

“BUSINESS LOGO”	<b>HR Management System</b>	Document No:	DC001
	<b>Disciplinary Code</b>	Project No:	
		Date :	
		Page No :	1 of 18
		Revision :	

# DISCIPLINARY CODE

Document Type	Human Resource Management Codes Policies and Procedures
Area of Application	All business units
Purpose	The purpose of this Policy is to give guidelines on the handling Discipline in the workplace

## Contents

1.	OBJECTIVE .....	2
2.	PRINCIPLES .....	2
3.	DISCIPLINARY SANCTIONS.....	4
3.3.	TYPES OF DISCIPLINARY SANCTIONS .....	<b>Error! Bookmark not defined.</b>
3.3.1.	Verbal Warnings.....	4
3.3.2.	Written warnings .....	4
3.3.3.	Serious Written Warnings.....	5
3.3.4.	Final Written Warnings .....	5
3.3.5.	Final Warning with unpaid Suspension.....	5
3.3.6.	Dismissal.....	6
4.	FACTORS TO BE CONSIDERED WHEN TAKING DISCIPLINARY ACTIONS .....	6
5.	FORMS AND ADMINISTRATIVE PROCEDURE .....	7
6.	CLASSIFICATION OF OFFENCES AND DISCIPLINARY ACTION.....	8
7.	TABLED CATEGORIES OF OFFENCES.....	9
7.1.	CATEGORY A OFFENCES RELATING TO ABSENTEEISM.....	9
A.1	Offences relating to absenteeism / absconding / deserting the workplace.....	9
7.2.	CATEGORY B OFFENCES RELATING TO THE EMPLOYERS RIGHT TO CONTROL .....	9
B.1	Offences relating to poor time keeping.....	10
B.2	Sleeping on duty .....	11
B.3	Negligent loss, damage to or misuse of employer’s property/tools/equipment/products as well as failure to adhere with safety regulations and failure to report risks .....	11

“BUSINESS LOGO”	<b>HR Management System</b>	Document No:	DC001
	<b>Disciplinary Code</b>	Project No:	
		Date :	
		Page No :	2 of 18
		Revision :	

B.4	Malicious / negligence / carelessness in the performance of tasks / duties .....	12
7.3.	CATEGORY C OFFENCES RELATING TO INDUSTRIAL AND STAYAWAY ACTIONS .....	13
C.1	Collective strike and stay away action .....	13
7.4.	CATEGORY D OFFENCES RELATING TO DISORDERLY BEHAVIOUR .....	14
D.1	Insubordination and related offences .....	14
D.2	Disorderly behaviour related to breach of safety / fighting /intimidation and victimization .....	15
D.3	Alcohol and/or drug/illegal substance related offences .....	16
D.4	Wilful loss/damage .....	17
7.5.	CATEGORY E OFFENCES RELATING TO THEFT / FRAUD / DISHONESTY / BREACH OF CONFIDENTIALITY / BREACH OF TRUST .....	17
	E.1 Relating to theft / fraud / dishonesty / breach of confidentiality / breach of trust.....	17

**DISCIPLINARY CODE**

**1. OBJECTIVE**

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- 1.1. It is the Employer’s objective to:
  - 1.1.1. maintain discipline within the framework of the Employer’s procedures in a reasonably, fair and consistent manner with emphasis on progressive discipline
  - 1.1.2. prevent unacceptable behaviour of employees;
  - 1.1.3. positively influence unacceptable behaviour;
  - 1.1.4. maximize productivity within the workplace.

**2. PRINCIPLES**

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- 2.1. Depending on each specific case, the application of discipline is the responsibility of all line management from employees in supervisory positions, management, senior management as well as, the board of the employer within the scope and application of the disciplinary code.
- 2.2. Disciplinary action will reasonably be actioned based on the seriousness of alleged offences in question.
- 2.3. Employees should reasonably be aware of the employer’s existing standards and rules and also have a responsibility to acquaint themselves with the contents and application of the disciplinary code and application.

“BUSINESS LOGO”	<b>HR Management System</b>	Document No:	DC001
	<b>Disciplinary Code</b>	Project No:	
		Date :	
		Page No :	3 of 18
		Revision :	

