


**Policy**

**Title: Discipline & Dismissal Policy**

Document No.	Version	Status	Effective Date
POL-07	02	Approved	23/06/2020

**Document Approvals**

	Print Name	Signature	Date
<b>Approver</b>	Fran Crowell		23/06/2020

## 1.0 Objective

The purpose of this discipline and dismissal policy is to provide guidance for staff with regards to discipline and dismissal within Remember Us

## 2.0 Scope

This policy applies to all employees, whether full-time, part-time, fixed-term, temporary or permanent. The progressive steps provided for in the policy may be skipped when applied to employees during their probationary period or in circumstances where it is deemed necessary by The Company to do so.

## 3.0 Responsibilities

It is the responsibility of Remember Us to have a policy in place to provide guidance for staff with regards to discipline and dismissal within Remember Us.

It is the responsibility of Remember Us staff and to ensure they have read and understand the policy herein.

## 4.0 Policy

Remember Us is committed to treating all staff fairly and equitably and to helping employees perform effectively. However, there may be occasions when it will be necessary to invoke Disciplinary Procedures which are designed to protect the interests of both The Company and its employees. Each employee's right to natural justice and fair procedures will be upheld at all times.

Remember Us aims to avoid situations requiring disciplinary action to be taken. An informal procedure is included in this policy in an effort to ensure that where company standards and rules are not being adhered to, a member of the management team may raise these issues with the employee concerned in an informal manner, to address the situation and resolve it without initiating disciplinary action.

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Where there is a persistent failure on the part of an employee to adhere to the rules and standards of behaviour expected, or where a serious breach of this policy occurs, then disciplinary action may become necessary. Where this situation arises, each case will be treated consistently and reasonably. The employee will be given the opportunity to provide his/her version of events, with mitigating circumstances to be taken into account.

The management team will use their best efforts to:

- Ensure that all cases are thoroughly investigated
- Avoid any discrimination
- Prepare carefully and be consistent
- Adhere to this procedure

## **4.1 Offences**

### **4.1.1 Harassment**

Normally, the following list of offences of misconduct will be considered as appropriate reasons for initiating disciplinary action.

- Unauthorised use of The Company's assets and equipment.
- Failing to follow the procedures in respect of absence due to sickness or injury.
- Minor breach of the written statement of terms and conditions of employment.
- Minor damage to The Company property.
- Minor breach of company rules.
- Minor failure to observe company policies or procedures.
- Regular unreasonable and/or unexplained absences.
- Poor time keeping.
- Poor job performance.

This list is not exhaustive, and all cases will be treated individually.

### **4.1.2 Gross Misconduct**

The following offences are examples of gross misconduct. These examples are not exhaustive or exclusive and offences of a similar nature will be dealt with under this procedure. Gross misconduct will result in the initiation of The Company disciplinary procedure and may result in immediate dismissal with or without notice or pay in lieu of notice.

- Divulging or misusing confidential information.
- Theft or unauthorised possession of any property or facilities of The Company.
- Insubordination e.g., Refusal to obey reasonable instructions given by those with authority to give such instructions, except where the employee's safety may reasonably be endangered by the instruction.

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- Sexual harassment, harassment and/or bullying.
- Serious breach of rules, policies, or procedures, especially those designed to ensure safety.
- Consumption of alcohol or drugs, which could affect work performance in any way or have an impact on other employees.
- The manufacture, possession, or distribution of any controlled substance in the workplace or on the premises.
- Defrauding or attempting to defraud The Company, customers, suppliers or fellow employees.
- Unauthorised use of email, telephones, voicemail and computer systems.
- Falsification of any company records including reports, accounts, expenses claims or self-certification forms.
- Serious damage to company property.
- Violent, dangerous or intimidatory conduct.
- Timekeeping offences.
- Conviction for, or failure to disclose to The Company, any criminal offence which may render the employee unsuitable for employment or perceived as unacceptable to other employees or customers or which is likely to adversely affect The Company's interest.
- Engaging in activities and behaving in any manner which brings the company into disrepute.

