY 2024
Date of Next Revision	27 MAY 2026



DEFINITION	SAMPLE CHARGES	SAMPLE OFFENCES	1 st	2 nd	3 rd	4 th
fellow employee without authorization.	of the company/client/ colleague without authorization and or permission.					
1.8.8.4 Unauthorised possession of company property/funds/money						
Being in possession of company property/funds/money without the necessary permission and or authority.	Unauthorized possession of company property in that on the <u>(date)</u> you were found in possession of <u>(describe item)</u> without authorisation.	Incidents where an employee is found in possession of company property/funds/money that although the intention to steal the item is not there, he/she has no authority to have the item in their possession.	DISM			
1.8.8.5 Carrying unauthorised passengers						
Incidents where drivers use company vehicles to transport unauthorised people.	Carrying unauthorised passengers in that on the (date) you (describe incident).	Refers to employees who work with company vehicles and use these vehicles to transport unauthorized people. These unauthorized people could include, but not limited to: family members, strangers and colleagues.	FWW	DISM		
1.8.8.6 Driving company vehicle without authority						
Refers to incidents where an employee drives a company vehicle without obtaining the necessary authority.	Driving a company vehicle without authority in that on the (date) you (describe the incident)		FWW	DISM		

Document - Template Name	MG-HR-POL-DC09
Previous Name, if changed	MC- PO- DC09 Rev:01
Description	MG HR POLICY DISCIPLINARY CODE
Revision No	02
Date of Revision	27 MAY 2024
Date of Next Revision	27 MAY 2026



DEFINITION	SAMPLE CHARGES	SAMPLE OFFENCES	1 st	2 nd	3 rd	4 th
1.8.9 Additional charges and examples						
1.8.9.1 Misappropriation /attempted misappropriation When an employee is caught with company property or funds without permission.	Applying or attempting to apply for wrong use or for any unauthorized purpose any funds or property belonging to the practice in that..... (explain the incident)		DISM			
1.8.9.2 Clocking in and out for another employee or altering time logs without the necessary permission.		When staff clock in/ out for other staff.	FWW	DISM		
1.8.9.3 Complicity	Complicity in that you failed to report the following offence whilst you were aware of it	When employees are aware or see fellow employees or other people committing an offence and fail to report it.	DISM			
1.8.9.4 Non-compliance with prescribed acts/agreements or policies or procedures or protocol.	Non-compliance in that you failed to follow	Where employee fails to follow established policies/procedures/acts/ agreements.	FWW	DISM		
1.8.9.5 Smoking in a non-smoking area.	Smoking in a non-smoking area in that on the	When employees do not smoke in demarcated/ designated smoking areas.	FWW	DISM		

Document - Template Name	MG-HR-POL-DC09
Previous Name, if changed	MC- PO- DC09 Rev:01
Description	MG HR POLICY DISCIPLINARY CODE
Revision No	02
Date of Revision	27 MAY 2024
Date of Next Revision	27 MAY 2026



DEFINITION	SAMPLE CHARGES	SAMPLE OFFENCES	1 st	2 nd	3 rd	4 th
1.8.9.6 Conduct unbecoming, an offence which is in conflict with the accepted conformity norms or behaviour or contra bonos mores.	Conduct unbecoming in that you on the..... (describe the incident with date and time, if possible).		DISM			
1.8.9.7 Dishonesty, any act whereby an employee demonstrate some deception on his/her part.	Dishonesty in that you.....	In cases where employees are caught with company property/funds/money they can be charged with dishonesty as well.	DISM			
1.8.9.8 Misuse of company property, cars, funds etc.	Misuse of company property in that on.....	In cases where employees use company cars, property to do private business and or to enrich themselves.	DISM			
1.8.9.9 Disloyalty	Disloyalty in that you.....	In cases where someone is disloyal to the company	DISM			
1.8.9.10 Invading of privacy	Invading of privacy in that you	Any act where an employee invade the privacy of a fellow employee in the workplace like going into his personal information without permission	DISM			
1.8.9.11 Selling/dealing in drugs	In that you	Any act where an employee sells drugs or deals with drugs on our premises or to our	DISM			

