

TABLE OF CONTENTS

1. Introduction	3
2. Objectives And Principles.....	3
3. Scope Of Application	3
4. Definitions.....	3
5. Principles	4
6. Disciplinary Sanctions	4
7. Collective Action.....	6
8. Classification Of Offences And Disciplinary Action	7
9. Disciplinary Procedure	11
10. The Role Of The Representative	14
11. Appeals	14
12. Disciplinary Process Flow	16

1. INTRODUCTION

- 1.1. A premium is placed on both fair employment practices and the efficient operations of the business, and whilst the Company takes great pleasure in establishing an environment where Employees can excel in their careers, there remains an onus on both parties to the employment contract to do so in good faith towards the Company and within the rules and regulations that govern it.

2. OBJECTIVES AND PRINCIPLES

- 2.1. The objective of this policy is to:
- 2.1.1. Maintain discipline within the framework of its procedures in a reasonable, fair and consistent manner.
 - 2.1.2. To correct and prevent unacceptable conduct.
 - 2.1.3. To manage corporate risks associated with the unacceptable conduct of Employees.

3. SCOPE OF APPLICATION

- 3.1. The policy shall apply to all Employees of the Company.

4. DEFINITIONS

The definitions listed in Table 1-1 apply to this document.
A capitalised item within the text indicates the availability of a definition.

Table 1.1 Definitions

Item	Definition
Company / Employer / Organisation	Digicall Group
Employees	Salaried staff on the Company payroll.
Contractors	Contractors working for the Company in an individual capacity who are not considered to be Employees of the Company.
HR	A representative of the Human Resources department.
Representative trade union	A trade union that is Recognised within the workplace by virtue of a formal recognition agreement.
Derivative misconduct	Where an Employee who has knowledge of wrongdoing towards the Employer subsequently fails to disclose such knowledge to their Employer.
Insubordination	Resistance to or the defiance of authority; refusal to obey reasonable and lawful instructions; insolence, cheekiness; rudeness; rebellious or mutinous conduct resulting in an actual work stoppage.
Assault	Intentional and unlawful application of physical force, however slight, to the body of the complainant, or the threat that such force will be applied.

Fraud	Intentional misrepresentation of material existing facts made by one person to another with knowledge of its falsity and with the intention of being acted upon by another to his detriment.
Sexual harassment	Unwelcome or unwanted attention or conduct of a sexual nature from someone that causes discomfort, humiliation, offence or distress, and/or interferes.
Sleeping on duty	The state of being asleep as well as conduct which purports itself to being in a state of sleep and which results in the Employee neglecting his/her duties at work.

5. PRINCIPLES

- 5.1. Discipline is the responsibility of the manager.
- 5.2. Disciplinary action must be based on the seriousness of the offence.
- 5.3. Employees must be aware of the Employer's existing standards and rules.
- 5.4. Disciplinary action will only be taken where sufficient cause exists.
- 5.5. Discipline must be applied in a consistent manner.
- 5.6. For an employment relationship to exist requires a trust relationship between the Employer and the Employee. The destruction of the trust relationship ultimately infringes the conditions of the employment contract and therefore:
 - 5.6.1. Discipline, although corrective in nature, is also cumulative and if an Employee transgresses and is warned repeatedly, the cumulative effect of warnings even if they are for different types of transgressions may be considered together if a sanction is considered.
 - 5.6.2. Previous infringements could always be taken into consideration when decisions are made about new infringements, irrespective of the expiry date of any warning.
- 5.7. The Employee will be entitled to representation by a Co-Worker or Shop Steward if the Employee is a member of a representative trade union. No representation from outside the Employer will be permitted.

6. DISCIPLINARY SANCTIONS

This section provides guidelines for Supervisors to ensure the uniform application of disciplinary measures. Depending on the circumstances of the case, an offence may warrant a less or more severe penalty than that contained in this section.

6.1. Informal disciplinary action

- 6.1.1. Depending on the nature and severity of the offence, informal disciplinary sanctions should be the first step in the enforcement of discipline. The Employee should be counselled if the Supervisor has determined that his/her behaviour was not acceptable. The Employee could also be provided with the necessary training if the offence could be ascribed to a lack of knowledge or skills.

