



**EPSIDON TECHNOLOGY HOLDINGS (PTY) LTD  
AND ALL OF ITS AFFILIATES**

**EMPLOYEE  
DISCIPLINARY CODE  
OF CONDUCT**

## DISCIPLINARY COD-POL

Revision 3

Effective Date: 01 June 2026

### REVISION HISTORY

VERSION NUMBER	REVISION DATE	EFFECTIVE DATE	COMPILED BY	APPROVED BY	DESCRIPTION OF CHANGE
01	01/2021	02/2021	Michelle Hanekom	Debbie Abrahall (Managing Director) and Tanya Boer (Group HR)	First version
02	01 February 2023	03/2023	Michelle Hanekom	Debbie Abrahall (Managing Director) and Tanya Boer (Group HR)	Second version
02	01 June 2026	06/2026	Michelle Hanekom	Tanya Boer (Group HR)	Third version

### DEPARTMENT: HUMAN RECOURSES

IDENTIFICATION	STORAGE	PROTECTION	RETENTION TIME	VERSION IN PROCESS	DISPOSITION
Disciplinary Code of Conduct - Policy	Electronic	Back-up	N/A		N/A

### COPYRIGHT NOTICE

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## 1. INTRODUCTION

This document (including but not limited to manuals, policies, procedures, forms referenced or included herein) applies to all Affiliated Companies of Epsidon Technology Holdings (Pty) Ltd, (hereinafter referred to as the “**Company**”). This list is subject to amendment at the sole discretion of the Epsidon Technology Holdings (Pty) Ltd and will include all affiliates whether listed or not.

## 2. PURPOSE

The purpose of this policy is to regulate and maintain standards of conduct and behavior within the workplace. The Company seeks to ensure fair, consistent, and transparent Labour practices. While this Code is intended to be **corrective and progressive**, the Company reserves the right to take more severe action, including summary dismissal, in cases where the employment relationship has been rendered intolerable by the employee's conduct.

Furthermore, this Policy is to bring to the attention of all employees the standards of behavior expected of them in the workplace, and what action may be taken against employees who are proven, by means of a fair procedure, to have transgressed any part of this Code.

The Employees agree that a formal disciplinary code and procedure are necessary for the efficient running of Company business, the safety and fair treatment of all employees and for ensuring sound Industrial Relations. The purpose of disciplinary action must be corrective and not punitive.

## 3. DEFINITIONS

**3.1 “Affiliated Company (ies)”** means, in relation to Epsidon Technology Holdings Pty) Ltd, a subsidiary of this entity, or any division or operating branch of each subsidiary of this entity and all its subsidiaries.

**3.2 “Employee(s)”** means an employee and/or any member of staff and/or independent contract and/or subcontractor of the Employer and/or any individual or entity involved in the provision of services on behalf of the Employer.

**3.3 “Corrective interview/meeting”:** this is a less formal procedure in comparison

with a disciplinary hearing. This process is more suited for less serious offences where the penalty will most likely be corrective action. The interview is the appropriate forum where there is little or no dispute of facts. It is not necessary for an independent third party to chair this process.

**3.4 “Presiding officer”** Chairperson of a disciplinary hearing. This is an independent unbiased third party, who may be a suitable manager and/or external persons who has no prior knowledge of the case and will objectively assess the evidence in order to make a finding on guilt and decide on an appropriate sanction.

**3.5 “Complainant”** The Company representative (usually a Manager or HR) who presents the case against the employee.

**3.6 “Balance of Probabilities”:** The standard of proof required in disciplinary matters, establishing whether it is more likely than not that the employee committed the offence.

#### **4. SCOPE**

This document (including but not limited to manuals, policies, procedures, forms referenced or included herein) applies to all Affiliated Companies of Epsidon Technology Holdings (Pty) Ltd, (hereinafter referred to as the “Company”). This policy applies to all employees Including but not limited to:

- I. Epsidon Technology Distribution (Pty) Ltd t/a First Distribution
- II. Epsidon Management and Marketing Consultancy (Pty) Ltd
- III. Cloud Brokerage Services (Pty) Ltd
- IV. Evenflow Distribution (Pty) Ltd
- V. Nology (Pty) Ltd
- VI. Epsidon Technology Distribution- Kenya (Pty) Ltd
- VII. Epsidon Technology Distribution Limited- (Mauritius)
- VIII. Linux Warehouse (Pty) Ltd
- IX. First Device Management Technology (Pty) Ltd

#### **5. ROLES AND RESPONSIBILITIES**

**5.1 Human Resources -** Our HR department will usually:

- Start discussions with Management about any disciplinary issues.
- Investigate alleged misconduct.
- Train Managers on Employee Relations.
- Draft disciplinary documents.
- Give advice and assist Managers.
- Appoint a Chairperson in a disciplinary hearing.
- Keep record of the hearing process and compile a report afterwards.
- Arrange translation services if necessary.
- Inform the employee in writing if a decision to dismiss him has been made.