- 2.4. Disciplinary action will be instituted where prima facie / reasonable sufficient cause exist.
- 2.5. Discipline must reasonably be applied in a consistent / consequent manner.
- 2.6. During any disciplinary process the employee will be entitled to representation by a co - worker or a shop steward if the employee is a member of a representative union.
- 2.6.1. No representation from outside (union official / legal representation) will be permitted unless the chairman of an inquiry allows same after a party wishing to be represented, or the Employee’s representative, brought an application which request will not unreasonably be denied conditional that, on a balance of probabilities reasonable cause is argued pertaining to:
  - 2.6.1.1. the difficulty of the matter showing a prima facie inability of the Employee to reasonably be in a position to argues and defend the matter;
  - 2.6.1.2. the comparative ability of the prosecuting individual appointed by the Employer to bring the matter against the Employee accused;
  - 2.6.1.3. the nature of the question of law;
  - 2.6.1.4. possible public interest involved.
- 2.6.2. The Employer shall have the right to hold disciplinary inquiries on a collective basis where more than one employee is charged with the breach of the same rules relating to the same event.
- 2.7. Any warnings will be placed in an employee’s file for future reference; where
  - 2.7.1. The employee’s previous infringements / deviations and record will always be taken into considerations when decisions are made about new infringements / deviations, irrespective of the expiry date where it is however noted that current warning will play a role as aggravating circumstances; and
  - 2.7.2. expired warnings may play a role in showing a trend of the deviation.
- 2.8. Disciplinary hearings for serious offences will be conducted/chaired by an Employer’s Organisation and/or a qualified legal representative (Lawyer or Advocate) and/or a Manager and/ or Director of the Employer:
  - 2.8.1. a serious offence is an offence that may lead to a final written warning, a final written warning combined with unpaid suspension or immediate/summary dismissal or;
  - 2.8.2. may result in dismissal owing to a re-occurrence of a less serious offence where the employees record for the offence is such that owing to progressive discipline applied, the employee may receive a final warning, a final written warning and unpaid suspension or be dismissed.

“BUSINESS LOGO”	<b>HR Management System</b>	Document No:	DC001
	<b>Disciplinary Code</b>	Project No:	
		Date :	
		Page No :	4 of 18
		Revision :	

- 2.9. Disciplinary hearings for less serious offences will be conducted internally by an Employer’s Organisation and/or a supervisory employee, a manager and / or Director of the Employer.
- 2.9.1. Less serious offences are any offence that carries a penalty of a verbal, written warning or serious written warning.
- 2.10. Where certainty exists that a penalty that may be invoked for a disciplinary offence will not be dismissal, formal disciplinary procedures need not be invoked where the employee accepts responsibility and admits guilt and in such instances, penalties up to final written warnings may be issued by a qualifying person where facts are not in dispute.

### **3. DISCIPLINARY SANCTIONS**

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- 3.1. This section provides guidelines for an Employer’s Organisation and/or a Legal representative (Lawyer or Advocate) and/or a Manager and/or Director of the Employer to ensure the uniform application of disciplinary measures.
- 3.2. Depending on the circumstances of the case, an offence may warrant a less or more severe penalty than that contained in this section. In some cases of first offence, a verbal written warning might be applicable.
- 3.3. Types of sanctions which, depending on facts may apply are:
  - 3.3.1. **Verbal Warnings**
    - 3.3.1.1. Depending on the nature and severity of the offence informal disciplinary sanctions should be the first step in the enforcement of discipline.
    - 3.3.1.2. The employee should be counselled if the supervisor determined that his/her behaviour was not acceptable.
    - 3.3.1.3. The employee could also be provided with the necessary training if the offence could be ascribed to a lack of knowledge or skills.
    - 3.3.1.4. No formal complaint will be instituted against the employee.
    - 3.3.1.5. However, when a verbal warning is issued the supervisor should ensure that the employee being reprimanded is made aware of the existence of the disciplinary code.
    - 3.3.1.6. Formal Disciplinary action need not be initiated before a verbal warning or written warning is issued.
  - 3.3.2. **Written warnings**
    - 3.3.2.1. A written warning is a documented reprimand and is issued when a verbal warning is considered inadequate due to the nature of the offence or when previous verbal warnings have not achieved the desired effect.

“BUSINESS LOGO”	<b>HR Management System</b>	Document No:	DC001
	<b>Disciplinary Code</b>	Project No:	
		Date :	
		Page No :	5 of 18
		Revision :	