- 6.1.2. No formal complaint will be instituted against the Employee. However, when a verbal warning is given, the Supervisor should ensure that the Employee being reprimanded is made aware of the existence of the disciplinary code.

6.2. Formal disciplinary sanctions

6.2.1 Written warnings

- 6.2.1.1. 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. Written warnings are valid for a period of six months.

6.2.2 Serious written warnings

- 6.2.1.2. This warning is given for a repetition of the same offence or similar offence per category in section 8 of this policy during a period when a recorded warning is still in force, or for the first offence of a more serious nature. Serious warnings are valid for a period of nine months.

6.2.3 Final written warnings

- 6.2.3.1. A final warning is given for a repetition of the same offence or a similar offence per category in section 8 of this policy during a period when the serious warning is still in force, or for the first offence of a more serious nature. 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, and that the trust relationship between the parties has been severely jeopardised. Final warnings are valid for a period of twelve months, whilst considering the effect per paragraph 5 above.

6.2.4 Suspension without remuneration or demotion

- 6.2.4.1. Suspension or demotion may be used as an alternative to dismissal, especially where an Employee, after having received a final warning, commits misconduct, which does not warrant dismissal, or where dismissal would be inappropriate due to mitigating circumstances. These sanctions must follow a consultation process and be accompanied by a Comprehensive final written warning. The duration of the unpaid suspension is five working days.
- 6.2.4.2. Should the Employee not accept the sanction as an alternative to dismissal, the Employer may proceed with dismissal.

6.2.5 Dismissal

- 6.2.5.1. Dismissal is the most severe form of disciplinary action and comes into effect immediately.

7. COLLECTIVE ACTION

7.1. Disciplinary Hearings

7.1.1. The Employer reserves the right to hold individual hearings or to act collectively.

7.2. Disciplinary records

7.2.1. Collective disciplinary records will not be taken into account for individual disciplinary actions.

7.3. Factors to be considered when taking disciplinary action

7.3.1. 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.

7.3.2. 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-time offender than an Employee with short service. On the other hand, an offence by an employee who should set an example may be considered more serious.

7.3.3. The probable consequences of the offence should be considered. Negligence on the part of the Employee responsible for the safety or health of others should be regarded as particularly serious.

7.3.4. 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.

7.3.5. Although matters beyond the work context are generally considered as being private and unrelated to the provisions of this policy, the Employer reserves its right to act on any conduct which affects the Employer and or the employment relationship.

7.4. Mandates for corrective disciplinary action

7.4.1. Managers and supervisors will be mandated to follow all corrective disciplinary actions up until serious written warnings.

7.4.2. The Human Resources department will be consulted where an offence is serious enough to warrant a final written warning or possible dismissal.

7.5. Administration

7.5.1. A copy of the complaint form, which contains the full particulars of the disciplinary action shall be filed in the Employee's personal record. Records will not be destroyed upon reaching the expiration dates.

8. CLASSIFICATION OF OFFENCES AND DISCIPLINARY ACTION

- 8.1. Category 1: Absenteeism
- 8.2. Category 2: Dishonesty
- 8.3. Category 3: Unacceptable conduct in the workplace
- 8.4. Category 4: Negligent work performance
- 8.5. Category 5: Unprotected Industrial action

The following guidelines list the more common offences which occur and the disciplinary action which would normally be applied. However, each case must be treated on its own merits and also take into consideration the aggravating or mitigating circumstances that might prevail. Once the decision to take disciplinary action has been taken, the disciplinary (complaint) form must be completed as soon as possible and the alleged offender must be informed accordingly.

8.1. Category 1: Absenteeism

OFFENCE	First Offence	Second Offence	Third Offence	Fourth Offence
8.1.1. Absent without permission for one day	Written warning	Serious warning	Final warning	Dismissal
8.1.2. Absent without permission for two days	Serious warning	Final warning	Dismissal	
8.1.3. Absent without permission for three days	Final warning	Dismissal		
8.1.4. Absent without permission for more than three consecutive days	Dismissal			
8.1.5. Failure to inform employer of absenteeism	Serious warning	Final warning	Dismissal	
8.1.6. Abuse of sick leave	Serious warning	Final warning	Dismissal	
8.1.7. Reporting late for work	Written warning	Serious warning	Final warning	Dismissal
8.1.8. Leaving work early	Serious warning	Final warning	Dismissal	
8.1.9. Extended or unauthorised breaks during working hours	Serious Warning	Final Warning	Dismissal	
8.1.10. Fails to clock out/sign off on time after work	Serious Warning	Final warning	Dismissal	
8.1.11. Purposefully signed/clocked in and out, then leave workplace or does not turn up for work after checking in	Final warning	Dismissal		