Document - Template Name	MG-HR-POL-DC09
Previous Name, if changed	MC- PO- DC09 Rev:01
Description	MG HR POLICY DISCIPLINARY CODE
Revision No	02
Date of Revision	27 MAY 2024
Date of Next Revision	27 MAY 2026



DEFINITION	SAMPLE CHARGES	SAMPLE OFFENCES	1 st	2 nd	3 rd	4 th
	employees				
1.8.9.12 Deliberate absenteeism	In that you.....	In cases where leave is denied and the employee still goes on leave or	DISM			
		goes absent with the one or the other excuse				
1.8.9.13 Conducting private business during working hours	In that you.....	When an employee conducts private business during working hours without permission from supervisor	DISM			
1.8.9.14 Breach of the code of ethics	In that you.....	Where an employee breaches the code of ethics	DISM			
1.8.9.15 Breach of contract of employment	In that you breached the condition related to.....	Where an employee breach certain conditions of his contract of employment	DISM			
1.8.9.16 Unprofessional conduct	In that you	Any incident where an employee when working or attending a function or meeting conducts himself/herself unprofessionally or contrary to prescribed codes or protocol	DISM			
1.8.9.17 Conduct which may	In that you.....	In cases where	DISM			

Document - Template Name	MG-HR-POL-DC09
Previous Name, if changed	MC- PO- DC09 Rev:01
Description	MG HR POLICY DISCIPLINARY CODE
Revision No	02
Date of Revision	27 MAY 2024
Date of Next Revision	27 MAY 2026



DEFINITION	SAMPLE CHARGES	SAMPLE OFFENCES	1 st	2 nd	3 rd	4 th
adversely affect the Practice, its clients and patients	employees do something so serious that might be detrimental to the Practice like leaking confidential patient information, throwing reports away or leaving reports unprotected or to the view of the public, etc.				

Document - Template Name	MG-HR-POL-DC09
Previous Name, if changed	MC- PO- DC09 Rev:01
Description	MG HR POLICY DISCIPLINARY CODE
Revision No	02
Date of Revision	27 MAY 2024
Date of Next Revision	27 MAY 2026



3 FORMAL DISCIPLINARY INQUIRY PROCEDURE

It is not required that for every offence a formal disciplinary inquiry be convened prior to deciding on appropriate action. In cases of minor offences an informal inquiry can be conducted prior to imposing a disciplinary sanction. (COUNSELLINGS AND VERBAL WARNINGS)

However, in the event that a severe offence has been committed or there exists the possibility that should the employee concerned be found guilty, he/she could face severe sanction up to and including a final written warning or dismissal, a disciplinary inquiry should be convened. The HOD should log a request for a disciplinary hearing in writing as soon as he/she becomes aware of the misconduct. Only in exceptional circumstances (for example where the employee was ill and hospitalised, the alleged misconduct is of a complex nature involving lengthy investigations, should the HOD log the request for the disciplinary hearing at a later stage but in any event, the disciplinary hearing should be convened within a period of not more than three months.

(Addendum 2 details the information required when logging the incident via e-mail)

In the event that a disciplinary inquiry is convened the following principles should be observed:

- The inquiry should be held as soon as possible after the event, provided that a reasonable time is accorded to the employee to prepare for his defence. Employees required to attend a disciplinary hearing, will be allowed a minimum of 48 hours between receiving the charge sheet to the date of the inquiry to enable the employee to prepare for the inquiry.
- The employee may, if necessary, be suspended with pay. Suspension must be considered if there is a possibility that the accused employee might interfere with the investigation, damage company property, intimidate other employees who may be witnesses at the disciplinary inquiry or for any other reason that may jeopardise the investigation into the alleged misconduct. Before suspending an employee the employee must be given the right to address the company on any grounds why he should not be suspended.
- The employee should, within a reasonable time after committing the alleged offence, be notified in writing of the date, time and venue of the inquiry;
- The employee must be informed in writing of the misconduct, which he/she is alleged to have committed and his/her rights at the inquiry.
- The written notification of the alleged offences committed by the employee should have sufficient information for the employee to prepare a defence to the charges.