- 3.3.2.2. A copy of the complaint form which contains the full particulars of the disciplinary action shall be filed in the employee’s personal record.
- 3.3.2.3. Written warnings are valid for a period of six months.
- 3.3.2.4. Where an employee accepted guilt and where the facts and circumstances of the offence is not in dispute, this formal sanction may be drafted and accepted without following a formal procedure.
- 3.3.3. **Serious Written Warnings**
- 3.3.3.1. A Serious written warning is a documented reprimand and is issued when a verbal warning is considered inadequate due to the nature of the offence or when previous verbal warnings have not achieved the desired effect.
- 3.3.3.2. A copy of the complaint form which contains the full particulars of the disciplinary action shall be filed in the employee’s personal record.
- 3.3.3.3. Serious Written warnings are valid for a period of six to nine months.
- 3.3.3.4. Where an employee accepted guilt and where the facts and circumstances of the offence is not in dispute, this formal sanction may be drafted and accepted without following a formal procedure.
- 3.3.4. **Final Written Warnings**
- 3.3.4.1. A final warning is given for a repetition of the same offence or a similar offence during a period when the written warning is still in force, or for a first offence of a more serious nature.
- 3.3.4.2. When a final warning is given it must be brought to the employee’s attention that any other offence could lead to a more severe disciplinary action, which could include dismissal.
- 3.3.4.3. Final warnings are valid for a period of twelve months.
- 3.3.4.4. Where an employee accepted guilt and where the facts and circumstances of the offence is not in dispute and if there is certainty that the employee will not be dismissed, this formal sanction may be drafted and accepted without following a formal procedure.
- 3.3.5. **Final Warning combined with unpaid Suspension as final resort short of dismissal**
- 3.3.5.1. Unpaid suspension may be used as an alternative to dismissal especially where an employee, after having received a final warning, makes him / her guilty of another offence which does not warrant a dismissal or where dismissal would be inappropriate due to mitigating circumstances.
- 3.3.5.2. Such unpaid suspension must be accompanied by a final warning.

“BUSINESS LOGO”	<b>HR Management System</b>	Document No:	DC001
	<b>Disciplinary Code</b>	Project No:	
		Date :	
		Page No :	6 of 18
		Revision :	

- 3.3.5.3. The duration of suspension will be reasonable in consideration with the deviation of rules and could be for up to two weeks.
- 3.3.5.4. Suspension will only be used where there is enough mitigating circumstances and remorse on the side of the employee to warrant suspension and a final written warning instead of dismissal.
- 3.3.5.5. This sanction will only flow from a formal disciplinary inquiry after the employee was found guilty.
- 3.3.6. **Dismissal**
- 3.3.6.1. Dismissal is the most severe form of disciplinary action and comes into effect immediately.
- 3.3.6.2. Dismissal shall be appropriate when an employee makes him / her guilty of a deviation / breach of a rule, that either destroys the relationship of trust between the employer and the employee at first instance or where the employee failed to adhere with rules after the employer applied progressive discipline as regulated in this disciplinary code.
- 3.4. The Employee further acknowledge that any offence as tabled in this Disciplinary Code may result in a breach of the relationship of trust and that by implication, where dismissal is tabled as a penalty, it is presumed the relationship has deteriorated to such extend that the Trust between the parties is damaged irreparably.

#### **4. FACTORS TO BE CONSIDERED WHEN TAKING DISCIPLINARY ACTIONS**

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- 4.1. The disciplinary action to be taken in a particular case must be based on the seriousness of the offence as well as the disciplinary and service record of the offender.
- 4.2. It should be noted that certain factors may either aggravate or mitigate an offence for example; an employee with long service and a good record may be treated more leniently as a first offender than an employee with short service.
- 4.3. On the other hand, an offence by an employee who should set an example may be considered as aggravating.
- 4.4. The probable consequence of the offence should be considered.
- 4.5. Negligence on the part of the employee responsible for safety or health of others or an employee under control of vehicles / machinery / tools which could place other employees and or property at risk should be regarded as particularly serious.
- 4.6. Whenever the presiding officer decides, because of such considerations as those mentioned above, to impose a more lenient or more severe penalty than usual in relation to the type of offence, he must make a brief note to this effect on the case record.

“BUSINESS LOGO”	<b>HR Management System</b>	Document No:	DC001
	<b>Disciplinary Code</b>	Project No:	
		Date :	
		Page No :	7 of 18
		Revision :	

- 4.7. The presiding chairman of an inquiry may therefore, reasonably, deviate from prescribed penalties in this disciplinary code owing to consideration of mitigating and or aggravating factors.
- 4.8. The Disciplinary Penalties tabled in this code is therefore not “set in stone” but is a guideline which may reasonably be deviated from owing to mitigating and aggravating circumstances in each particular case.
- 4.9. Where a particular offence tabled could result in different penalties, it is indicated as tabled.