**5.2 Line Managers - Our Managers have the authority to:**

- Uphold discipline within their different teams.
- Consult with and seek advice from HR.
- Investigate and collect necessary information before a disciplinary hearing.
- Start disciplinary steps where an alleged offence has taken place.
- Inform employees of behaviour that constitutes misconduct or of unacceptable performance.
- Counsel employees on any area of their performance or behaviour.

**5.3 Employees - Our employees have Rights at and during Disciplinary Proceedings. These include:**

- To be notified of any allegations.
- To be given the opportunity to give their side of the story (in response to the allegations).
- To be given reasonable time to prepare a response with the assistance of a fellow Employee.
- Written notification of the decision must be communicated to the alleged offender.
- To be informed of the right to an interpreter (if required).

**6. Underlying principles**

**6.1** The application of discipline is the right and responsibility of line management. As disciplinary action should not be taken lightly, the responsibility for implementing action is reserved for the Company representatives of the appropriate responsibility and seniority. The imposition of discipline is therefore the prerogative of management only.

**6.2** Disciplinary steps are instituted in order to obtain the co-operation and involvement of all employees within the workplace, and to protect the interests of both the employee and the employer in the process of dealing with unacceptable behaviour.

**6.3** Employees have the following rights during a formal disciplinary hearing:

- Representation by a colleague or shop steward who is in full-time employment of the employer.
- An opportunity to state his or her case, lead evidence, call witnesses and to cross-examine the employer's witnesses.
- The hearing must be conducted in English. The employee has the right to request an interpreter in his/her language of choice to be present at the hearing. The employee shall inform the complainant within 24 hours prior to the hearing taking place.
- Upon completion of the hearing be informed of the outcome of the hearing within a reasonable time, in writing.
- If found guilty of the alleged offence, the employee shall have the right to submit mitigating factors before the sanction is imposed.
- The employee may refer the matter to the Commission for Conciliation, Mediation and Arbitration (CCMA) against the employer if dissatisfied with the finding of guilt or the sanction or both.

**6.4** In the enforcement of discipline, the emphasis must rather be focused on guidance and rehabilitation than on the imposition of punishment. However, where necessary, punishment must be used as a legitimate deterrent in the maintenance of discipline.

**6.5** In certain instances, the Company reserves the right to impose the most severe sanction on an employee without having to follow the principles of corrective and progressive discipline.

**6.6** The application of discipline must at all times be lawful, just, fair and consistent.

**6.7** In terms of Item 7 of Schedule 8 The Code of Good Practice: Dismissal states that *any person who is determining whether a dismissal for misconduct is unfair should consider –*

- a) *Whether or not the employee contravened a rule or standard, regulating conduct in, or relevance to, the workplace; and*
- b) *If a rule or standard was contravened, whether or not –*
- I. the rule was a valid or reasonable rule or standard;*
  - II. the employee was aware, or could reasonably be expected to have been aware; of the rule or standard;*
  - III. the rule or standard has been consistently applied by the employer; and*
  - IV. dismissal was an appropriate sanction for the contravention of the rule or standard.*

**6.8** When applying discipline within the workplace, it is recommended that for all sanctions imposed, and not only dismissal, that the requirements as stipulated in Item 7 of Schedule 8 be considered.

**6.9** Charges relating to Theft, Dishonesty, Violence, Intimidation, Absconding or any charge which would place the Staff or the Company itself at risk if the Employee would be allowed to work out a notice period, would be regarded as a summary dismissible charge, meaning that if the employee were to be found Guilty of such charge they would be Dismissed without Notice or Notice Pay.

**6.10** It is further noted that no employee shall be dismissed without a procedurally fair Disciplinary hearing taking place which will give the employee an opportunity to present their case. If the employee fails to attend their hearing which they have been notified of, the hearing will proceed in their absence.

**6.11** All written warnings will be recorded on a disciplinary form that will be placed on the employee's file. A copy of the disciplinary form will be handed to the employee. The validity of a warning may also depend on the severity of the misconduct and by acceptance of employee.

**6.12** Should an employee who has received proper notice to attend a disciplinary hearing fail to do so, without submitting a valid reason, the hearing may proceed in their absence and the chairperson of the disciplinary hearing may make an appropriate finding.

## **7. Disciplinary Sanctions**

**7.1** There are four basic sanctions that can be imposed against any employee. Breaches of the Code which are similar in nature and sanctions previously imposed for them, if they are still valid, may be considered when deciding what sanction is to be applied against a related breach in that category.