8.2. Category 2: Dishonesty

OFFENCE	First Offence	Second Offence	Third Offence	Fourth Offence
8.2.1. Bribery or corruption	Dismissal			
8.2.2. Submitting False evidence	Dismissal			
8.2.3. Fraud	Dismissal			
8.2.4. Theft or unauthorised possession or removal of Employer's/client's/ other person's property	Dismissal			
8.2.5. Misappropriation of Company property	Dismissal			
8.2.6. False declarations	Dismissal			
8.2.7. Attempting to conceal any wrongdoing	Dismissal			
8.2.8. Derivative misconduct	Dismissal			
8.2.9. Unauthorised use of the Company property	Dismissal			

8.3. CATEGORY 3: Unacceptable conduct in the workplace

OFFENCE	First Offence	Second Offence	Third Offence	Fourth Offence
8.3.1. Playing games at work during working hours	Serious warning	Final warning	Dismissal	
8.3.2. Passing time idly or failing to complete tasks set without reasonable cause	Serious warning	Final warning	Dismissal	
8.3.3. Misuse and or abuse of Employer's property	Serious warning	Final warning	Dismissal	
8.3.4. Insubordination	Final Warning / Dismissal			
8.3.5. Disrespectful conduct towards a more senior person	Final Warning	Dismissal		
8.3.6. Failing to obey an instruction	Serious warning	Final warning	Dismissal	
8.3.7. Refusal to obey an instruction	Final warning	Dismissal		

OFFENCE	First Offence	Second Offence	Third Offence	Fourth Offence
8.3.8. Non-compliance with established procedures	Serious warning	Final warning	Dismissal	
8.3.9. Refuse to work overtime in terms of an existing agreement between the employer and an employee or in the case of emergency work (unless working overtime will constitute a contravention of legislation)	Final warning	Dismissal		
8.3.10. Unauthorised notices/propaganda	Final warning	Dismissal		
8.3.11. Abusive language (the offence is more serious when it is aimed at race, religion or colour of any party or gender).	Final warning	Dismissal		
8.3.12. Horseplay (more serious when such action endangers the safety or health of others or the good spirit and smooth running of the workplace)	Serious warning	Final warning	Dismissal	
8.3.13. Threatening violence	Dismissal			
8.3.14. Intimidation	Dismissal			
8.3.15. Non-physical fighting	Final warning	Dismissal		
8.3.16. Riotous behaviour (more serious when employer's property is damaged)	Final warning	Dismissal		
8.3.17. Any offence which is in conflict with the accepted community norms or behaviour as well as the disturbance of relationships within the workplace	Serious warning	Final warning	Dismissal	
8.3.18. Sexual harassment	Dismissal			
8.3.19. Unauthorised possession of dangerous weapons	Final warning	Dismissal		
8.3.20. To be under the influence of alcohol or drugs whilst on duty (more serious when the safety of his/her or other lives are at risk)	Dismissal			

OFFENCE	First Offence	Second Offence	Third Offence	Fourth Offence
8.3.21. To be in possession of alcohol or drugs whilst on duty	Final warning	Dismissal		
8.3.22. Willful loss, damage or misuse of property	Dismissal			
8.3.23. Purposefully disobeying safety rules or service regulations	Dismissal			
8.3.24. Transporting unauthorised passengers in the Company vehicle	Final warning	Dismissal		
8.3.25. Breach of confidentiality	Dismissal			
8.3.26. Bringing the company's name into disrepute	Dismissal			