## 5. FORMS AND ADMINISTRATIVE PROCEDURE

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- 5.1. Where an employee accepts / admits guilt to an offence before formal disciplinary procedures are invoked, the employer may issue up to a Final Written Warning without formal notice to the employee.
- 5.2. Where 5.1 does not apply and once the decision has been taken to take formal disciplinary action against an employee which may result in a penalty from Final Warning, escalating to possible dismissal, the employee charged must be notified in writing by completing **form 1.1 (notice to attend a disciplinary inquiry)** and handing / issuing the accused employee either by hand, post or electronically.
- 5.3. The Employee must be suspended by issuing the employee with **form 1.2 (Notice of suspension)**:
  - 5.3.1. Where further investigation in regards with possible offences by an employee needs further investigation and the offences, if the employee is found guilty thereof, could result in dismissal and or;
  - 5.3.2. Where the employee could render a threat to the workplace / processes / fellow employees.
- 5.4. An employee has the right to fill in **form 1.3 (Procedural application Form)** at least 24 hours before commencement of a disciplinary inquiry to enable such employee:
  - 5.4.1. To request from management detail of evidence which will be used in the inquiry / hearing
  - 5.4.2. To request an interpreter;
  - 5.4.3. To request postponement with written reasons for such request;
  - 5.4.4. To request witnesses (fellow employees), the employee wish to have present who will need to be excused from their work by the Employer to attend the inquiry (the employee shall be responsible to secure witnesses not employed by the Employer)
- 5.5. The chairman of inquiries will make use of **form 1.4 (record of a disciplinary inquiry)** and if such chairman so elects, combined **form 1.4** with other means of recording such inquiry.

“BUSINESS LOGO”	<b>HR Management System</b>	Document No:	DC001
	<b>Disciplinary Code</b>	Project No:	
		Date :	
		Page No :	8 of 18
		Revision :	

- 5.6. The chairman of a disciplinary appeal will make use of **form 1.10 (Record of a disciplinary appeal)** if the hearing is in the form of an appeal hearing where such has been granted after receipt of a **form 1.9 (Disciplinary Appeal Form)** from the affected employee who must table new evidence in order to be granted such appeal.
- 5.7. If an employee is not issued any sanction form (**verbal warning, written warning, serious written warning or final written warning**) and if such employee is dismissed, **form 1.11 (notice of dismissal)** must be issued by the employer where dismissal was the appropriate penalty recommended by the chairman and accepted by the employer.

## 6. CLASSIFICATION OF OFFENCES AND DISCIPLINARY ACTION

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- 6.1. All the below tabled offences is inclusive of the possible attempt, instigation or conspiracy thereof and is the attempt, instigation and or conspiracy to commit the below offence punishable with the same sanction as that of the stipulated offence.
- 6.2. Offences are categorized as offences which has a negative impact on:
- 6.2.1. Absenteeism as category A offences;
  - 6.2.2. Control at work as category B offences;
  - 6.2.3. Unprotected Industrial Action as category C offences;
  - 6.2.4. Offences relating to disorderly behaviour as category D offences;
  - 6.2.5. Offences relating to theft or fraud as category E offences;
  - 6.2.6. Offences relating to housing if so given as part of employment conditions as category F offences.
- 6.3. The Offences and subsequent penalties are tabled below and serve as guideline for application in order to ensure reasonable consistency.
- 6.4. The tables list the more common offences which occur and the disciplinary action which would normally be applied.
- 6.5. Each case must be treated on its own merits and also taking into consideration the aggravating or mitigating circumstances that might prevail in each set of facts as well as circumstances surrounding each case.
- 6.6. Consideration of mitigating and aggravating facts and circumstances, may lead to more severe or less severe sanctions being applied as those specified below.
- 6.7. All penalties as prescribed may be combined with unpaid suspension.
- 6.8. The Presiding Chairman may where sufficient mitigating factors present, resort to a Final resort of suspension where the employee already has on file, a final warning for the same or



“BUSINESS LOGO”	<b>HR Management System</b>	Document No:	DC001
	<b>Disciplinary Code</b>	Project No:	
		Date :	
		Page No :	9 of 18
		Revision :	

similar offence, where the Presiding Chairman may issue another final warning combined with suspension.

- 6.9. The Presiding Chairman may also combine suspension with any other penalty where the Presiding Chairman is of the opinion, it to be fitting the deviation.
- 6.10. The presiding Chairman may where no or limited mitigating factors present itself, and where the deviation was gross and malicious or where severe aggravating factors present, deviate from a penalty and recommend a more serious penalty as tabled, even resort to dismissal.

## 7. TABLED CATEGORIES OF OFFENCES

### 7.1. CATEGORY A OFFENCES RELATING TO ABSENTEEISM

- 7.1.1 This Category of offences confirms the Employer’s right that Employees be available to tender services during required shifts and or working hours and confirms the Employer’s right to a productive workforce and workplace.