**7.2** In order to issue the below stated sanctions correctly, the manager deciding to impose a sanction must first grant the accused employee an opportunity to state a case in response to the allegation made against him/her. A formal hearing does not have to be held, just a discussion to give the accused employee an opportunity to provide a reasonable explanation for his or her failure to adhere to a rule or standard.

**7.3** It is important that sanctions be imposed as soon as the employer becomes aware of transgressions. A delay can result in the allegation that the employees' actions have been condoned and the instituting of disciplinary action at a later stage could be viewed as unfair conduct on part of the employer.

**7.4** An employee should sign acknowledgement of receipt of the sanction imposed, but an employee cannot be forced to do so. If the employee refuses to sign, a witness can sign to confirm that the employee is aware of the sanction and that the allegations have been explained to him/her. An employee's refusal to sign does not affect the validity of the sanction. The employee can lodge an appeal within four (4) working days or refer the sanction to the Commission for Conciliation Mediation and Arbitration (CCMA) or relevant Bargaining Council as per the dispute resolution procedure stipulated in the Labour Relations Act 66 of 1995.

**7.5** An independent external chairperson may be elected in regards to disciplinary inquiries and or appeal inquiries if an internal employee acting as a chairperson needs to be a witness or a party to the inquiry.

**7.6** In order of severity the sanctions are:

### **Verbal Warnings**

In the case of a moderate offence, a superior should conduct an informal disciplinary interview with the employee that may result in a verbal reprimand. A verbal warning is a reminder to the employee that if he/she continues to commit the same offence, more serious and formal disciplinary action will follow.



Although informal, it is the first stage of the disciplinary action process and written record is kept of this warning, and it will be valid for (three) 3 months.

### **Written Warnings**

If verbal warnings fail, management should give the employee a formal written warning. First and second written warnings are a more formal act and warn the accused employee that a repetition of wrongful behaviour or a more serious offence can result in a final written warning.

All written warnings will be recorded on a disciplinary form that will be placed on the employee's file. A copy of the disciplinary form will be handed to the employee. First and second written warnings are valid for 6 months.

### **Final Written Warnings**

A final written warning is the last warning an employee can expect before dismissal or a more serious disciplinary penalty may be imposed. The purpose is to give the employee a final chance to correct his/her behaviour. Managers should be cautious not to issue more than one final written warning for the same or similar offence should the employee repeat the misconduct whilst having a valid final written warning.

It is recommended that a disciplinary hearing or a formal discussion be held prior to issuing a final written warning. A final written warning is valid for 12 months.

### **Summary dismissals.**

When a series of progressive and or corrective measures, such as the issuing of the above sanctions, have not produced the anticipated effect; or when an employee is alleged to have committed serious misconduct, the employer may then consider dismissal as a penalty. It is strongly recommended that prior to dismissing the employee, the Company conduct a formal disciplinary hearing.

Termination of the employee's services as a result of misconduct is a summary dismissal in most circumstances which means a dismissal without notice. Such a dismissal would be justified in terms of the Company policy and precedent and the principles of the common law once due processes have been followed and dismissal is the appropriate sanction.

The employee must be informed of the reason for his/ her dismissal in writing and of his / her right to refer the matter for appeal within 3 working days (delete if no appeal procedure in place) and to the CCMA or relevant Bargaining Council within 30 days.

## **Demotion**

All cases of demotion/suspension without pay must be ratified by the General Manager. Demotion is a disciplinary step by means of which an employee is removed from his or her present post and assigned to an available post with a lower grading and reduced responsibility as well as a decreased salary or wage.

Demotion may only be imposed if a serious offence warrants dismissal but management wishes to extenuate the punishment, because for example, the person concerned has been in the employ of the Company for a long time and has been a good employee in other respects. Take note however that the examples of extenuating grounds given above may not always be sufficient or appropriate.

The employee must accept in writing demotion as a reduced punishment instead of dismissal. If the employee refuses to accept demotion, he or she may be dismissed pending disciplinary outcome. Demotion will remain in force indefinitely, but in any event for at least six (6) months. Depending on the merit of the employee, management may reconsider the case after six (6) months, if a suitable vacancy is available at that stage.

## **7. An employee's duties and schedule of offences**

**7.1** At the commencement of the employment relationship, an employee incurs six duties that need to be fulfilled throughout the employment relationship. These are:

- A duty to render services.

Employees need to place their personal services at the disposal of their employer during work hours. A failure to do so is in breach of the contract of employment and if it is without a valid reason or permission, the employer has the right to discipline an employee accordingly. Employees also have the responsibility in terms of the employment contract to contact their employer should they not be able to render their services when required to do so. Non-compliance in that regard is failure on the employee's part to demonstrate acceptable conduct.

- A duty to maintain reasonable efficiency.