8.4. Category 4 Negligent work performance

OFFENCE	First Offence	Second Offence	Third Offence	Fourth Offence
8.4.1. Negligent loss of Employer's property	Serious/ Final warning	Final warning/ Dismissal		
8.4.2. Negligent damage to Employer's property	Serious/ Final warning	Final warning/ Dismissal		
8.4.3. Sleeping on duty without causing damage to property or endangering lives of co-workers/other persons (or own life)	Final warning	Dismissal		
8.4.4. Sleeping on duty which results in damage to property and/or endangering lives of co-workers/other persons (or own life)	Dismissal			
8.4.5. Performing a task or duty without exercising due care and attention	Serious warning	Final warning	Dismissal	
8.4.6. Negligence in the execution of duties	Dismissal			
8.4.7. Disobeying safety rules or service regulations	Final warning	Dismissal		
8.4.8. Failure to report risks and/or potential risks	Final warning	Dismissal		

OFFENCE	First Offence	Second Offence	Third Offence	Fourth Offence
8.4.9. Non-conformance to site requirements.	Serious/ Final warning	Final warning/ Dismissal		

8.5. CATEGORY 5: Unprotected industrial action

OFFENCE	First Offence
8.5.1. Strike action (unprotected strikes)	Dismissal
8.5.2. Illegal industrial action such as stay away, go-slows, and sit-ins	Dismissal
8.5.3. Incitement to strike	Dismissal
8.5.4. Intimidation	Dismissal
8.5.5. Sabotage	Dismissal

The Employer will normally deal with the above mentioned actions on a collective basis, but it also reserves its right to take individual disciplinary action.

9. DISCIPLINARY PROCEDURE

9.1. Role of the supervisor

9.1.1. When an offence is alleged to have been committed, the Supervisor will investigate the case and decide on the appropriate action to be followed.

9.2. Paid Suspension

9.2.1. In certain circumstances, it would be advisable that the offender be removed from the workplace pending the investigation of the case.

9.2.2. An Employee should be suspended when his/her continued presence could lead to conflict in the workplace or where it could cause injury, loss or damage to the employer's property. An Employee should be paid for the period he/she is suspended and must be confirmed in writing.

9.2.3. Types of offences where suspension is advisable:

- Serious assault
- Under the influence of liquor or drugs
- Being emotionally unfit to carry out his/her duties
- Riotous behaviour
- Any act which endangers the safety or health of others
- Abusive or provocative language (which could lead to conflict)
- Theft/fraud
- When the alleged misconduct has jeopardised the trust relationship

9.2.4. Special arrangements relating to the use of, or being under the influence of, alcohol or drugs whilst on duty:

- When an Employer believes that an employee is under the influence of liquor or drugs and incapable of performing his/her duties, the Employee must be tested. If the Employee refuses to take the test, it will be presumed that he/she is intoxicated.
- If the Employer's observation confirms that the employee may be under the influence of a substance, the Employee should be sent home immediately.
- If an apparently intoxicated person is involved in an accident in which a person or persons are injured, a medical officer must examine him/her.

9.3. Formal complaints

9.3.1. Recorded warnings

9.3.1.1. The Manager intending to issue recorded warnings shall investigate all the relevant facts of the case. Hereafter he/she will decide on the appropriate action and complete a disciplinary form.

9.3.2. Charges

9.3.2.1. The Employer is entitled to add or delete charges regardless of timing but with due consideration of the Employee's right to properly prepare.

9.3.3. Suitable lesser charges

9.3.3.1. Charge sheets containing serious charges will of necessity imply suitable lesser charges i.e. Unauthorised absence from work for a day will imply a lesser charge as apposed to Disertion etc. and any finding by a chairperson in a hearing will be competent if the finding is that of such a lesser charge.

9.3.4. Reinstitution of disciplinary proceedings

9.3.4.1. It is competent for the Employer to charge an employee more than once for the same offence if the new or other information is obtained concerning such charges be it before, during or after proceedings that are pending.

9.3.5. Deviating from the set procedure

9.3.5.1. The Employer or any Chairperson of a disciplinary hearing will be entitled to deviate from the set procedure, as long as the deviation still ensures a fair procedure or a reasonable finding as regards the substance of the hearing.

9.4. Formal investigation

9.4.1. The Manager will record in writing statements from the Complainant, the alleged offender and the witnesses on the official statement form.

- 9.4.2. The Complainant must name all those witnesses who he/she thinks are necessary to ensure a fair hearing.
- 9.4.3. The alleged offender must also be afforded the opportunity to name witnesses to testify in the case.
- 9.4.4. The alleged offender must be notified of the date, time, and venue of the hearing and be informed that he/she can bring an internal representative to assist him/her in the case.