A.1 Offences relating to absenteeism / absconding / deserting the workplace					
OFFENCE CODE	OFFENCE	FIRST OFFENCE	SECOND OFFENCE	THIRD OFFENCE	FOURTH OFFENCE
A.1.1	Absent without permission for one day	Written Warning	Serious Written Warning	Final Written Warning	Dismissal
A.1.2	Absent without permission for two days	Written Warning	Final Written Warning	Dismissal	
A.1.3	Failure to inform employer of absenteeism	Written Warning	Serious / Final Written Warning	Dismissal	
A.1.4	Absent without permission for three days	Final Written Warning	Dismissal		
A.1.5	Absence / Desertion / Absconding from the workplace for a period of 5 shifts / days or longer	Final Written Warning / Dismissal			
A.1.6	Misuse of sick leave	Final Written Warning / Dismissal	Dismissal		

### 7.2. CATEGORY B OFFENCES RELATING TO THE EMPLOYERS RIGHT TO CONTROL

“BUSINESS LOGO”	<b>HR Management System</b>	Document No:	DC001
	<b>Disciplinary Code</b>	Project No:	
		Date :	
		Page No :	10 of 18
		Revision :	

- 7.2.1 The Employee acknowledges the Employer’s right to control the workplace, work processes, work load as well as productivity.
- 7.2.2 The Employee acknowledges that as Employee and as essential part of the Employment Contract, the Employee works under the Authority of the Employer.
- 7.2.3 The Employee acknowledges the Employer’s right to be respected and obeyed.
- 7.2.4 The Employee acknowledges the Employer’s right that the Employee shall be efficient and effective in the Employee’s position.
- 7.2.5 The Employee acknowledges that no workplace can function without well disciplined, committed staff members.
- 7.2.6 The Employee acknowledge that diligent care for the effective execution of tasks and requirements is core to the employee’s conditions of employment and the failure to perform tasks and duties during service with diligent care, can result in damage / loss to the Employer or fellow Employees.
- 7.2.7 The Employee acknowledges that the Employee should tender services in a proactive and assertive manner and ensure that the Employee is not negligent.
- 7.2.8 The Employee acknowledges that the Employee may not use of the Employer’s property / tools / equipment outside the Employees mandate / scope of instruction / work and that no private or irregular use without written permission is allowed.
- 7.2.9 The Employee acknowledges that reporting for duty on time and effectively tendering services during agreed working hours, is essential aspects of productivity.
- 7.2.10 The employee acknowledge the principle of no work no pay and further that the employer may withhold payment where the employee is unable to proof that hours as required were tendered.

Category B offences are therefore broken up into:

B.1 Offences relating to poor time keeping					
OFFENCE CODE	OFFENCE	FIRST OFFENCE	SECOND OFFENCE	THIRD OFFENCE	FOURTH OFFENCE
B.1.1	Reporting late for work	Verbal / written Warning	Written /serious Warning	Final Written Warning	Dismissal
B.1.2	Leaving work early	Serious Written Warning	Final Written Warning	Dismissal	
B.1.3	Extended or unauthorized breaks during working hours	Written Warning	Serious Written Warning	Final Written Warning	Dismissal
B.1.4	Fails to clock/sign in or out when commencing duties and or after conclusion or after/before required	Serious Warning	Final Written Warning	Dismissal	

“BUSINESS LOGO”	<b>HR Management System</b>	Document No:	DC001
	<b>Disciplinary Code</b>	Project No:	
		Date :	
		Page No :	11 of 18
		Revision :	

	periods (such as lunch/tea) where required				
B.1.5	Purposefully signed/clocked in and out then leave workplace or does not turn up for work after checking in	Final Written Warning / Dismissal	Dismissal		
B.1.6	Failure to keep time and time sheets properly where and if required as part of the employee’s conditions of employment.	Serious Warning / Final Warning	Final Warning / Dismissal	Dismissal	

<b>B.2 Sleeping on duty</b>					
OFFENCE CODE	OFFENCE	FIRST OFFENCE	SECOND OFFENCE	THIRD OFFENCE	FOURTH OFFENCE
B.2.1	Without causing damage to property or endangering lives of co-workers/ or other persons (or own life)	Final Written Warning	Dismissal		
B.2.2	Which results in damage or possible damage to property and/or endangering lives of co-workers / or other persons (or own life) / or putting the principle contract with a client of the business at risk.	Dismissal			

<b>B.3 Negligent loss, damage to or misuse of employer’s property/tools/equipment/products as well as failure to adhere with safety regulations and failure to report risks</b>				
OFFENCE CODE	OFFENCE	FIRST OFFENCE	SECOND OFFENCE	THIRD OFFENCE
B.3.1	Negligent loss of employer’s property resulting in financial loss in the performance of duties ( <b>damage R0 to R10000 = Serious Warning or Final Warning and damage recouped; between R10 000 and R30000 = Final Warning or Dismissal for first offence and damage recouped</b> )	Written or serious written warning or dismissal as well as recouping of damages / losses ITO sect 34 of the BCEA	Final written warning or dismissal as well as recouping of damages / losses ITO sect 34 of the BCEA	Dismissal

