



DISCIPLINE & CAPABILITY POLICY

1. DISCIPLINE AND CAPABILITY POLICY

1.1 *Policy*

The Company aims to ensure that there will be a fair and systematic approach to the enforcement of standards within the Company. To this end the following procedure will apply:

1.2 *Application*

The following disciplinary and capability procedure will apply only once you have been in the Company's employment for 3 months. If you breach disciplinary rules and/or your performance is not satisfactory, within the first 3 months you may be subject to dismissal without the following procedures being invoked.

This procedure will apply to disciplinary and/or capability related action up to and including dismissal. Dismissal for reasons unconnected with discipline or capability is covered by the Company's Dismissal Policy.

1.3 *Principles*

In any measures the following principles apply: -

- To improve and correct rather than punish.
- To give consideration to long service and good conduct
- To apply more serious penalties where previous action has proved ineffective in producing the desired effect or the misconduct or performance is sufficiently serious
- To deal speedily with actions relating to misconduct, and in particular, gross misconduct.
- To fully investigate the circumstances and take appropriate action

1.4 *General misconduct/inadequate performance*

The Company expects high standards of work performance from its staff. There are many ways in which performance may be of an unacceptable standard. These include, but are not limited to the following:



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- Poor standard of accuracy
- Inability to learn standard work procedures, slowness or inefficiency in carrying out duties.
- Persistently poor time keeping.
- Poor personal attitude and standards i.e. rudeness, abruptness, poor hygiene and inappropriate dress.
- Inability to co-operate with colleagues.
- Frequent or persistent short term absences from work
- Breaches of terms and conditions of employment
- Breaches of the Business Code of Practice and any other employment or Company procedures

1.5 Procedure

Informal Action

Minor breaches of Company discipline, misconduct and performance may first be dealt with informally by way of discussion with your Supervisor or Manager.

It is expected that in most cases informal action will quickly resolve any difficulties. However, where your conduct or performance is sufficiently serious or you fail to improve and maintain that improvement with regard to conduct or job performance the Company may invoke the formal procedure set out below:

Formal Action

General points of procedure

If the Company is informed or has cause to believe that you may have committed an act of misconduct or continually performed to a low standard resulting in the instigation of the formal disciplinary proceedings the Company will conduct a prompt and thorough investigation.

You may be suspended with pay while the circumstances of any disciplinary matter are being investigated.



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Disciplinary Hearing

A disciplinary interview conducted by your Supervisor, Manager or other appropriate representative of the Company will be held to which you will be invited. You will be given the details of the allegation prior to the interview taking place. You will be given the opportunity to state your case at the interview. A companion of your choice may accompany you to the interview. The companion may be either a work colleague or trade union representatives. Prior to the interview, you should advise whoever will be conducting the disciplinary interview of who will be accompanying you, if anyone.

The Company will take into account any mitigating circumstances that may apply and will also have due regard to your length of service, previous disciplinary record and all other factors that may be relevant.

Whilst the following procedure will normally apply, the Company reserves the right at its discretion to miss any of the stages that are set out below and impose a more severe penalty if the nature and/or circumstances of the misconduct/performance warrant it. The following stages do not apply to gross misconduct.

Stage 1 - Oral warning

If conduct or performance is unsatisfactory, you will be given a formal oral warning, which will be recorded in your personnel records. You will be advised of the reasons for the warning and the fact that it is the first stage of the disciplinary procedure. You will also be advised of any required improvement and timescales for such improvement. The warning may be given by your Supervisor, Manager or other appropriate representative of the Company. The warning will remain in force for such period as is believed to be appropriate depending on the circumstances in each case which will be notified to you at the time the warning is given.

Stage 2 - Written warning

If the offence is serious, if there is a recurrence of an earlier offence or a further offence occurs, or if there is no satisfactory improvement in performance, a written warning will be given to you which will include the reason for the warning together with a note as to what action will be taken (including the possibility of a final written warning) if there is further misconduct or if there is any recurrence of previous misconduct or a failure to satisfactorily improve performance. A copy of the warning will be placed on your personnel file. The warning may be given by your Supervisor, Manager or other appropriate representative of the Company. The warning will remain in force for such period as is believed to be appropriate depending on the circumstances in each case which will be notified to you at the time the warning is given.

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Stage 3 - Final written warning

If the offence is sufficiently serious, if there is a recurrence, or a further offence occurs, or if there is no satisfactory improvement in performance a final written warning will be given including details of the complaint together with a note as to what action will be taken if there is further misconduct or if there is any recurrence of previous misconduct or a failure to satisfactorily improve performance. A copy of the warning will be placed on your personnel file. The warning will be given by the Supervisor, Manager or other appropriate representative of the Company. The warning will remain in force for such period as is believed to be appropriate depending on the circumstances in each case which will be notified to you at the time the warning is given.

Stage 4 – Dismissal

If the offence is very serious, or if, there is a recurrence or further misconduct occurs or there is no satisfactory improvement in performance, you may be dismissed following a further disciplinary hearing.

The final decision to dismiss can only be taken by Managers, when satisfied with the facts of the case, any mitigating circumstances and after interviewing you in the presence of a staff representative.

Written Confirmation

If it is decided that disciplinary action should be taken, you will be told of the decision and later given a letter of confirmation. The written confirmation will state:

- Details of the misconduct or unacceptable job performance that has prompted the warning.
- Details of the necessary action to remedy the situation and any period of review decided on.

That any further misconduct will result in further disciplinary measures which may include dismissal.