Employees have a positive duty to deliver work of an acceptable standard and within a reasonable time frame. Failure to do so will constitute misconduct only once the employer can prove that the employee is capable of performing the tasks allocated to him or her. If the employee cannot deliver work of an acceptable standard due to an inability to do so, then the employer should adopt the Incapacity due to Poor Work Performance procedure which significantly differs to misconduct procedures indicated below.

- A duty to demonstrate acceptable conduct and to refrain from misconduct in general.

Throughout the employment relationship employees should always endeavour to refrain from misconduct in general by demonstrating acceptable conduct towards clients, fellow employees, management, the public and overall environment. Such conduct must uphold the image of the business at all times and not be detrimental to the maintenance of good order within the workplace. Failure to demonstrate tolerable conduct is deemed as serious and warrants disciplinary action.

Employees also have to ensure that when placing their services at the disposal of the employer, they are to be in a proper mental and physical state. Reporting for duty under the influence of any intoxicating substance is unacceptable and regarded as a very serious offence. Should it be as a result of a dependency problem, the Company will provide reasonable assistance to the employee in terms of the incapacity procedure; it should be noted however that reporting for duty under the influence of any intoxicating substance is a very serious offence and employees in breach of this rule, will be dealt with in terms of the disciplinary code.

- A duty to be respectful and obedient.

It is an automatic consequence that the employee is under the control of the employer in terms of the contractual powers related to the employment relationship. The employer therefore has the right to draft and implement policies and procedures as well as issue instructions that determine the way work will be conducted, provided it is lawful and reasonable. If the employee fails to comply or carry out these policies, procedures and instructions with obedience and respect, it is a material breach of the contract of employment and the employee renders himself / herself liable for disciplinary action and in severe cases, dismissal.

- A duty to act with honesty and integrity.

Trust and confidence is an essential component of the employment relationship between the employer and employee. The employee therefore has to ensure that he or she maintains a high level of integrity and honesty when dealing with the Company, its clients and its fellow colleagues. A failure to act with honesty and integrity could render the trust relationship irreparable thus making the employment relationship intolerable which may justify termination.

- A duty to further the employer's business interest and to act within good faith.

Employees must endeavour to devote their interests, skills and energies to furthering the Company's business interests. Any form of conduct that intentionally places an employee in a situation where their own interests or the interests of others that they are furthering, conflicts with those of the employer may render the employment relationship intolerable and may justify disciplinary action.

7.2 The disciplinary code must not be seen as an independent document. The applicable provisions of the disciplinary procedure must be adhered to ensure the fair and just application of discipline within the Company.

7.3 The action as reflected in the columns represents the maximum proposed disciplinary action that may be applied, depending on the nature/type of breach and how many times it has been committed by an employee.

7.4 If the chairperson is of the opinion that there are valid mitigating factors, he/she may impose a lesser penalty.

7.5 The schedule of offences and proposed actions indicated below merely serve as a guideline and do not constitute inflexible rules that have to be followed to the letter.

7.6 The circumstances and merits of each individual case must be taken into account and the Chairperson is expected to use his/her discretion in making a value judgment. Therefore deviations from the disciplinary code will be permitted where mitigating and / or aggravating circumstances warrant such deviation.

7.7 It is further impossible for the Company to list each and every offence that an employee may commit in the work place and therefore the Company reserves the right to amend this code and / or charge an employee with an offence that although not contained within this schedule, is deemed an offence in terms of the common law and acceptable practice.

## **WORD KEY**

VR - Verbal warning  
WW - Written Warning  
FWW - Final written warning  
DISM - Dismissal

NOTE - Each case is based on its own merits and will be taken into consideration especially in terms of the severity of offences on the first transgression (reference made to WW/FWW on the first transgression and/or WW/DISM)

DEFINITION		EXPLANANTION	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>
Failing to render services offences					
A1. Unauthorised Absenteeism/leave					
Refers to being absent from work without permission, and without a reasonable excuse, or a medical certificate		Absent for 1-2 days	WW	FWW	DISM
		Absent for 3 – 4 days	FWW	DISM	
		Absent for 5 days or longer	DISM		
A2. Timekeeping					
Refers to the failure of an employee to comply with his/her obligations in terms of stipulated work hours.		Poor time keeping, failure to adhere to stipulated starting and end times including but not limited to starting times and break periods, reporting late for work, leaving work early, taking excessive breaks or breaks that are longer than permitted, not proceeding to the workplace or work station.	VW / WW	FWW	DISM
A3. Sleeping on duty					
Refers to sleeping at workplace when contractually obligated to render services.		if an employee is found sleeping during his or her WORKING HOURS	WW/ FWW	DISM	
A4. Desertion of post					
Absence from workstation without permission and or a valid reason with intention of not returning until the next allocated shift or workday. Refers to a longer period than merely absence from work station		An employee leaves his/her allocated post /workstation without permission	FWW	DISM	
A5. Desertion and or the act of absconding from work					
Unauthorised absence from work <u>without</u> the <u>intention</u> to return.  Normally refers to the absence for a period in excess of 5 days and the employee, despite being requested to do so, failed to inform the Company of the reason for absence.			DISM		

