

**DISCIPLINARY CODE**

**This format of the Disciplinary Code is effective as of the 20<sup>th</sup> November 2006 and does not differ in content or Management intent from the Code en force prior to this date.**

1. This disciplinary code is applicable to all employees.
2. This code does not make provision for action in the case of strikes. Striking employees must be treated in accordance with the prescribed procedure applicable to strikes.
3. Disciplinary action must always be based on the seriousness and nature of the offence concerned as well as the circumstances under which it was committed and the principles of fairness and consistency should be applied in all cases.
4. The aim of disciplinary action should be to correct behaviour. As such, disciplinary sanctions should be imposed progressively, as set out below in the disciplinary code.
5. Notwithstanding anything else contained in this code, misconduct can even on a first transgression give rise to dismissal, suspension or demotion. Similarly, mitigating factors could give rise to a lesser sanction than the one suggested in this code.
6. A disciplinary code cannot make provision for every conceivable offence. Discipline must therefore be applied with discretion and in accordance with the guidelines and spirit of this code.
7. It is to be noted that:
  - 7.1 The disciplinary code that follows is not exhaustive, that is, it does not contain a full and exhaustive list of the offences with which an employee can be charged. It merely sets out, by way of example, a list of some of the offences with which an employee may be charged. If an offence is not dealt with in the code, it is deemed advisable to approach the Human Resources Department before any disciplinary steps are taken.
  - 7.2 The disciplinary code contains a penalty/sanction guideline chart which means that, should the Company elect to charge an employee with an offence listed in such chart, the sanctions set out in respect thereof are merely guidelines as to the penalty/sanction to be imposed and do not constitute inflexible rules which have to be followed slavishly.
  - 7.3 The disciplinary code does not derogate from the Company's right to dismiss on any grounds that the law regards as sufficient;
  - 7.4 The Company reserves the right to add to, delete from, or amend, any of the recommended actions or transgressions/offences listed in the disciplinary code at any time.
  - 7.5 Sanctions imposed in terms of this code shall be valid for a period of six (6) months.

NO	OFFENCES	DESCRIPTION	GUIDELINES	SANCTION
1.	1.1 Attendance, timekeeping		Absence from service without permission will be unpaid.	
1.1	Desertion	Absence from work for 5 (five) consecutive working days without any notification to the employer	Investigate circumstances of the absence. Stop salary and in accordance with the policy regulations and conditions of service, the employee's service must be deemed to be terminated. If, however, the employee returns and tenders his/her services, a post desertion inquiry must be held. If, in view of the circumstances, acceptable reasons are furnished for the absence, the employee may be reinstated and, if appropriate, disciplinary action may be initiated upon reinstatement.	
1.2	Absence without permission.	Absent from work for at least one to four working days.	First Offence Second Offence Third Offence	Written Warning Final Warning Dismissal
1.3	Failing to inform management in good time of absence.	Failing to inform direct supervisor of extension of leave, sick leave or any other reason.	First Offence Second Offence Third Offence	Written Warning Final Warning Dismissal
1.4	Poor time keeping or lateness for work	Reporting for work late or leaving early.	First Offence Second Offence Third Offence	Written Warning Final Warning Dismissal
1.5	Leaving the premises or place of duty while on duty without permission	Disappearance from workplace without permission	First Offence Second Offence	Written Warning Final Warning

			Third Offence	Dismissal
<b>2.</b>	<b>Work Performance</b>			
2.1	Negligence, neglect, indifference, unreliability, poor co-operation, sleeping and lack of interest.	Failure to carry out duties diligently or at all due to the aforesaid.	First Offence Second Offence Third Offence	Written Warning Final Warning Dismissal
2.2	Poor Work Performance (this is not a form of misconduct)	Continued output of work of a low quality as a result of the incapacity of an employee to comply with the post requirements.	See Schedule 8, items 8 & 9 of the Labour Relations Act as well as the policy on the Management of Poor Work Performance	
<b>3.</b>	<b>Dishonesty</b>			
3.1	Dishonesty or attempted dishonesty	Any dishonesty or attempted dishonesty including conspiracy, theft, unauthorised possession of property, misuse of sick leave for other purposes than recuperation or medical treatment, bribery, fraud, corruption, forgery or giving false or misleading statements to anybody	First Offence	Dismissal
3.2	Non-disclosure/	Failure to declare previous	First Offence	Dismissal