"BUSINESS LOGO"	<b>HR Management System</b>	Document No:	DC001
	<b>Disciplinary Code</b>	Project No:	
		Date :	
		Page No :	12 of 18
		Revision :	

B.3.2	Negligent damage to employer's property or negligence leading to financial loss in the performance of duties) <b>(damage R0 to R10000 = Written Warning or Final Warning and damage recouped; between R10 000 and R30000 = Final Warning or Dismissal for first offence and damage recouped)</b>	Final Written warning or dismissal as well as recouping of damages / losses ITO sect 34 of the BCEA	Dismissal	
B.3.3	Misuse / unauthorised use of employer's property	Final written warning or dismissal	Dismissal	
B.3.4	Purposefully / negligently, disobeying / neglecting safety rules or service regulations and / or failing to report a safety risk / risk or potential risk, inclusive of the failure to wear PPE / Failure to comply with customer safety regulations inclusive of all noted above.	Final written warning or dismissal	Dismissal	
B.3.5	Negligent Driving resulting in fines issued by the traffic department for speeding and or other violations. (if the offence resulted in fellow employees' life's being endangered, the employee will also be charged in terms of B.3.4 above)	Written warning or serious written warning and recouping of fines in (section 34 BCEA)	Final Written warning or dismissal and recouping of fines in (section 34 BCEA)	

<b>B.4 Malicious / negligence / carelessness in the performance of tasks / duties</b>				
<b>OFFENCE CODE</b>	<b>OFFENCE</b>	<b>FIRST OFFENCE</b>	<b>SECOND OFFENCE</b>	<b>THIRD OFFENCE</b>
B.4.1	Performing a task or duty without exercising due care and attention resulting in sub-standard performance outputs / products / services.	Written / serious warning or final written warning	Final Written Warning	Dismissal
B.4.2	Carelessness in performing a task in that the task has to be repeated.	Written or Final written warning.	Final written warning or dismissal	Dismissal
B.4.3	Poor quality work or unsatisfactory work performance	Written warning	Final Written warning / Dismissal	Dismissal

"BUSINESS LOGO"	<b>HR Management System</b>	Document No:	DC001
		Project No:	
	Date :		
	<b>Disciplinary Code</b>	Page No :	13 of 18
		Revision :	

B.4.4	Passing time idly or failing to complete tasks within required time frames / delivery time/date as set without a reasonable explanation / cause	Written Warning or Final Written Warning	Final written warning or dismissal	Dismissal
B.4.5	Playing games at work during working hours	Written Warning or Final Written Warning	Final written warning or dismissal	Dismissal

**7.3. CATEGORY C OFFENCES RELATING TO INDUSTRIAL AND STAY-AWAY ACTIONS**

- 7.3.1 The Employer acknowledge the Employee’s right to strike conditional that the Employee followed procedures as laid down in section 64 of the Labour Relations Act , therefore where:
  - 7.3.1.1 The issue in dispute has been referred to a council or to the Commission as required by this Act, and
  - 7.3.1.2 A certificate stating that the dispute remains unresolved has been issued; or
  - 7.3.1.3 a period of 30 days, or any extension of that period agreed to between the parties to the dispute, has elapsed since the referral was received by the council or the Commission; and after that
  - 7.3.1.4 In the case of a proposed strike, at least 48 hours' notice of the commencement of the strike, in writing, has been given to the employer.
  - 7.3.1.5 It is noted that the refusal to work overtime forms part of the definition of a strike in terms of the Labour Relations Act.
  - 7.3.1.6 Where Employees partake in unprotected strike action the Employer shall issue ultimatum to Employees to warn them that their illegal action may result in the penalty prescribed in this Code being applied which may result in dismissal.

C.1 Collective strike and stay away action				
OFFENCE CODE	OFFENCE	FIRST OFFENCE	SECOND OFFENCE	THIRD OFFENCE
C.1.1	Strike action (unprotected strikes) inclusive of stay-a ways, go-slows, sit-ins, grasshopper strikes	Dismissal		
C.1.2	Incitement to partake in an unprotected strike	Dismissal		
C.1.3	Intimidation to strike	Dismissal		
C.1.4	Misconduct during a strike (protected / unprotected)	See penalty as stipulated with offence/s applicable in this code	See penalty as stipulated with offence/s applicable in this code	See penalty as stipulated with offence/s applicable in this code

“BUSINESS LOGO”	<b>HR Management System</b>	Document No:	DC001
	<b>Disciplinary Code</b>	Project No:	
		Date :	
		Page No :	14 of 18
		Revision :	