<b>A6. Failure or Refusal to work overtime</b>					
A failure or refusal to work overtime scheduled and agreed upon by the employee and employer without a valid reason or permission.			FWW	DISM	
<b>Failing to maintain reasonable efficiency offences</b>					
<b>B1. Negligence</b>					
<p>Any failure by an employee to comply with a standard of care that the employee would reasonably be expected to observe in the completion and fulfilment of his/her duties and or tasks.</p> <p>Gross negligence is distinguished from negligence in respect of the seriousness of the offence.</p>		<ul style="list-style-type: none"> <li>• If the work done is of a poor quality and/or quantity without any reason being given.</li> <li>• Failure to exercise proper care and attention in regard to the manner in which a task should be performed to the extent that the task has to be repeated or that equipment is at risk of being damaged.</li> <li>• Failing to perform duties to the required standard without any acceptable reason.</li> <li>• Displaying unreliability, poor co-operation and a lack of interest in work.</li> </ul>	FWW	DISM	
<b>B2. Gross Negligence</b>					
A serious failure by an employee to comply with a standard of care that the employee would reasonably be expected to provide in the completion and fulfilment of his/her duties and or tasks. Generally has the result of incurring substantial losses on the Company		<ul style="list-style-type: none"> <li>• Any act or omission which has the potential to give rise to serious consequences to the Company or its clients</li> <li>• Any act whereby an employee, through carelessness or negligence, causes the Company's property be lost or is unable to account for it properly.</li> <li>• Action whereby the employee, through carelessness or negligence, causes or allows Company property to be damaged.</li> </ul>	DISM		
<b>B3. Dereliction of Duty</b>					

Failure to comply with a duty to perform a task or job function in terms of allocated tasks and or your job description and or general and recurring duties assigned to the employee.		Failing to complete a task allocated to the employee	FWW	DISM	
<b>B4. Loafing / Idleness</b>					
Refers to standing or sitting about idly or sauntering lazily or aimlessly and thereby neglecting one's work, failing to work when there is work to be completed		Where an employee is found doing non-work related acts instead of concentrating on his/her work for example, playing or fidgeting with cell phones continuously, reading personal magazines etc.	WW	FWW	DISM
<b>Failing to demonstrate acceptable conduct offences</b>					
<b>C1. Intimidation and or incitement</b>					
A threat using words or conduct or a combination of both with the intention to influence a person or group of people to act in a certain way. This is aimed at actions that are detrimental to the Company, its staff and or clients.		To incite or intimidate other employees to: <ul style="list-style-type: none"> <li>• Use violence</li> <li>• Damage Company property</li> <li>• Partake in unlawful industrial action, or indulge in any other disorderly behaviour</li> </ul>	DISM		
<b>C2. Abusive and Racist Language</b>					
Language that is inappropriate, abusive and has a racist connotation to an employee or groups of employees and may or may not be derogatory in nature.		Use of abusive language.  Swearing at fellow employees.	FWW/ DISM		
<b>C3. Threatening Behaviour</b>					
Behaviour that constitutes a threat of harm on another person and or property. Could be verbal or physical actions.		Threatening another employee verbally or by actions	DISM		
<b>C4. Assault</b>					
The physical harming of a work colleague through physical contact and or violence. The unlawful and intentional application of force to a person.		The pushing of someone  The act of striking a person in any way or form	DISM		
<b>C5. Sexual harassment</b>					



Sexual harassment is conduct of a sexual nature that is persistent, offensive and unwanted. The unwelcome conduct may be verbal, non-verbal, visual, physical or any other form.		<p>The sending of unsolicited email and or messages of a sexual nature.</p> <p>Unwanted physical contact of a sexual nature.</p> <p>The making of comments and or suggestive remarks and or actions that have a sexual connotation or meaning.</p> <p>Threats, demands, suggestions and requests of a sexual nature.</p>	DISM		
<b>C6. Unprotected strike action</b>					
Refers to employees partaking in strike action as defined by the Labour Relations Act 66 of 1997 but which is regarded as unprotected in terms of the Act.		Work stoppages that occur without following dispute resolution procedures.	DISM		
<b>C7. Sabotage</b>					
Any act by an employee to interfere with the normal operations of the Company by damaging machinery or equipment or by interrupting any supplies of power, fuel, materials or services necessary to the operations; and bomb threats, whether intended seriously or as a joke.		Incidents where employees deliberately sabotage Company property.	DISM		
<b>C8. Damage to Company property</b>					
The intentional or negligent causing of harm/damage to Company property or property of a co-employee.		The breaking of a tool or machine of the Company	DISM		
<b>C9. Bringing the Company name into disrepute</b>					
Any conduct that is detrimental to the image and or good standing of the Company within the perception of the public thereby creating a negative image of the Company		A complaint received from a member of the public or a client.	FWW	DISM	
<b>C10. Off duty conduct</b>					

