



## DISCIPLINARY POLICY

Version No	Effective Date	Prepared By	Reviewed / Approved By
1.0	01-Apr-2024	HR Team	Management

The Employee Disciplinary policy applies to all the employees of Quadrant Resources Pvt Ltd, located at Building No 21, 4<sup>th</sup> Floor, Raheja Mindspace, HITEC City, Hyderabad–500081, INDIA

### 1 Introduction

- a) This document is an expression of Quadrant Resource's policy on discipline and a guide to all company employees.
- b) Discipline is a system designed to promote orderly conduct.
- c) Formal disciplinary action should be the final course of action in rectifying employee behaviour.
- d) Disciplinary action should be supported through investigation, reasonable evidence of guilt and careful consideration of the circumstances of each case before formal action is taken.
- e) Disciplinary action should always be prompt, fair and firm.
- f) While every attempt has been made to ensure that this Disciplinary Policy is applicable to general disciplinary instances in Quadrant Resource, the requirement for use of discretion within the framework of and in accordance with the spirit of the code may be required.
- g) A successful disciplinary system and climate is dependant on the good judgement, understanding and consistent treatment of the parties involved in disciplinary action.

## **2 Procedure and Documentation**

### **2.1 Action of supervisor when an alleged offence has been committed or is reported to have been committed**

When an offence is alleged to have been committed, the Supervisor concerned will investigate or have the matter investigated, and take any form of the following actions:

- a) Dismiss the case;
- b) Counsel the employee.
- c) Give a verbal warning.
- d) Initiate a formal disciplinary enquiry.
- e)

### **2.2 Informal disciplinary action**

It is desirable for sound interpersonal relations within Quadrant Resource that Supervisor where possible resolves disciplinary matters by means of informal disciplinary action. Informal disciplinary action can take the form of either a verbal warning or counselling.

An employee found to have committed an offence of a minor nature should be counselled by the Supervisor, without an entry being made on the employee's personal record. The Supervisor may however, make a record of the counselling session to allow for an assessment of the employee's performance record, should this be necessary at the time, and with the employee's knowledge and understanding thereof, formulate a plan of corrective action.

During the counselling, the Supervisor should ensure that the employee is made aware of the nature of the offence and the standard of the conduct or performance that will be expected in the future.

### **2.3 Procedure for formal complaints**

- a) A supervisor handling a formal complaint must investigate the case with the assistance of the Human Resources Officer, where possible, and ensure that the relevant sections of the complaint are correctly completed within 48 hours of the offence having been committed or the supervisor having been made aware of the fact that an offence has been committed.
- b) A copy of the complaint form should be passed without delay to the Human Resources Officer who will advise whether:
- c) The accused should be suspended pending full investigation (if this has not already been done);
- d) Advise the supervisor on whether to continue with a formal complaint
- e) The Complainant and the accused must provide names of all persons who should be regarded as witnesses as their statements will assist in ensuring a fair hearing of a case. Where possible, should there be witnesses who are non- employees, formal statements should be recorded from them as

they may be invited to attend the disciplinary hearing.

## **2.4 Disciplinary Inquiries**

The Human Resources Officer will be responsible for the overall application of the code and should where possible:

- a) Advise and guide all participant on the Disciplinary Code;
- b) Ensure that the code is applied fairly and consistently in all cases (procedurally and substantively);
- c) When all documentation pertinent to the matter has been collected, the Human Resources Officer shall serve the papers on the accused and/or his/her representative to allow the employee to fully prepare himself prior to the hearing;
- d) The Hearing Chairperson will hear the case within four full working days of the complaint being lodged – only when further investigate is required shall this period be extended;
- e) The Human Resources Officer will be responsible for arranging a suitable venue and date for the inquiry, informing all the relevant parties; informing the accused of his/her rights to representation; informing the accused of his/her right to appeal against the decision and arranging for all relevant statements to be taken.
- f) The complainant shall be responsible to complete the Complaint form.

### Attendance at the Inquiry

The following persons must be in attendance at any hearing inquiry:

- a) Hearing Chairperson
- b) Complainant
- c) Alleged Offender (accused)
- d) Human Resources Officer.

### Duties and Responsibilities of the Hearing Chairperson

The Hearing Chairperson shall be any employee on the same level as the direct supervisor of the Complainant, but not the direct supervisor.

The Hearing Chairperson should not have been privileged to any information pertaining to the inquiry prior to the inquiry.