	misrepresentation of relevant information	convictions, a record of misconduct or chronic ill health before employment. Non-disclosure of direct or indirect outside interests/ sources of income or gifts and benefits received		
3.3	Misuse of position	Misuse of position to promote personal interests	First Offence	Dismissal
3.4	Competing / conflict with the interests of the Company	e.g. Doing private work without permission	First Offence	Dismissal
<b>4.</b>	<b>Offences to the person or dignity of others</b>			
4.1	Rudeness, insolence, impoliteness, the use of foul language, making disparaging remarks and making improper or indecent gestures at a supervisor, a colleague or any other person	Abusive behaviour that may upset relationships or injure the dignity of others	First Offence Second Offence	Final Warning Dismissal
4.2	Harassment, including sexual-, religious, or racial harassment	Unwanted deliberate and subtle physical and psychological harassment of others by innuendos or physical acts or otherwise belittling his/her person	First Offence	Dismissal
4.3	Assault, attempt or a threat to assault a person or fighting	Physical or verbal attack on a person	First Offence	Dismissal


4.4	Unfair Discrimination	Promoting or engaging in hate speech, incitement or being abusive or engaging in discriminatory behaviour based on inter alia race, gender, creed, political beliefs or sexual orientation, including racist jokes	First Offence	Dismissal
4.5	Skylarking or horseplay	Conduct that has a detrimental effect on the maintenance of order, health & safety and discipline	First Offence Second Offence	Final Warning Dismissal
4.6	Act which is a crime in terms of South African law	Performance of an act which is a crime in terms of South African law and where such act relates to the employer/ employee relationship or poses a threat to the interests of the Company.	First Offence	Dismissal
<b>5.</b>	<b>1.2 Alcohol or drug-related offences</b>			
5.1	Under the influence of drugs/alcohol while on duty	Under the influence of drugs/alcohol while on duty	First Offence Second Offence Third Offence	Written Warning Final Warning Dismissal
5.2	Unauthorized possession or consumption of drugs/alcohol	Unauthorized possession or consumption of drugs/alcohol	First Offence	Dismissal

	while on duty	while on duty		
<b>6</b>	<b>Unacceptable Behaviour</b>			
6.1	Improper behaviour damaging the interests of the Company	Improper behaviour with the effect of potentially damaging the interests of the Company	First Offence Second Offence	Final Warning Dismissal
<b>7.</b>	<b>Health, Safety and Environment</b>			
7.1	Contravention of any provision of regulation contained in any applicable legislation, internal policies, procedures & practices	Contravention of any provision of regulation contained in any applicable legislation, internal policies, procedures & practices	First Offence Second Offence	Final Warning Dismissal
7.2	Possession of forbidden articles	Unauthorized possession of a camera, firearm, weapon or other dangerous materials	First Offence Second Offence	Final Warning Dismissal
7.3	Traffic related misconduct	Reckless or careless driving or ignoring traffic rules, traffic signs and speed limits on the Company premises	First Offence Second Offence	Final Warning Dismissal
<b>8.</b>	<b>Offences relating to property and assets</b>			
8.1	Revealing confidential information	Without obtaining the prior approval of the Company, reveals confidential information he/she has gathered or obtained	First Offence	Dismissal

		as a result of his/her duties for reasons other than the execution of his/her official duties		
8.2	Copyright and patent infringements	Commits any act which infringes on copyright or any other form of immaterial property law and where such act may be detrimental to the Company	First Offence Second Offence	Final Warning Dismissal
8.3	Unauthorised use/misuse of property or assets	Uses the property, facilities, vehicles, electronic equipment and applications, or other assets without authorisation	First Offence Second Offence	Final Warning Dismissal
8.4	Damaging of property or assets	Wilful or negligent damaging of property or assets	First Offence Second Offence	Final Warning Dismissal
<b>9</b>	<b>Resisting Authority</b>			
9.1	Insolence / undermining authority	Repudiation by an employee of his/her duty to show respect or to recognise the authority of superiors.	First Offence Second Offence	Final Warning Dismissal
9.2	Insubordination/ refusal to obey instructions	Refusal to execute reasonable and fair orders or ignoring such orders, or inciting or intimidating other employees to act accordingly	First Offence Second Offence	Final Warning Dismissal
9.3	Intimidation	Directly or indirectly influencing others to engage in disorderly conduct	First Offence Second Offence	Final Warning Dismissal

**10. APPROVAL**

This code is approved by the General Manager, Human Resources

	<b>NAME</b>	<b>TITLE</b>	<b>SIGNATURE</b>
Recommended for approval	<b>M. MATTHEE</b>	<b>HEAD INDUSTRIAL RELATIONS AND PROJECTS</b>	
Approved	<b>F. MARUPEN</b>	<b>HEAD HUMAN RESOURCES</b>	