When an employee's conduct outside the workplace impacts on the Company's legitimate business interest or undermines the relationship of trust and confidence of the employment relationship.		Assaulting a member of the public or fellow employee off duty.	DISM		
<b>C11. Endangering the safety of others</b>					
Any conduct wilful or negligent which may place the safety of others in harm's way. Actual injury is not a requirement.		A wilful or negligent disregard of safety rules and procedures.	DISM		
<b>C12. Abuse of Company Property</b>					
Using Company property excessively for private use.		Incidents where an employee can use items incidentally for private use but makes excessive use, causing financial loss.  E.g. abuse of Company telephones, cell phone, internet, email, photo copy machines etc.	FWW	DISM	
<b>C13. Unauthorised use of Company property</b>					
Making use of Company property without authorisation		Incidents where an employee makes use of Company property which he / she is not authorised to use at all or using Company property privately and the primary purpose is solely business.	FWW/ DISM		
<b>C14. Under the influence of alcohol and or narcotics</b>					
Under the influence of alcohol and or any other mind-altering substance including but not limited to any prohibited and or prescription drugs. Includes arriving at the work place unfit to commence with duty due to alcohol or narcotics consumption		Reporting for work in an unfit condition whilst under the influence of alcohol and/or drugs.	DISM		
<b>C15. Unauthorised consumption of alcohol and or narcotics</b>					
The consumption of alcohol, drugs or related substance whilst on duty.		Consumption of alcohol and or drugs whilst on duty.	DISM		
<b>C16. Unauthorised possession of alcohol or narcotics</b>					
Refers to the possession of alcohol or drugs on the Company premises		Found in possession of alcohol and or drugs	DISM		
<b>C17. Smelling of alcohol and/or drugs while on duty</b>					

Refers to the employee smelling and/or reeking of alcohol		Refers to the perception of an objective person that the employee smells of alcohol and/or drugs. In this case, he is not visually under the influence of alcohol and/or drugs and may be capable of performing his work.  Seriousness is directly linked to the nature of the job and consideration must be given to safety hazards and whether the employee works directly with clients.	FWW	DISM	
<b>Failing to be respectful and obedient offences</b>					
<b>D1. Insolence</b>					
Action by an employee that constitutes and shows disrespect to his/her employer.  A direct (verbal) or indirect (through actions) challenge to the authority of the employer and or his designated representative.		Being belligerent in the acceptance of an instruction.  Accepting an instruction but then voicing dissatisfaction to colleagues.  Openly refusing to accept an instruction from a superior  Non-verbal conduct e.g. clicking of the tongue, rolling of eyes etc.	FWW	DISM	
<b>D2. Gross Insolence</b>					
A serious act of insolence that has as its elements wilful contempt of the employer's authority. A challenge by an employee		Public refusal of an instruction.  Swearing at a manager.  Disrespecting and or badmouthing a manager in the presence of colleagues, clients or members of the public.	DISM		
<b>D3. Insubordination</b>					
The intentional disobeying of a reasonable and lawful instruction given by management. Any act or conduct of disobedience that has the effect of challenging the authority of the superior / management / supervisor.		An employee directly or indirectly confronts his supervisor by e.g. refusing verbally and/or making no effort to carry out the work when instructed to do so.	FWW	DISM	
<b>D4. Gross insubordination</b>					