This list is not exhaustive, and all cases will be treated individually.

## **4.2 Procedures**

The Company's procedure on disciplinary issues is as follows:

### **4.2.1 Informal Counselling**

Minor misconduct, poor performance or minor breaches of rules will normally result in informal counselling or advice being given by a member of the management team. If this approach is not successful it may be necessary to use the formal disciplinary procedure.

### **4.2.2 Formal Disciplinary Procedure**

This procedure will be used in cases of breaches of the rules or poor performance which have not been remedied by informal counselling. Normally the procedure will follow the stages listed below, although it is acceptable to move immediately to Stages 3, 4 or 5 if a case appears sufficiently serious. From the first formal stage of the disciplinary procedure, employees are advised and have the option to have a colleague/workplace representative present.

#### **4.2.2.1 The Investigation Procedure**

Prior to taking the decision to invoke the disciplinary procedure, The Company will ensure that the situation has been thoroughly investigated.

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This will be a fact-finding process and will require the gathering of detailed information. It may necessitate the carrying out of formal interviews and the taking of written statements.

It is an integral part of the process and on occasions may require employees to be suspended on full pay, while it is carried out. Suspension on pay is not considered to be action taken under the disciplinary procedure. It is there to ensure that issues are dealt with in a fair and reasonable manner.

Equally, the employee has the right to present information in the defence of his/her position, if the decision is taken to invoke the disciplinary procedure. Once the investigation has been completed a member of the management team will inform the employee of the findings and the outcome. Where the decision is taken to invoke the disciplinary procedure then the employee will be informed of the case against them, so they can respond in an informed manner at a disciplinary hearing.

Where the decision is taken not to take disciplinary action, the employee will be counselled.

**4.2.2.2 The Disciplinary Procedure**

The following disciplinary measures and procedures will apply in matters of discipline, the constant repetition of minor offences, wilful negligence or unsatisfactory performance or written complaints against employees received through the Grievance Procedure that are found to be proven against the employees.

At each stage in the procedure a disciplinary meeting will be held where all the facts will be considered, and any mitigating circumstances discussed. Where a warning is issued, a copy will be placed on the employee's personnel file. All warnings issued under this procedure will state clearly that the employee will be liable for further disciplinary action should their performance not improve or should there be a further breach of company rules or procedures. In the event of no further transgression occurring and the performance improving, the warning will be removed after a period of no more than 12 months, other than in exceptional circumstances, and the employee's file will be clear. The employee will also be advised of his/her right to appeal against disciplinary action taken.

The stages in the procedure are as follows:

- **Stage 1: Verbal Warning**
- **Stage 2: First Written Warning**
- **Stage 3: Final Written Warning**

The final written warning will state clearly that the next stage may be termination of employment if conduct and/or performance does not improve.

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- **Stage 4: Action Short of Dismissal**

In exceptional circumstances, and depending on the individual case, The Company may exercise its discretion to suspend with or without pay. Demotion to a lower position or rate of pay and transfer to another position may also be considered. This is action short of dismissal.

- **Stage 5: Dismissal**

In an instance of gross misconduct, an employee will normally be dismissed without going through the previous stages of procedure. In these circumstances a full investigation will be conducted, and a disciplinary meeting will be held. This will follow the normal procedures outlined above, but the outcome, if found to be gross misconduct, will almost certainly result in dismissal due to the serious nature of the situation. Examples of offences are outlined in this procedure under Gross Misconduct.

### 4.3 Appeals

At any stage, the employee has the right to appeal in writing above the management team level, within seven days of notification of a decision. Appeals will be dealt with as expeditiously as possible within a timeframe proportionate with the seriousness of the issue.

Nothing in this policy affects an employee's right to further appeal in line with the Labour Relations Commission Code of Practice.

### 5.0 References

Not applicable

### 6.0 Revisions

<b>Version Number</b>	<b>Description of Revision</b>
01	First issuance of Policy for Discipline & Dismissal Policy
02	Review and update of format