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Subject:	Disciplinary Code of Conduct (HRP0001)
Compiled by:	CTL Group (Pty) Ltd
Authorised by:	Directors of E.P.X Courier Services
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DISCIPLINARY CODE OF CONDUCT

(HRP0001)

1. INTRODUCTION:

- 1.1. The harmonious operation of any workplace is dependent on both the maintenance and adherence to specific disciplinary standards relative not only to performance and practices, but also behaviour and attitude.
- 1.2. The Company accepts that it is the responsibility of management to provide the means by which any deviations from acceptable standards can be brought to the attention of the employee without the necessity of immediate punitive actions being taken.
- 1.3. While the Company accepts that it has a responsibility towards its employees, this is not a one-sided agreement. The Company has a right to expect its employees to do their utmost to assist in achieving business objectives and to abide by its rules of conduct.
- 1.4. The disciplinary code to be adopted by the company is one of corrective as opposed to punitive applications. Such application shall ensure that, through a fair and equitable process, everyone will be made aware of any unacceptable standards or behaviour prior to action being taken.

- 1.5. At the same time, however, the Company also realises that situations do exist where employees become unhappy in the work environment and feel their own interests could be better provided for. An employee may at times feel dissatisfied or aggrieved or that he/she is the subject of an injustice, which arises out of the employer/employee relationship outside of the provisions of the Disciplinary Procedure. In the interests of good practise, the Company believes that such grievance must be dealt with as efficiently and quickly as possible and, accordingly, the Company's grievance procedure is laid down.
- 1.6. By means of progressive corrective disciplinary measures, each employee, subject to individual circumstances, shall be given the opportunity to provide an explanation for the deviation, which has been highlighted. Alternatively, help and guidance may be offered to assist the employee to achieve the required change in standards.
- 1.7. Depending on the severity of the contravention(s), submissions will be considered but will not exempt the employee from disciplinary action.

2. OBJECTIVES:

- 2.1. Provide a framework by which employees can be made aware of the rules and regulations governing the workplace. These dictate the applicable norms and standards.
- 2.2. Promote and foster the development of harmonious relationships through the application of a progressive and corrective approach to discipline with the aim of creating understanding and mutual co-operation.
- 2.3. To promote transparency and uniformity in handling disciplinary matters and ensure that all are familiar with the disciplinary code and procedures.
- 2.4. Ensure that uniform disciplinary action is taken timeously and in accordance with a fair procedure.

- 2.5. Provide the employee with the right of representation and the opportunity to defend him/herself against allegations levied, without fear of victimisation.
- 2.6. To encourage employees to refrain from misconduct and report any act to the company.
- 2.7. To always maintain and demonstrate disciplined behaviour.
- 2.8. To ensure that discipline is metered out in terms of this code and the labour relations act.

3. EMPLOYEE'S OBLIGATIONS:

- 3.1. Perform such duties and carry out all lawful instructions given to the employee by management.
- 3.2. To use his/her best endeavours to promote and extend the business of the company.
- 3.3. Always ensure compliance with the company's code of conduct.
- 3.4. Not to act on behalf of the Company or in a manner which would bring discredit or injury to the Company.

4. PROCEDURE:

- 4.1. This disciplinary procedure is based on a progressive application wherein the consequences of continued unacceptable behaviour/performance would be dealt with by means of progressive disciplinary action.
- 4.2. Such disciplinary action shall increase in severity to correlate with any continued deviation from acceptable standards.

- 4.3. Should the initial stages of the disciplinary procedure fail to secure the required improvement, the offender shall then progress through the stages with a subsequent increase in the severity of the disciplinary actions being taken.
- 4.4. Dependent on the severity of the breach, at each stage an opportunity for correction shall be presented to the individual with the objective of avoiding the necessity for further discipline.
- 4.5. **STAGES**: The code provides for the following levels of disciplinary action in that of:
- 4.5.1. **Counselling**: This serves to highlight the problem area(s) and to provide the employee with an opportunity to correct the behaviour prior to the Company being placed in a position where further disciplinary measures are invoked.
- 4.5.2. **Verbal Warning, valid for 3 months**: This warning fits minor offence(s) being committed by the employee and such warning should be recorded formally on the prescribed verbal warning form. It should be clearly indicated on the warning form, corrective steps to be taken to ensure compliance in future and to prevent any form of continued disciplinary action.
- 4.5.3. **Written Warning, valid for 6 months**: This warning fits more serious offence(s) being committed by the employee and such warning should be recorded formally on the prescribed written warning form. It should be clearly indicated on the warning form, corrective steps to be taken to ensure compliance in future and to prevent any form of continued disciplinary action.
- 4.5.4. **Final Written Warning, valid for 12 months**: This warning serves as a final reprimand to the breach and that such breach shall not be tolerated on a second occasion. The Company reserves the right to formally address this breach in a disciplinary hearing.

It should be clearly indicated on the final warning form, corrective steps to be taken to ensure compliance in future and to prevent any form of continued disciplinary action which might lead to the employee's dismissal, after following due process.

- 4.5.5. **Formal Disciplinary Hearing** which might lead to Dismissal. These offence(s) relates to dismissible offences as listed below on first offence, irrespective of a clean disciplinary record. A disciplinary hearing will be scheduled accordingly.

The Company reserves the right to decide whether an external chair would be required or not. Should the employee be found guilty, the Chairperson of the enquiry may use his/her discretion regarding alternatives/penalties short of Dismissal to fit the charges. For example: Transfers/unpaid suspension/ demotions etc.