A serious act of refusing or failure to comply with a reasonable and lawful instruction.		When an employee is given an instruction and fails to carry out the instruction resulting in damage to the Company.	DISM		
<b>D5. Breach of Company policy and procedure</b>					
A negligent or intentional failure to follow a Company policy that has been implemented.		An instance where there is an implemented Company procedure or policy and the employee fails to follow it.  Employee failing to notify the Company of his or her absence.	FWW	DISM	
<b>Failing to act with honesty and integrity offences</b>					
<b>E1. Giving false evidence, making a false statement / declaration, supplying falsified documents</b>					
When a deliberate attempt is made to mislead the Company through misrepresentation of a fact, either verbally or in writing.		An employee makes a false statement or submission to the Company  Submitting falsified claims or medical certificates	DISM		
<b>E2. Fraud / Forgery</b>					
Any wilful misrepresentation verbally or non-verbally with the intention to derive personal gain and or to cause actual or potential prejudice to another party.		Submitting a fraudulent qualification, failing to disclose pertinent information etc.	DISM		
<b>E3. Bribery</b>					
Giving or receiving or attempting to give or receive any bribe / money in order to perform any act to the detriment of the Company or that will result in any form of unjustified gain or benefit.		Accepting gifts/ money from parties without authorisation for preferential treatment.  Offering to pay money / carry out favours to another party in order to gain some form of unjustified advantage or to act in a dishonest manner.	DISM		
<b>E4. Theft / Attempted theft</b>					
Being in the possession of Company and or client and or a fellow colleague's property with the intention to permanently deprive the affected party of the item.		The unauthorised removal or taking of property other than the employee's own including the Company's / fellow employees'/ clients' property.	DISM		
<b>E5. Unauthorised possession / removal / consumption of property</b>					
Being in possession of or removing or attempting to remove or consuming Company property without the necessary permission and or authority.		Incidents where an employee is found in possession of or removing Company property that although the intention to steal the item is not there, he/she has no authority to have the item in their possession.	DISM		
<b>E6. Misappropriation</b>					

The incorrect application of Company funds, assets or property for reasons of personal gain and or any other such purpose.		Incidents where an employee takes something and does not use it for the purpose it was originally intended for e.g. taking petty cash for personal use etc.	DISM		
<b>5 Failing to act within good faith or conflict of interest offences</b>					
<b>F1. Breach of confidentiality</b>					
Refers to the unauthorised disclosure of confidential information including but not limited to Company's trade secrets, confidential documentation, technical knowhow and data, drawings, system, methods, software, processes, client lists, programs, marketing and or financial information.		Any disclosure of Company information without permission and authorisation.	DISM		
<b>F2. Competing with the employer and or conflict of interest</b>					
Acting contrary to the best interest of the employer in disclosing confidential information to a competitor of the Company and or conducting business in competition to the Company and or failing to disclose an interest in a competing business to the Company.		<p>Having own business which is in direct competition with the employer.</p> <p>Furthering the business of a competitor.</p> <p>Working simultaneously for another employer without permission</p>	DISM		
<b>F3. Failing to act within the best interest of the employer</b>					
Any conduct that whether deliberate or negligent that prejudices the interest of the employer.		<p>Incidents where a employee fails to report acts of misconduct of fellow employee's</p> <p>Acting out of the scope of authority.</p>	FWW	DISM	
<b>F4. Breach of fiduciary duty</b>					
A failure to responsibly manage that which the Company has entrusted the employee with.		Being placed in a position of trust to act on behalf of and take care of the interests and failing to do so in order to derive secret profits or further another's interests at the detriment of or prejudicing the Company.	DISM		
<b>F5. Smoking in prohibited areas</b>					
A failure to smoke in the designated areas and or not disposal of your cigarette in the correct area		Smoking in areas that is prohibited by the employer and/or by legislation and or disposing your cigarette in the correct area	WW	FWW	DISM
<b>F6. Conduct detrimental to the maintenance of good order within the work place</b>					

Conduct detrimental to the maintenance of good order within the work place		Conduct that has the effect of being detrimental to the moral of the business and its employees. Normally associated with behaviour of the kind that leads to disharmony within the work place and behaviour that is aimed at challenging the authority of the employer.	DISM		
Safety, Health and Loss Control					
Dangerous Horseplay		Any horseplay that had actual or potentially serious consequences.	DISM		
Failure / refusal to draw / use personal protective equipment.		For example not wearing a hard hat, safety belt.	FWW	DISM	
Wilfully failing to report an accident / injury on duty involving self.		Any failure to report any work related accidents or injuries on duty that occurred.	FWW	DISM	
Breach of environmental responsibilities.		Not complying with environmental rules & regulations applicable where any work is conducted.	FWW		
Use of plant / equipment / material in a manner that endangers own or another's safety or health.		Use of any items in ways that they were not intended to be used. Thereby placing employees, clients and members of the public in danger.	DISM		
Disregard of Government or Company safety / health / loss control regulations		Not complying with safety requirements as specified by legislation or Company policies.	DISM		

## **8. Collective discipline**

**8.1** It is generally accepted that the disciplinary code and procedure is aimed at the individual employee. However, in certain circumstances it might be necessary to take action against a group of employees who have breached the Company's rules and regulations that is a collective entity.

**8.2** In this case, the following guidelines are suggested:

- If specific employees have been identified in the larger group, cognisance must be taken of the evidence required for identification.
- Identifying witnesses must have had a sufficient opportunity for reliable identification.
- Identifying witnesses must be reliable.
- Witnesses must have a sufficiently clear recollection of the events.

