

<b>Imagicaaworld Entertainment Limited</b>			Disciplinary Policy 2022
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## **Disciplinary Policy**

### **Scope**

**Imagicaaworld Entertainment Limited** Disciplinary Procedure will be used only when necessary and as a last resort. Where possible, informal and/or formal counselling or other good Management practice will be used to resolve matters prior to any disciplinary action being taken. The procedure is intended to be positive rather than punitive but takes cognisance of the fact that sanctions may have to be applied in some circumstances.

### **Minor Misconduct**

Below are listed examples of misconduct which may warrant either a Verbal Warning or a Written Warning. It is stressed however that this list is not exhaustive and that on all occasions a full and proper investigation must take place prior to the issue of a warning.

- Habitual late attendance.
- Habitual absence without leave.
- Smoking within unauthorised are
- Failure to work in accordance with prescribed procedures.
- Incompetence.
- Unreasonable standards of dress or personal hygiene.
- Failure to observe Company regulations and procedures.
- Habitual negligence or neglect of work.

### **Gross – Misconduct**

Mentioned below are some of the misconduct which may be considered to be Gross Misconduct and may warrant Strict Disciplinary Action, Demotion or Dismissal. It is stressed however that this list is not exhaustive and that on all occasions a full and proper investigation shall take place prior to the final decision by the Management.

- Theft, fraud or dishonesty in connection with employer's goods or property.
- Breaches of confidentiality/Security Procedures, prejudicial to the interest of the Company,
- Being unfit for duty because of the misuse/consumption of drugs or alcohol.
- Refusal to carry out a management instruction which is within the individuals capability and which would be seen to be in the interests of the Company.
- Physical assault, breach of the peace or verbal abuse.
- False declaration of qualifications or professional registration.
- Failure to observe Company rules, regulations or procedures.
- Wilful damage to or loss of employer's goods or property.
- Incompetence or failure to apply sound professional judgement.
- Taking or giving bribes or any illegal gratification.

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- Wilful insubordination or disobedience, whether alone or in combination with others to any lawful and reasonable order of a superior.
- Riotous or disorderly behaviour during working hours at the establishment or any act subversive of discipline.
- Striking work or inciting others to strike work in contravention of the provisions of any law, or rule having the force of law.
- Publishing any business related public statements in the press or by any other means without the prior approval of the Company.
- Accepting any financial or non-financial advantages from any third party related to company business under any circumstances without reporting it to the accounting department

### **Procedure for Formal Investigation**

Formal investigations shall be carried out by Competent Authority (who are not directly involved with the incident being investigated). This Competent Authority shall involve a minimum panel of members consisting of:

1. Head of Department or Reporting Manager
2. Head of Security or Nominated personnel by Security Head
3. Head of Human Resources or Nominated personnel by HR Head
4. At least one member from Women's Committee

All the relevant facts shall be gathered promptly as soon as is practicable after the incident. Statements shall be taken from witnesses at the earliest opportunity. Any physical evidence should be preserved and/or photographed if reasonable to do so.

A report should be prepared which outlines the facts of the case. This should be submitted to the appropriate HOD/HR Head who will decide whether further action is required. Where appropriate, this report may be made available to the individual and their representative.

In most circumstances where misconduct or serious misconduct is suspected, it will be appropriate to set up an investigatory hearing. This would be chaired by the appropriate HOD/HR Head, who would be accompanied by the panel members.

The incident details and findings shall be placed in the presence of the employee who has to been investigated. Witnesses may be called at this stage, and the employee (or their representative) allowed questioning these witnesses. The employee has a right of representation at this hearing.

Following the full presentation of the facts, and the opportunity afforded to the employee to state his side of the case, the hearing shall be adjourned.

The panel shall discuss the case and decide which of the following option was appropriate:

- Take no further action against the employee
- Recommend counselling for the employee
- Proceed to a disciplinary hearing

Information shall be communicated as per the panel report.

Should the decision be taken to proceed to a disciplinary hearing, then this may follow on immediately from the investigatory hearing if the following criteria have been met:

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- The employee has been informed that the investigation may turn into a disciplinary hearing, and that he has the right of representation
- All the facts have been produced at the investigatory hearing, and the panel is in a position to decide on disciplinary action.

It may be appropriate at this point to adjourn proceedings, whilst necessary arrangements are made for a representative to attend the hearing at the request of the employee.