Ideally the Chairperson of a disciplinary inquiry will be required to follow the guidelines below when performing duties of a presiding official:

- a) Introduce and identify all present, stipulate the purpose and format of proceedings;
- b) Ensure that the alleged offender has been given sufficient notification of the

inquiry, and that he/she has signed and acknowledged acceptance thereof. Ensure that the alleged offender has understood his/her employee rights in this regard;

- c) Establish if witnesses are present and if so inform the hearing that they will be excluded from proceedings once they have led evidence and have been cross questioned;
- d) Should it be established that the accused was not informed of his right to representation or that the witnesses are not present, the Hearing Chairperson will adjourn and reschedule the hearing for a later date;
- e) Should the accused fail to attend the hearing, the Hearing Chairperson will establish whether the accused was notified of the date, time and venue of the hearing. It will be advisable to re-notify all parties to attend the disciplinary hearing at a later date if notification was not given;
- f) If the accused fails to attend a disciplinary hearing, the Hearing Chairperson should in writing advise the accused of the date, time and venue of the hearing and advise him that should he fail to attend, the hearing will proceed in his absence;
- g) Should the accused fail yet again to attend and if no prior notification for his absence was given, he may be deemed to have waived his right to attend the hearing. The Hearing Chairperson will then decide the case in absentia on the facts available and the accused will be informed, in writing, of the outcome;
- h) Having ascertained that the particulars on the complaint form are correct, the Chairperson will inform the accused of the charge(s) against him/her, ascertain his/her understanding thereof and the accused will be asked to plead on the charges;
- i) Where an employee is found guilty, the Hearing Chairperson will then take note of the offender's record of service, disciplinary record, mitigating and aggravating circumstances, seriousness of the offence, consistency of application and any other circumstances he/she may deem necessary to consider;
- j) In all cases, current un-expired disciplinary warnings will be taken into account when deciding on the appropriate action;
- k) With regard to corrective action, the Human Resources Officer; formulate an action plan to address the required change in behaviour. The employee will be required to assist in this process and make proposals in this regard. The aim is to ensure that the process of correcting unacceptable behaviour is addressed objectively and amicably;
- l) Request the employee to acknowledge the disciplinary action proposed. Should the employee opt not to sign, a witness should be requested to acknowledge that the details of the inquiry have been communicated to the accused.

### Recording of Proceedings

- a) It is in the interest of Quadrant Resources and the individual that all proven offences and subsequent disciplinary action be accurately recorded.
- b) Statements, Complainant forms and other disciplinary records will be retained by the Human Resources Officer as these may be required even after an employee has left Quadrant Resources's services.

## **3 Special**

### **Cases**

### **Suspension**

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- a) An employee may be suspended from work immediately if he/she has allegedly committed or is allegedly involved in any one of the following offences:
  - Assault/attempted assault
  - Desertion
  - Sleeping on duty
  - Negligent loss, driving, damage or misuse of company property
  - Abuse of electronic/data facilities
  - Sexual Harassment
  - Fighting
  - Riotous Behaviour
  - Alcohol and drug offences
  - Wilful loss, damage or misuse of company property
  - Theft/Unauthorised possession of company property
  - Breach of Trust
  - Offences related to dishonesty
  - Offences related to Industrial Action
  - Any act or omission which intentionally endangers the health or safety of others, or is likely to cause damage to Company property
  - Interference with disciplinary and/or grievance investigations
  - Abusive or provocative language (when it is likely to cause a disturbance)
  - Insubordination (if the situation shows signs of getting out of control)
  - Persistent refusal to obey instructions.
  - In certain instances the Supervisor will recommend that the offender be removed from the work place pending investigation of the case. He/she will take immediate steps to report the matter to his/her immediate Supervisor, who will raise the matter with the CEO. Irrespective of the outcome, the employee will be paid for days he/she was suspended;
  - It is mandatory to liaise with the Human Resources Officer prior to suspending an employee in order to ensure that the suspension is

procedurally and substantively fair.

#### **4 Poor Work Performance**

Cases involving substandard or deteriorating work performance are to treat differently from those regarded as transgressions of misconduct.

The following guidelines should be considered when dealing with such cases. An attempt should be made to resolve alleged poor work performance by means of counselling the individual involved. Where poor the supervisor identifies work performance, the following procedural action should be considered:

- a) Investigate and identify the problem area(s)
- b) Communicate this to the individual concerned, and jointly agree on the appropriate plan of action in order to resolve the matter.
- c) Consideration should be given to the appointment of a coach or mentor to assist the employee to improve performance;
- d) Regular evaluation and follow up on the agreed plan of action should be made;

#### **5 Offences outside normal working hours**

Quadrant Resource reserves the right to take any action it may deem appropriate against employees who are, in the opinion of Quadrant Resource, guilty of gross misconduct not merely in their working situations. This is particularly so where the nature of the misconduct may affect the employment relationship with any other party. Actions that directly relate to the nature of the business are also liable for disciplinary action.