**8.3** If a substantial group of employees are involved, the following practice should be adhered to:

- If practicable, present the employees with the option of an individual hearing.
- If this option is refused, request a delegation, the size of which is dependent upon the number of employees involved. The selected representatives will then represent the employees in the disciplinary hearing.
- The hearing should be conducted according to the disciplinary procedure in which all the rights of the employees' are respected and protected.

## **9 Formal disciplinary inquiry**

**9.1** In the event that a disciplinary inquiry is convened the employee may, if necessary, be suspended with pay, prior to, during or pending the outcome of the enquiry.

**9.2** The responsible manager has the right to suspend an employee with full pay, pending the arrangement and completion of a disciplinary inquiry. The manager deciding on a suspension must immediately inform his or her superior of such decision. The latter must approve the decision to suspend. The suspension of

an employee's service must be limited to specific circumstances. The following guidelines must be applied:

- When an employee is suspected of having committed an act of such a nature that he/she cannot be allowed to continue service; and/or
- The possibility of the employee interfering with the investigation, destroying evidence or intimidating witnesses or aggravating a sensitive situation (i.e. assault) or causing disruption at the work place. This type of transgression includes, but is not limited to, fraud, theft, victimization, sexual harassment and illegal possession of the Company's property.

**9.3** Any case of **suspension without pay** must be ratified by the Chief Executive Manager. Suspension may only be imposed if a serious offence warrants dismissal but management wishes to extenuate the punishment. The employee must accept in writing suspension as a reduced punishment instead of dismissal. If the employee refuses to accept suspension, he must be dismissed.

Suspension must be carried into effect as soon as possible after offence has been committed. Employees may not be suspended on off days, paid holidays or any other non-working days. As a guideline it should be kept in mind that an employee should not, except in exceptional cases, be suspended for an unreasonable period of time.

**9.4** The employee must be informed at least 48 hours prior to the hearing in writing, in the form of a charge sheet, of the misconduct which he / she is alleged to have committed, and of his / her rights at the enquiry.

**9.5** The employee shall within twenty four (24) hours of receipt of notice of a disciplinary inquiry, request the language in which the disciplinary shall be conducted. If such request is not received, the disciplinary inquiry shall be conducted in the languages mostly used by the Company.

**9.6** The charge sheet should have sufficient information thereupon for the employee to prepare a defence to the charges.

**9.7** At the disciplinary inquiry, the employee has the following rights:

- Have an interpreter, if requested.



- Have representation by a fellow employee who can be a shop steward if requested. No legal or other outside representation will be allowed. A manager may not act as a representative for his subordinates.
- Have the opportunity to confer with the representative, at reasonable times before, during and after the inquiry.
- Question the complainant and witnesses during the inquiry either himself or through the representative.
- Give evidence himself/herself (he/she cannot be compelled to do so); to call witnesses to give evidence and to argue either himself / herself or through his / her representative on the question of whether the misconduct occurred.

**9.8** At the hearing the chairperson must decide after hearing all sides of the case, whether the alleged misconduct was committed or not and if so to inform the employee of the finding. If the employee is found guilty, the chairperson must allow the accused the opportunity to give evidence and to argue either by himself or through his / her representative in mitigation of the disciplinary sanction to be imposed. The Company should be given an opportunity to address the chairperson in aggravation of sentence.

**9.9** The chairperson will then decide on the appropriate sanction taking all relevant factors into account. The sanction will be communicated to the employee in writing.

**9.10** Please note that no employee should be dismissed without a disciplinary hearing being conducted.

## **10 Demotion**

**10.1** All cases of demotion/suspension without pay must be ratified by the General Manager.

**10.2** Demotion is a disciplinary step by means of which an employee is removed from his or her present post and assigned to an available post with a lower grading and reduced responsibility as well as a decreased salary or wage.

**10.3** Demotion may only be imposed if a serious offence warrants dismissal but management wishes to extenuate the punishment, because for example, the

person concerned has been in the employ of the Company for a long time and has been a good employee in other respects. Take note however that the examples of extenuating grounds given above may not always be sufficient or appropriate.

**10.4** The employee must accept in writing demotion as a reduced punishment instead of dismissal.

**10.5** If the employee refuses to accept demotion, he or she may be dismissed pending disciplinary outcome.

**10.6** Demotion will remain in force indefinitely, but in any event for at least six (6) months.

**10.7** Depending on the merit of the employee, management may reconsider the case after six (6) months, if a suitable vacancy is available at that stage.

It is the employee's responsibility to contact management should he / she have any queries.

I, \_\_\_\_\_, (employee number/ ID number) hereby agree that I have read and understood the contents of this policy and agree to comply with the provisions of this policy.

An Acknowledgment of policy forms signed by the employee will also constitutes that the employee have read and understood the contents of this policy and agree to comply with the provisions of this policy.

<b>Employee name</b>	
<b>Signature</b>	
<b>Date</b>	