Should anyone who is subject to disciplinary action resign during the course of it, the action will cease unless there are extenuating circumstances which require its continuance. The subject of the discipline may also request that the disciplinary action continue.

### **Counselling and Procedure**

Counselling is an attempt to correct a situation and prevent it from getting worse without having to use the disciplinary procedure. Where improvement is required, the employee must be given clear guidelines as to:

- What is expected in terms of improving shortcomings in conduct or performance
- The time scales for improvement
- When this will be reviewed
- The employee must also be told, where appropriate, that failure to improve may result in formal disciplinary action.

Counselling shall be conducted by individual department Heads along with the department Managing Representatives. Counselling form shall be filled in in completeness and submitted to Head HR for further action as per remarks.

A record of the counselling should be given to the employee and a copy retained in their personnel file.

If during counselling it becomes clear that the matter is more serious, then the discussion should be adjourned, and pursued under the formal disciplinary procedure.

### **Verbal Warning**

A Verbal Warning is appropriate when it is necessary for the Manager-In-Charge to take action against an employee for any minor failing or minor misconduct. Verbal warning shall be issued by the Reporting Manager with confirmation from respective HOD. A copy of the warning letter shall be given to Head HR for personal records file.

### **Written Warning**

Written Warning shall be issued by respective Head of Department only. A copy of the warning letter shall be given to Head HR.

### **First Written Warning**

A First Written Warning is appropriate when:

- A verbal warning has not been heeded and the misconduct is either repeated or performance has not improved as previously agreed.

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- An offence is of a more serious nature for which a written warning is more appropriate.
- The recurrence or accumulation of offence/offences, if left, will lead to more severe disciplinary action.

### **Final Written Warning**

A Final Written Warning is appropriate when:

- An employee's offence is of a serious nature falling just short of one justifying dismissal.
- An employee persists in the misconduct which previously warranted a lesser warning.

All Warnings must contain the following information

- The nature of the offence and where appropriate, that if further misconduct occurs, more severe disciplinary action will be taken.
- A copy of the warning and any supporting documentation must be attached to the individual's personnel file.
- The employee must also receive a copy of the warning which in the case of any written warning will be sent to their home address by recorded delivery if not handed to them in person.
- In the case of a final written warning, reference must be made to the fact that any further misconduct will lead to dismissal, and that the employee has the right of appeal, and to who they can make that appeal.

### **Withholding / stoppage of increments**

The Management may award withholding / stoppage of increments for a certain period of time depending on the employee's misconduct.

### **Downgrading or Transfer to another Post**

Shall be decided by Head of HR and HOD.

This action is appropriate when:

- Previous attempts, via the disciplinary procedure, to rectify a problem have failed and this is a final attempt to solve a problem without having to dismiss an employee.
- An employee is considered by the Manager of the department to be incompetent or otherwise unfit to fulfil the duties for which he is employed but where dismissal is not thought to be appropriate.

### **Suspension**

Suspension is not disciplinary action. The purpose of suspension is manifold and can be used when it is necessary to remove a member of staff from the workplace pending an investigation for example, to allow time for a 'cooling down period', for their own or others protection, to prevent them influencing or being influenced by others or to prevent possible interference with evidence. Only the HOD of the respective department or Head HR or immediate Competent Authority shall have the authority to suspend an individual. An employee suspended from duty will receive written confirmation

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**Dismissal / Termination**

Dismissal shall be appropriate when:

- An employee's behaviour is considered to be Gross Misconduct/Zero Tolerance
- An employee’s misconduct has persisted, exhausting all other lines of disciplinary procedure.

This decision shall be taken by the HOD and Head HR.

**Appeals**

Every employee has the right to appeal against the outcome of a disciplinary hearing.

An appeal should be put in writing to the Head HR/COO/CEO. The letter should contain the grounds for appeal and should be lodged within 10 days of receipt of the warning / dismissal letter.

An appeal hearing (if found warranted) shall be arranged.

**Appeal Hearing and Review Committee**

The Appeal hearing Committee panel shall consists of one or more of the following Management Heads or their immediate representatives. A minimum of two members shall be required for decorum of the hearing Committee. The Committee shall also review the appeal in case warranted.

- CEO
- Chief Operating Officer
- Head of Security
- Head of HR
- Head of Administration
- Head of Department

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