C.1.5	Stay away / Protest Action where the Employee's did not inform the Employer and or obtain permission from the Employer.	Dismissal		
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**7.4. CATEGORY D OFFENCES RELATING TO DISORDERLY BEHAVIOUR**

- 7.4.1 The Employee acknowledges the Employer right to control the workplace, work processes, work load as well as productivity.
- 7.4.2 The Employee acknowledge that a disorderly workplace as well as disorderly behaviour, jeopardises levels of productivity as well as safety in the workplace which can in turn lead to financial loss due to substandard productivity and or damage to the workplace and or injury and or loss of life.
- 7.4.3 The Employee acknowledges that the Employee is employed under the authority of the Employer and must therefore comply with all reasonable requests and perform duties to the best ability of the Employee.
- 7.4.4 The Employee acknowledges therefore the Authority of the Employer over the Employee during working hours.
- 7.4.5 The Employee acknowledges that discipline is the key to any successful and productive business and that an undisciplined workforce cannot perform at peak levels.
- 7.4.6 The Employee acknowledges that the breach of the Employer's contractual right to authority will be serious and may lead to dismissal.
- 7.4.7 The Employee acknowledges the Employers obligation to ensure as far as possible a safe working environment and that the Employee shall revert from actions / neglect to take action which may jeopardise the Employer, Fellow Employees and or property, equipment (fixed and movable assets) of the Employer and/or under the control of the employer.

D.1 Insubordination and related offences				
OFFENCE CODE	OFFENCE	FIRST OFFENCE	SECOND OFFENCE	THIRD OFFENCE
D.1.1	Gross insubordination / Refusal to obey a reasonable instruction and/ or implemented procedures / policies. (Extremely serious if in front of fellow Employees / Clients / Visitors / suppliers)	Final Written Warning / dismissal	Dismissal	
D.1.2	Gross insolence / disrespect (Extremely serious if in front of fellow Employees / Clients /	Final Written Warning / dismissal	Dismissal	

“BUSINESS LOGO”	<b>HR Management System</b>	Document No:	DC001
	<b>Disciplinary Code</b>	Project No:	
		Date :	
		Page No :	15 of 18
		Revision :	

	Visitors / suppliers) and / or directed at a client / supplier / client rep			
D.1.3	Failure to comply/adhere with a reasonable Instruction and/ or implemented procedures / policies.	Serious Warning / Final Written Warning / Dismissal	Final Written Warning / Dismissal	Dismissal
D.1.4	Failure to comply with laid down procedures and policies.	Written Warning / Final Written Warning / Dismissal	Final Written Warning / Dismissal	Dismissal
D.1.5	Playing games at work during working hours	Written Warning / Final Written Warning	Final Written Warning / Dismissal	Dismissal

<b>D.2 Disorderly behaviour related to breach of safety / fighting /intimidation and victimization</b>				
OFFENCE CODE	OFFENCE	FIRST OFFENCE	SECOND OFFENCE	THIRD OFFENCE
D.2.1	Horse Play (Extremely serious whilst in the vicinity of vehicles and / or Machinery and / or dangerous objects / situations)	Final Written Warning / dismissal	Dismissal	
D.2.2	Threatening the Employer and or fellow Employees with violence	Final Written Warning / dismissal	Dismissal	
D.2.3	Intimidation of fellow employees / the Employer / clients / suppliers and or any visitor to the Employer	Final Written Warning / dismissal	Dismissal	
D.2.4	Assault and/or attempted assault of fellow employees / the Employer / clients / suppliers and or any visitor to the Employer	Dismissal		
D.2.5	Fighting (verbal) in the workplace (extremely serious where in front of suppliers / customers and clients / any visitor to the Employer and / or directed at a client / supplier.	Final Written Warning / Dismissal	Dismissal	
D.2.6	Abusive language / Swearing (the offence is more serious when it is aimed at race, religion or colour of any party or gender and or when it occurs in front of customers / suppliers / visitors)	Serious Warning / Final Written Warning / dismissal / Dismissal	Final Written Warning / Dismissal	Dismissal

"BUSINESS LOGO"	<b>HR Management System</b>	Document No:	DC001
	<b>Disciplinary Code</b>	Project No:	
		Date :	
		Page No :	16 of 18
		Revision :	

D.2.7	The disturbance of relationships within the workplace / causing distrust / actions jeopardizing harmonious work relationships / relationship with clients / suppliers / employer.	Final Written Warning / dismissal	Dismissal	
D.2.8	Sexual harassment	Final Written Warning / dismissal	Dismissal	
D.2.9	Unauthorised possession of weapons, traditional weapon or self-made weapon.	Final Written Warning / Dismissal	Dismissal	
D.2.10	Consuming food / drinks and/or smoking in unauthorized areas	Serious Warning / Final Written Warning / dismissal	Final Written Warning / Dismissal	Dismissal
D.2.11	Bringing the name of the employer into disrepute / actions jeopardizing contractual arrangements with clients / suppliers			