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Action as well as Disciplinary Warnings or Dismissal

Disciplinary action may result in one or more of the following:

- Re-deployment within the department.
- A deduction from pay.
- Demotion to a more suitable job, if available.
- Transfer to another department
- Restriction in the opportunity to work overtime

Dismissal without Warning - Gross Misconduct

In rare cases, you may be summarily dismissed if it is established, after investigation and hearing your version of the matter, that there has been an act of gross misconduct, major breach of duty, or conduct that brings the Company into disrepute. Where gross misconduct has been established the Company may dismiss without completing the earlier stages of the formal disciplinary procedure.

Examples of gross misconduct include the following although the list is not exhaustive:

- Insubordination
- Accepting cash gratuities from customers
- Serious breach of safety rules potentially involving loss of life or limb
- Theft
- Fraud
- Being under the influence of excessive alcohol or illegal drugs during working hours.
- Flagrant failure to follow Company documented procedures and regulations
- Breach of duty regarding non disclosure of confidential information
- Deliberate damage to Company property or that of another employee
- Disorderly or indecent conduct, fighting on Company premises or threatening physical violence
- Acts of incitement or actual acts of discrimination on the grounds of sex, race, disability, religion, sexual orientation, colour or ethnic origin.
- Bringing firearms, pistols or knives (including imitations) into the Company premises.

Payment in lieu of notice will not be given in the case of gross misconduct.



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1.6 Representation

You have the right to be accompanied by a companion of your own choice at any formal disciplinary interview. The companion may either be a work colleague (a Liberty International Group employee) or trade union representative. A further representative of management may also attend to keep a record of the proceedings.

1.7 Authority to Implement

Informal Warnings:	Supervisors and above
Formal Warnings:	Supervisors and above
Dismissal:	Managers and above

1.8 Review

These disciplinary and capability rules and procedures will be kept under review by the Company and will, as necessary, be amended from time to time. Amendments will be notified to you at the time they are made.

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2. DISCIPLINARY & CAPABILITY APPEALS

You have the right of appeal against a final written warning, dismissal or action short of dismissal other than suspension on full pay or the issuing of a warning which is not a final written warning.

The Company wishes to enforce its requirements of standards of performance and conduct by its employees as fairly and consistently as possible. To further this aim, where you have received a final warning, have been dismissed or action short of dismissal has been taken against you other than suspension on full pay or the issuing of a warning which is not a final written warning, this Appeals Procedure will apply.

The appeal should be made to the Personnel Manager within 14 days of receipt of the disciplinary warning or dismissal (as the case may be).

The appeal should be made in writing stating the ground(s) on which the disciplinary penalty should be reviewed.

The letter of appeal should be sent to the Personnel Manager. The appeal hearing will normally be held within 10 working days of receipt of the letter.

A manager senior to the disciplining manager or supervisor will normally hear the appeal. In the rare circumstances where this is not possible, alternative arrangements will be made with you.

You have the right to be accompanied by a companion of your choice. The companion may either be a work colleague (a Liberty International Group employee) or certain trade union representatives. The Manager chairing the appeal must be informed 2 days prior to the appeal hearing if you are to be accompanied and by whom.

A representative of management will be present at the appeal hearing to keep a record of the proceedings. The hearing may be tape recorded.

You will be given full opportunity to state the ground(s) on which the appeal is made. The disciplining manager will then have the opportunity to explain his or her decision to impose the given penalty. The manager conducting the appeal may exercise discretion

as to whether the two parties will be present together or separately during the proceedings. When all the evidence has been heard the meeting will be adjourned. No decision will be made at the hearing.



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The manager of the appeal hearing will inform you of his or her decision, in writing no later than 10 working days after the hearing unless otherwise agreed.

The manager of an appeal has the authority to quash or reduce a disciplinary penalty, or, in exceptional circumstances to increase it, in accordance with the penalties specified in the Company's disciplinary procedure.

Where an appeal against dismissal fails, the effective date of termination shall be the date on which you were originally dismissed.



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3. EXAMPLES OF MISCONDUCT

The following are examples of misconduct and may amount to gross misconduct. They should not be regarded as exhaustive. Acts of misconduct, not detailed below, may also lead to disciplinary action. Individual rules relating to specific centres or departments should also be taken into consideration.

- Failure to comply with a reasonable order, instruction or contractual requirement.
- Failure to comply with a health and safety requirement.
- Any act which may result in action against the Company for negligence or for breach of duty of care.
- Conduct which is likely to bring discredit to the Company or to the conduct of its business.
- Improper, disorderly or unacceptable conduct at work.
- Late attendance or inadequate time keeping.
- Absence from work without proper cause and authority.
- Whilst on sick leave, working or indulging in activities which are inconsistent with the reason of absence
- Committing an act outside work, or being convicted of a criminal offence, which is liable to affect the employee's performance at work or the relationship between employee and employer or between the employee and other employees.
- Corrupt or improper practice.
- Breach of trust.
- Misuse of the employer's facilities.
- Loss, damage or misuse of the employer's equipment, property, assets or funds through wilfulness, negligence or carelessness.
- Theft or misappropriation of, or failure to account for, or falsely claiming entitlement to property, assets or funds of the employer.
- Providing false information orally or by falsification of records and documentation.
- Unauthorised personal use of company equipment.
- Unauthorised entry into the employer's computer systems.
- The use of private or pirate software on the employer's computer system.
- Malicious use of the Company's computer system.
- Misuse of the World Wide Web (WWW) or email (Please see Acceptable Use policy)
- Failure to observe the Company's equal opportunities policy.
- Sexual or racial harassment of colleagues or any person with whom the Company conducts business.
- Failure to report and record any matter which it is your duty to do so.
- Any acts of misconduct which are deemed unacceptable for an employee of the Company.

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