**NO EMPLOYEE SHOULD BE DISMISSED WITHOUT A
DISCIPLINARY INQUIRY BEING CONDUCTED**

Document - Template Name	MG-HR-POL-DC09
Previous Name, if changed	MC- PO- DC09 Rev:01
Description	MG HR POLICY DISCIPLINARY CODE
Revision No	02
Date of Revision	27 MAY 2024
Date of Next Revision	27 MAY 2026



3.1 CONDUCTING A FORMAL DISCIPLINARY INQUIRY

The following persons will normally be present at the disciplinary inquiry:

- 3.1.1 The Chairperson of the inquiry who will be assigned by the Practice. The Practice reserves the right to make use of an external Chairperson.
- 3.1.2 HR Representative.
- 3.1.3 The accused employee.
- 3.1.4 An employee's representative (unless the accused does not require representation). The representative should be a fellow employee. No outside representation will be allowed except where an employee forms part of a trade union and is represented by a union member, unless the Chairperson deems it necessary after listening to submissions from the accused and response from the company. The Chairperson will take into consideration the parties' comparative ability, possibility of a complex legal argument or if the matter should bear some form of public interest.
- 3.1.5 An interpreter (should one be required by the Employee)
- 3.1.6 The complainant

3.2 THE OUTCOME OF THE INQUIRY

The following outcomes may be handed down to the employee after the inquiry:

- 3.2.1 Not Guilty
- 3.2.2 A verbal warning.
- 3.2.3 A written warning/final written warning
- 3.2.4 Dismissal with pay in lieu of notice or
- 3.2.5 Summary dismissal (without notice)

NB: The outcome letter must be signed by the Chairperson, the accused employee and the manager who presented the case on behalf of the Company. The outcome letter will be filed in the employee's personal file.

Should the outcome be dismissal then the dismissed employee's manager will be required to log the termination on e-mail and place a hard copy in the employee's file.

Document - Template Name	MG-HR-POL-DC09
Previous Name, if changed	MC- PO- DC09 Rev:01
Description	MG HR POLICY DISCIPLINARY CODE
Revision No	02
Date of Revision	27 MAY 2024
Date of Next Revision	27 MAY 2026



3.3 AFTER THE INQUIRY

The employee will be advised of his/her right to refer the matter to the CCMA within thirty (30) days in case of dismissal and ninety (90) days for any other sanction short of dismissal.

4 ABSCONTION PROCESS

In terms of clause 1.8.1.1 an unauthorised absence from work of five days or more constitutes abscontion which is a misconduct matter. The procedure to be followed when dealing with abscontion is as follows:

- A notice of abscontion together with the notice of abscontion hearing will be prepared and sent to the staff member. The company will use the Courier services when sending the notice of abscontion and the notice of abscontion hearing to the employee. The employee will be required to respond to the notice of abscontion within two working days of receiving the same. Furthermore, the employee will be provided with a period of four working days in order to prepare for the abscontion hearing.

Document - Template Name	MG-HR-POL-DC09
Previous Name, if changed	MC- PO- DC09 Rev:01
Description	MG HR POLICY DISCIPLINARY CODE
Revision No	02
Date of Revision	27 MAY 2024
Date of Next Revision	27 MAY 2026

ADDENDUM 1

DOCUMENT FOR A COUNSELLING SESSION

REFERENCE NUMBER:

STAGE 1. PERSONAL PARTICULARS

1.1 Name of employee:

Department:

Position title:

Employee number:

Supervisor/manager:

Position title:

Document - Template Name	MG-HR-POL-DC09
Previous Name, if changed	MC- PO- DC09 Rev:01
Description	MG HR POLICY DISCIPLINARY CODE
Revision No	02
Date of Revision	27 MAY 2024
Date of Next Revision	27 MAY 2026

Date of counselling unacceptable behaviour performance:

Nature of behaviour / performance (short statement):

Stage 2. Explain when the incident happened, what the unacceptable behaviour or performance is and why it is unacceptable

Document - Template Name	MG-HR-POL-DC09
Previous Name, if changed	MC- PO- DC09 Rev:01
Description	MG HR POLICY DISCIPLINARY CODE
Revision No	02
Date of Revision	27 MAY 2024
Date of Next Revision	27 MAY 2026

STAGE 3. The employee's reason and explanation for his/her behaviour or performance

Stage 4. What standard of behaviour or performance is required?

