



DISCIPLINARY CODE

PURPOSE

The purpose of the Disciplinary Code is to inform employees of the workplace rules and conduct which is acceptable in the workplace. The code also assists line management in dealing with employee misconduct in a consistent and fair manner.

SCOPE

This policy applies to

- MHR Management
- Panel members
- Training and Development Consultants
- MHR Coordinators
- MHR Admin placement Consultants

DEFINITIONS

Term	Definition
Disciplinary procedure	Provides a step-by-step guideline on dealing with misconduct in the workplace
Disciplinary Sanctions	Sanctions that can be imposed by the chairperson of a disciplinary process after the employee has been found guilty of misconduct on a balance of probability

POLICY STATEMENT

- The Management team must ensure that workplace discipline is maintained.
- Management must be consistent in their application of discipline and should not treat employees differently based on any arbitrary or unjustifiable grounds.
- Management must familiarize themselves with the Disciplinary Code.
- The employees are responsible for complying with rules, regulations and obligations in terms of their contract of employment and for observing and maintaining the code of conduct of the company. Employees are further obligated to comply with managerial sanctioned practices that may apply from time to time.
- The application and purpose of the Code is not to punish employees for misconduct. Instead, disciplinary measures are instituted, maintained and enforced for the purpose of correcting and employee's conduct.
- Consistency is another important principle of the code. Although each case has its own merits. Such cases must be handled in a consistent, fair and equitable manner.

POLICY STATEMENT

- Disciplinary action against any employee must be procedurally and substantively fair as per the requirements of the existing labour legislation. Procedural fairness requires a fair procedure to be followed and the opportunity for the employee to state his/her case. In determining substantive fairness, the following should be considered:
 - Whether or not the employee contravened a rule or a standard regulating conduct in, or of relevance to, the workplace
 - If a rule or standard was contravened, whether or not
 - the rule was a valid or reasonable rule or standard
 - the employee was aware, or could reasonably be expected to have been aware, of the rule or standard
 - The rule or standard has been consistently applied by the employer and the disciplinary sanction is the appropriate sanction for the contravention of the rule or standard.
 - Disciplinary proceedings and records must be kept confidential.
 - Poor work performance of an employee should not be addressed via the Disciplinary Code unless such poor performance is found to be wilful and intentional. A separate process is in place to deal with poor work performance in the work place and is based on the Code of Good Practice in the Labour Relations Act
 - Disciplinary steps must be taken as soon as possible after the alleged misconduct took place. The ideal time is within 5 working days after the alleged offence has come to the attention of management. However, this is a mere guideline and should not be rigidly interpreted, especially in cases where a disciplinary investigation is necessary and takes time or in situations where the alleged offence was discovered or reported after a time period has lapse.
 - After a disciplinary offence has been transgressed, management may decide to suspend the services of the employee pending the disciplinary hearing. The period should be as short as possible as it has financial and operational implications for the employer. The documentation in respect of the suspension should also be complete and copies be kept for the disciplinary proceedings. Employees may be suspended where the continued presence of the that employee may:
 - Cause disruption in the workplace
 - Has the potential of disrupting the investigation of the alleged misconduct
 - Tamper with the evidence
 - Has the potential of threatening other employees
 - Where other employees are likely to be intimidated by the employee charge with the misconduct
 - Where the offence was of such a serious nature that a big possibility exist that the disciplinary process may lead to dismissal
-

PROCEDURE

MHR has certain rules of conduct and standards by which all employees are obliged to comply with. The rules and standards are not limited to those reflected in this Code, but also include MHR house rules and rules / standards of the reasonable client.

The disciplinary procedure is invoked when disciplinary rules of MHR are transgressed. It is the line manager's responsibility to invoke the procedure, in conjunction with the local HR department. However, as the Code is based on progressive discipline, due consideration must be given to the seriousness of the alleged offence.