4.6. **THE PRELIMINARY INVESTIGATION:**

- 4.6.1. Whenever it comes to Management's attention that an employee has allegedly committed an offence in terms of the Schedule of offences, then the employee's immediate superior will authorise a preliminary investigation into the alleged offence for the purpose of determining whether such employee has potentially breached the Disciplinary Code or not.
- 4.6.2. The investigation shall take the form of verbal questioning of persons involved or having knowledge of the alleged offence and taking statements if necessary; also, visiting the place or area where the alleged offence took place with a view to obtain a clear picture of the circumstances surrounding the event.
- 4.6.3. Where the preliminary investigation indicates that disciplinary action is necessary, then the immediate superior shall decide either – whether informal disciplinary procedures (the disciplinary interview) are

necessary; or whether formal disciplinary procedures (the disciplinary enquiry) are necessary.

- 4.6.4. A pre-cautionary suspension may be instituted should the breach be of serious nature. This means that whilst the investigation is taking place, that the employee be pre-cautionary suspended with full pay until the investigation has been concluded.

4.7. **DISCIPLINARY HEARING:**

- 4.7.1. Where a preliminary investigation indicates that formal disciplinary action should be taken due to an employee's unsatisfactory behaviour/consistent poor performance, then a notice of disciplinary enquiry must be issued to the employee within 5 working days from conclusion of the preliminary investigation.

- 4.7.2. **Notice of disciplinary enquiry:** The employee should be notified in writing that a disciplinary enquiry is to be held and it must state the following:

- 4.7.2.1. the date, time and venue of disciplinary enquiry.

- 4.7.2.2. the allegation(s) against the employee.

- 4.7.2.3. Rights during the disciplinary hearing to be listed which are as follows: The right of an interpreter, right of representation, however no outside representation will be allowed, right to cross-question any witness and/ or evidence been presented during the enquiry as well as the right to preparation time prior to the formal hearing at least 48 hours.

- 4.7.2.4. It should be noted that any failure to attend the disciplinary may result in the enquiry to be conducted in the employee's absence. The employee is required to inform management of any difficulty

to attend the hearing for the Chairperson to consider the circumstances and to provide the parties with a ruling whether the enquiry should be postponed or not.

4.7.3. The objective of listing of offences is not to attempt to provide an exhaustive list of unacceptable deviations from work practices or behaviour but merely to bring the types- and seriousness of offences to the employees' attention.

4.7.4. It is reiterated that each individual case be considered on merit and specific circumstances.

4.7.5. Should the offence be of such severity that the application of lesser corrective measures would be inappropriate, it would then be an imperative to move directly to an enquiry level. Referred to as Compulsory Enquiry Offences.

4.8. COMPULSORY ENQUIRY OFFENCES:

- Assault – threatening or intimidating behaviour.
- Absconding (absent more than 5 days without notifying the Company).
- Excessive sick leave.
- Bribery.
- Breach of confidentiality.
- Breach in trust or working relationship.
- Bringing the Company name into disrepute.
- Consuming or being under the influence of alcohol/drugs during working hours on or off company premises.
- Disregard to safety standards.
- Disclosure of confidential information.
- Dishonest conduct.
- Fraud/falsifying any document.
- Failing to report accidents/incidents.

- Failure to disclose any information/facts/conduct/actions by any employee or third person which, if not disclosed, would be prejudicial or harmful to the Company.
- Failure to follow standard procedures which resulted in severe consequences.
- Gross Insubordination: Failure to follow a lawful instruction.
- Falsification of attendance records.
- Falsification of information/documentation.
- Gross Insolence: Disrespectful conduct.
- Intimidation/Incitement/Threatening behaviour/actions or verbal threats.
- Making of derogatory or false statements, towards a client, customer, supplier or any employee of the company.
- Performing any private work without permission.
- Possession of any weapon classified dangerous.
- Gross Negligence.
- Sleeping during working hours.
- Sexual Harassment.
- Smoking in unauthorised areas/abuse of smoke breaks.
- Unauthorised displaying of posters/literature.
- Unauthorised possession or removal of company product/ property.
- Unauthorised possession of a firearm.
- Possession of being under the influence of an intoxicating substance.
- Fraudulent timekeeping: Clocking/recording time and not reporting for work.
- Clocking other employee's time or allowing clocking of own working time by other employees.
- Breach of company policy such as the cash handling policy.
- Mixing the customers/company's money with float money.
- Holding excessive cash in hand and not dropping the cash.
- Offending Customers / members of public.
- Non-compliance with established procedures and or/ instructions from supervisor.
- Offensive behaviour (e.g. insults, hate speech, racism and sexism)
- Failure to adhere to road traffic signals or a contravention of any road/traffic regulations.

The list tabulated below, identifies examples of transgressions, which, under **normal** circumstances, would not necessitate the compulsory convening of a disciplinary enquiry and as such would fall into the class of **Procedural Transgressions** (corrective & progressive discipline - warnings)

4.8 **PROCEDURAL TRANSGRESSIONS:**

- Absenteeism.
- Carelessness/idleness.
- Extending break periods.
- Entering unauthorised work areas.
- Failure to adhere to work procedures.
- Failure to maintain hygiene standards.
- Horseplay.
- Disrupting behaviour/conduct during working hours.
- Insolence.
- Negligence.
- Late coming/Poor time keeping.
- Littering.
- Dereliction of duty/Failure to perform work task in full.
- Placing of unauthorised notices/literature.
- Poor Performance.
- Using abusive/aggressive language.
- Unacceptable dress/working attire.

IT SHOULD BE NOTED THAT THE ABOVE IS A GUIDELINE ONLY.

DECISION-MAKING FLOWCHART

The flow diagram below depicts the entire process that should be followed from the point the incident arises and the supervisor/ representative is alerted. Specifically, the highlighted blocks represent the focus of this unit standard.