STAGE 5 .The supervisor must offer help in formulating an action plan. If the employee accepts the offer, stage 6 must be completed. If the employee does not accept the offer it must be explained that the employee's behaviour will be measured against point 3.

Document - Template Name	MG-HR-POL-DC09
Previous Name, if changed	MC- PO- DC09 Rev:01
Description	MG HR POLICY DISCIPLINARY CODE
Revision No	02
Date of Revision	27 MAY 2024
Date of Next Revision	27 MAY 2026

OFFER TO ASSIST IN FORMULATING ACTION PLAN:

Tick appropriate box

ACCEPTED	<input type="checkbox"/>
REJECTED	<input type="checkbox"/>

Document - Template Name	MG-HR-POL-DC09
Previous Name, if changed	MC- PO- DC09 Rev:01
Description	MG HR POLICY DISCIPLINARY CODE
Revision No	02
Date of Revision	27 MAY 2024
Date of Next Revision	27 MAY 2026

STAGE 6 . Action plan to correct behaviour or performance

Supervisor: I, _____ hereby commit myself to the following:

Supervisor's signature: _____

Date: _____

Document - Template Name	MG-HR-POL-DC09
Previous Name, if changed	MC- PO- DC09 Rev:01
Description	MG HR POLICY DISCIPLINARY CODE
Revision No	02
Date of Revision	27 MAY 2024
Date of Next Revision	27 MAY 2026

Employee: I, _____ hereby commit myself to the following:

Employee's signature: _____

Date: _____

Stage 7 . A follow up date must be set to consider the progress of stages 3, 4 and

Follow up date: _____

Document - Template Name	MG-HR-POL-DC09
Previous Name, if changed	MC- PO- DC09 Rev:01
Description	MG HR POLICY DISCIPLINARY CODE
Revision No	02
Date of Revision	27 MAY 2024
Date of Next Revision	27 MAY 2026

Stage 8 . The results of the follow up must be recorded below.

Supervisor's comments:

Supervisor's signature: _____

Date: _____

Employee's comments:

Document - Template Name	MG-HR-POL-DC09
Previous Name, if changed	MC- PO- DC09 Rev:01
Description	MG HR POLICY DISCIPLINARY CODE
Revision No	02
Date of Revision	27 MAY 2024
Date of Next Revision	27 MAY 2026

Employee's signature: _____

Date: _____

Stage 9 . Has performance/behaviour met acceptable standard as described in point 4

_____ Yes

No

If no, consult hr consultant to agree on next steps.

NB: Upon completion, this form must be sent to human resources department, a copy given to the employee and a third copy kept by the manager/supervisor.

Addendum 2

Investigation into possible disciplinary enquiry

Confidential

Manager's name:	
Employee name:	
Employee Number:	
Position Title:	
Department:	

Document - Template Name	MG-HR-POL-DC09
Previous Name, if changed	MC- PO- DC09 Rev:01
Description	MG HR POLICY DISCIPLINARY CODE
Revision No	02
Date of Revision	27 MAY 2024
Date of Next Revision	27 MAY 2026

HR Consultant name:	
Date:	
Describe misconduct/ reason for disciplinary enquiry: (Please be specific and give dates)	
Details of Working Instructions, Policies, procedures relevant to the case:	
How can it be proven that the employee was aware of the Working Instruction, policies, procedures as	
Explain the severity of the misconduct, ie what was the impact or possible impact on Practice?	

Document - Template Name	MG-HR-POL-DC09
Previous Name, if changed	MC- PO- DC09 Rev:01
Description	MG HR POLICY DISCIPLINARY CODE
Revision No	02
Date of Revision	27 MAY 2024
Date of Next Revision	27 MAY 2026

Provide details of evidence and/or witnesses available to support the case:
Provide details of previous counselling, verbal and written warnings
Provide any other information that you feel is relevant to the case:

Please use additional pages if the spaces provided are insufficient