<b>D.3 Alcohol and/or drug/illegal substance related offences</b>			
<b>OFFENCE CODE</b>	<b>OFFENCE</b>	<b>FIRST OFFENCE</b>	<b>SECOND OFFENCE</b>
D.3.1	To be in the possession of and/or selling and/or supplying Alcohol and or an illegal substance / drug whilst on duty.	Final Written Warning / dismissal	Dismissal
D.3.2	To be under the influence of Alcohol and / or an illegal substance / drug whilst on duty and/or whilst in control / responsible for a dangerous object / tool / machinery and or whilst driving and or whilst controlling / supervising / managing a process / procedure / type of work, where injury / damage / losses / death may occur	Final Written Warning / dismissal	
D.3.3	To be under the influence of Alcohol and / or an illegal substance / drug whilst on duty and whilst not in control / responsible for a dangerous object / tool / machinery and or whilst driving and or whilst controlling / supervising / managing a process / procedure / type of work, where	Final Written Warning / dismissal	Dismissal



“BUSINESS LOGO”	<b>HR Management System</b>	Document No:	DC001
	<b>Disciplinary Code</b>	Project No:	
		Date :	
		Page No :	17 of 18
		Revision :	

	injury / damage / losses / death may occur	
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D.4 Wilful loss/damage			
OFFENCE CODE	OFFENCE	FIRST OFFENCE	SECOND OFFENCE
D.4.1	Wilful Loss of the Employer's property (fixed as well as non-fixed assets)	Final Written Warning / dismissal	Dismissal
D.4.2	Wilful damage to the Employer's property (fixed as well as non-fixed assets)	Final Written Warning / dismissal	
D.4.3	Wilful / negligent damage to relationships between the Employer and a Client / customer / supplier which results / may result / could have resulted in negatively on the relationship / contract / agreement / goodwill, between the Employer and such client / supplier / contract	Final Written Warning / dismissal	Dismissal
D4.4	Misuse of tools / equipment, internet or e-mail.	Final Written Warning / dismissal	Dismissal

**7.5. CATEGORY E OFFENCES RELATING TO THEFT / FRAUD / DISHONESTY / BREACH OF CONFIDENTIALITY / BREACH OF TRUST**

- 7.5.1 The Employee acknowledge that the Contract of Employment is firstly and fore mostly based on trust and that the breach thereof results therefore in the heart of the relationship between an Employer and Employee being destroyed.
- 7.5.2 The Employee further acknowledge that any offence as tabled in this Disciplinary Code may result in a breach of the relationship of trust and that by implication, where dismissal is tabled as a penalty, it is presumed the relationship has deteriorated to such extend that the Trust between the parties is damaged irreparably.

E.1 Relating to theft / fraud / dishonesty / breach of confidentiality / breach of trust			
OFFENCE CODE	OFFENCE	FIRST OFFENCE	SECOND OFFENCE
E.1.1	Bribery / Corruption of fellow employee's / suppliers / visitor's / clients	Final Written Warning / dismissal	Dismissal
E.1.2	Theft / of the Employer's property (material or immaterial) / assets / equipment / documentation / and or assets / equipment / documentation belonging to fellow employee's / clients / visitor's / suppliers	Dismissal	

“BUSINESS LOGO”	<b>HR Management System</b>	Document No:	DC001
	<b>Disciplinary Code</b>	Project No:	
		Date :	
		Page No :	18 of 18
		Revision :	

E.1.3	Unlawful / unauthorized possession the Employer's property (material or immaterial) / assets / equipment / documentation / and or assets / equipment / documentation belonging to fellow employee's / clients / visitor's / suppliers	Final Written Warning / Dismissal	Dismissal
E.1.4	Misappropriation of the Employer's property (material or immaterial) / assets / equipment / documentation / and or assets / equipment / documentation belonging to fellow employee's / clients / visitor's / suppliers	Final Written Warning / Dismissal	Dismissal
E.1.5	Fraud	Dismissal	
E.1.4	Giving False Evidence / Making of False Declarations / lying	Final Written Warning / Dismissal	Dismissal
E.1.4	Divulging Confidential / Sensitive information of the Employer to fellow employees / clients / suppliers / visitors / any legal person without the Express written permission of the Employer	Final Written Warning / Dismissal	Dismissal
E.1.4	Breaching / Destroying the relationship of Trust between Employer and Employee	Final Written Warning / Dismissal	Dismissal
E.1.5	Accepting gifts / gratuities from clients / suppliers etc. without compliance with company policy	Final Written Warning / Dismissal	Dismissal