#### **6 Court Actions**

Where an employee has been criminally charged or legal action has been instituted for an employment – related breach, company reserves the right to take disciplinary action against the employee for the alleged offence, in terms of this Code.

#### **7 Classification of Offences:**

Offences are classified into five major categories.

- 6.4.1 Absenteeism
- 6.4.2 Offences related to Control at Work
- 6.4.3 Offences relating to indiscipline or disorderly behavior
- 6.4.4 Offences related to dishonesty
- 6.4.5 Industrial Action

## 7.1 Absenteeism

Absenteeism in the disciplinary context means being absent from work for an entire working shift, or part thereof, without the expressed permission from a direct supervisor.

- a) Absent without leave;
- b) Desertion: Leave the work place without intending ever to return; leave without help or support; abandon; leave without authority or permission.

## 7.2 Offences related to Control at Work

### a) Poor Time Keeping and related offences

- a) Reporting late for work
- b) Leaving work early
- c) Extended or unauthorised breaks during working hours
- d) Persistently committing all or any of the above.

### b) Sleeping on duty

Any employee who is found asleep on duty, whether or not such an action constitutes a hazard to the safety and health of the offender or others or leads to damage to Company property, shall be deemed guilty of an offence.

### c) Negligent Loss, Driving, Damage or Misuse of Company property

- a) Negligent loss of Company property: any act whereby an employee, through carelessness or negligence, loses Company property or is unable to account for it satisfactorily.
- b) Negligent driving; driving a company owned or rented vehicle without due care, whether such an act results in an accident or not.
- c) Negligent damage to Company property: any act whereby an employee through carelessness or negligence causes or allows Company property to become damaged.
- d) Misuse of Company property: using Company property for a purpose other than that for which it was intended.

### d) Unsatisfactory Work Performance

- a) Carelessness: Performance of a task or duty without the exercise of due care and attention.
- b) Negligence: failure to exercise proper care and regard to the manner of discharging duty to the extent that tasks have to be repeated or equipment or persons are at risk of damage or injury.



- c) Inefficiency: failure to carry out work at the required standard or failure to complete tasks within the given reasonable time limits, without reasonable cause. This includes poor supervision.

## **8 Disorderly behaviour and related offences**

- a) **Disorderly behaviour:**
- b) **Threatening violence:**
- c) **Fighting:**
- d) **Riotous behaviour:**
- e) **Sexual Harassment:**
- f) **Discrimination:**

### **Willful loss, damage or misuse of Company property**

*Willful loss:* any act whereby an employee willfully or deliberately loses or causes Company property to be lost.

*Willful damage:* any act whereby an employee willfully or deliberately damages, or allows or causes damage to Company property.

*Willful misuse:* any act whereby an employee willfully or deliberately misuses Company property.

## **9 Offences Related to Dishonesty**

Disciplinary cases involving the following offences must be reported to the Human Resources Officer.

- **Bribery or Corruption**
- **False Evidence**
- **Forgery and uttering**
- **Misappropriation**
- **Theft of or unauthorised possession of Company property**
- **Fraud**

- **Breach of Trust**

## **10 Final Warning**

Application: Given for a repetition of the same offence or a similar offence during a period when a severe warning is still in effect or depending on the nature thereof, for a first offence of a serious nature. In the case of an employee being found guilty of an offence of a dissimilar nature within the prescribed period, the hearing official may, at his discretion, issue a comprehensive final warning on the understanding that if any offence is committed within the next **12 months**, it will render him liable for dismissal.

Validity Period: A final warning is effective for a period of twelve months. The employee is advised in writing by the official hearing the case of the period applicable and reminded that a repetition of the offence or the committing of any similar serious offence within the prescribed period will render him liable for dismissal. A copy of the notice shall be forwarded to the Human Resources Department.

## **11 Dismissal**

Application: Dismissal is the final sanction and should be used:

- when other forms of disciplinary action have failed;
- when an employee on a final warning commits a serious offence;
- when the offence committed is of such a serious nature that it amounts to a serious breach or repudiation of the employee's contractual obligations;
- in cases relating to dishonesty e.g. theft, fraud or corruption;

Once an employee has been dismissed in accordance with the procedure contained in this Code, under no circumstances will he be considered for re-employment should he re-apply at a later stage. If it is discovered that a dismissed employee has obtained re-employment with the company either inadvertently or through deception, his services will be terminated immediately.