9.5. The Hearing

- 9.5.1. The person responsible for handling the case will make the necessary arrangements regarding the time and place of the hearing. He/she must ensure that all those concerned are present at the hearing. The presiding officer will use his/her discretion as to how and when the persons concerned will be heard, but under all circumstances, the case will be heard behind closed doors. Should the accused fail to attend the hearing, after being advised of the time and venue, the case could be heard in his/her absence and a decision taken on the available evidence.
- 9.5.2. The procedure to be followed at the hearing.
 - 9.5.2.1. The presiding officer will inform the alleged Offender of the charge against him/her and ensure that it is fully understood.
 - 9.5.2.2. The Accused is then asked to submit a plea to the charge and is asked to make any further comments he/she may wish.
 - 9.5.2.3. Should the presiding officer find it necessary to obtain further information, the case may be adjourned to allow further investigation.
 - 9.5.2.4. If the accused wishes further evidence to be submitted, this will also be allowed, provided that the presiding officer is of the opinion that such further evidence could be of relevance.
 - 9.5.2.5. Having satisfied himself/herself that he/she has all the relevant facts, the presiding officer will invite the accused, to submit comments.
 - 9.5.2.6. The presiding officer will then advise the Employee (in the presence of the Representative only) whether or not he/she has been found guilty, alternatively, the Presiding officer will notify the parties of his finding in writing.
 - 9.5.2.7. The proceedings may be recorded for the sole purpose of assisting the Chairperson to reach a finding, after which the recordings may be destroyed at the Employer's discretion.
 - 9.5.2.8. Where an Employee is found guilty, the presiding officer will take notice of:
 - The offender's record of service and disciplinary record;
 - Any mitigating circumstances;
 - Comments by the representative;
 - In all cases, unexpired warnings will be taken into account when deciding the sanction. Depending on the nature and seriousness of the offence, the

whole of the Employee's disciplinary record may be considered subject to section 6 above.

9.5.2.9. The Accused will be informed of any disciplinary action by the Supervisor.

9.6. Communication

9.6.1. The Supervisor will communicate individually with the Employee regarding the disciplinary action taken against him/her. The Employee's representative will be the only other person present.

10. THE ROLE OF THE REPRESENTATIVE

10.1. Any Employee against whom formal disciplinary proceedings are held may at his/her request be accompanied at the initial and any subsequent hearings by a colleague or a Shop Steward from a recognised Trade Union from the relevant area.

10.2. Colleagues of the alleged offender have no right to accompanying the Employee. Representatives may therefore not attend the hearing unless the accused has requested it. A representative will be given the opportunity to ask questions during the hearing proceedings and will be invited to comment at the conclusion and before the final decision is taken.

10.3. Should the Representative's comments, in the sole opinion of the official hearing the case, be of such a nature as to warrant reconsideration of certain matters or further investigation, additional time may be allowed for this and, if necessary, the enquiry may be postponed.

11. APPEALS

11.1. The Employee has the right to appeal, with a valid reason, against any decision, which involves any entry on his/her disciplinary record, and which may thus affect his/her future employment prospects. The Employee must, however, provide acceptable grounds for an appeal such as:

11.1.1. New evidence becoming available that was not taken into consideration at the initial hearing.

11.1.2. The hearing not being procedurally correct or fair in any way.

11.1.3. The Employee submits additional mitigating circumstances that could change the sanction.

11.2. The decision whether or not an appeal is granted will be taken by an official of the Employer who was not involved in the previous hearing.

11.3. Any Employee who wishes to appeal must notify the Employer in writing of his/her intention within **two** working days of the imposition of the sanction and must state the grounds for the appeal. Late appeals will not be considered under any circumstances.

11.4. Where applicable, the Employee will attend the hearing of his/her appeal. He/she may be accompanied by a Representative who is an Employee of the Employer.

11.5. The Employee may make a statement by way of explanation or in mitigation.

- 11.6. The Official hearing the appeal will inform the appellant of his/her decision.
- 11.7. No right of appeal shall be available to Employees who embarked on unprotected industrial action unless individual disciplinary hearings were held.

DIGICALL MANAGEMENT

12. DISCIPLINARY PROCESS FLOW

