



SCHEDULE OF OFFENCES

The schedule of offences and proposed action indicated below merely serve as a guideline and do not constitute inflexible rules that have to be followed to the letter. The circumstances and merits of each individual case must be taken into account and the Chairperson or Manager 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.

It is further impossible for the Company to list each and every offence that an employee may commit in the workplace 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.

Disciplinary actions are some of the hardest things an HR professional has to do and not doing it properly can result in legal complications for your company. If you need professional assistance with this or other HR needs, get in touch with us by emailing rose@virtuehrsolutions.com

WORD KEY

VR - Verbal warning
WW - Formal written warning
FWW - Final written warning
DISM - Dismissal

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| DEFINITION | SAMPLE CHARGES | SAMPLE OFFENCES | 1 st | 2 nd | 3 rd | 4 th |
|---|---|--|----------------------------------|------------------------|-----------------|-----------------|
| ABSENTEEISM AND TIMEKEEPING OFFENCES | | | | | | |
| Unauthorised Absenteeism/leave | | | | | | |
| Refers to being absent from work without permission, and without a reasonable excuse, or a medical certificate. | <p>Unauthorized absence in that between (date) and (date) you were absent from work without permission.</p> <p>Note 1: Refer to failure to follow Company policy and procedure for possible additional charge</p> <p>Note 2: Refer to desertion/ act of absconding for an alternative charge for absence longer than five days.</p> | <p>Absent for 1-2 days.</p> <p>Absent for 3-4 days.</p> <p>Absent for 5 or more days.</p> | <p>WW</p> <p>FWW</p> <p>DISM</p> | <p>FWW</p> <p>DISM</p> | <p>DISM</p> | |
| Poor Timekeeping | | | | | | |
| Refers to the failure of an employee to comply with his/her obligations in terms of stipulated work hours. | <p>Poor Timekeeping in that on the <u>(date)</u> you arrived late for work; or</p> <p>Poor Timekeeping in that on the <u>(date)</u> you were late arriving back from lunch; or</p> <p>Continuous Poor Timekeeping in that on the <u>(various dates)</u>, you were late for work, etc...</p> <p>Note 1: Refer to failure to follow Company policy and procedure for possible additional charge</p> | <p>Poor timekeeping, 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 not permitted, not proceeding to the workplace or work station.</p> | <p>VW</p> | <p>WW</p> | <p>FWW</p> | <p>DISM</p> |

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| Desertion of post | | | | | | |
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| Absence from a 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. | Desertion of post in that on the (date), at approximately (insert time) you deserted your workstation without permission and or a valid reason. | An employee leaves his/her allocated post/work station without permission. | FWW | DISM | | |

| Desertion and or the act of absconding from work | | | | | | |
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| Unauthorised absence from work without the intention 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. | Absconion alternatively unauthorised absence from work, in that you have been absent from work from the (date) and despite being requested to do so have failed to make contact with the Company to explain the reason for your absence or your whereabouts. | Factors that play a role in determining the intention of the employee are length of absence, communication or lack thereof with employee concerned and the employee's failure to respond to requests to contact the Company. In such cases, the employer should have taken reasonable steps to establish the whereabouts of the employee. | DISM | | | |

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WORK STANDARD OFFENCES

Negligence

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| <p>Any 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.</p> <p>Gross negligence is distinguished from negligence in respect of the seriousness of the offence.</p> <p>Distinguished from dereliction of duty please refer to 1.4.2.3 in this regard.</p> | <p>Negligence in that on (date) you failed, without proper cause to perform your duties with the proper care required in that you (describe the event).</p> <p>Note 1: Refer to damage to Company property or loss suffered by the Company for possible additional charge.</p> | <ul style="list-style-type: none"> · If the work done is of a poor quality and/or quantity without any reason being given. · 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. · Failing to perform duties to the required standard without any acceptable reason. · Displaying unreliability, poor co-operation and a lack of interest in work. | <p>WW</p> | <p>FWW</p> | <p>DISM</p> | |
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| Gross Negligence | | | | | |
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| <p>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 for the Company.</p> | <p>Gross negligence in that on (date) you failed, without proper cause to perform your duties with the proper care required in that you (describe the event).</p> <p>Note 1: Refer to damage to Company property for a possible additional charge.</p> | <ul style="list-style-type: none"> · Please note that these are sample offences and may need to be adapted or varied according to the specific Company requirements. · Any act or omission which has the potential to give rise to serious consequences to the Company or its clients. · Any act whereby an employee, through carelessness or negligence, causes the Company's property valued over R 500-00 to be lost or is unable to account for it properly. · An action whereby the employee, through carelessness or negligence, causes or allows Company property valued more than R 500-00 to be damaged. | <p>DISM</p> | | |

| Dereliction Of Duty | | | | | | |
|---|---|---|----|----|-----|------|
| 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. | Dereliction of duty in that on (date) you failed to complete (describe task or function), a task assigned to you. Note 1: Refer to insubordination for alternative charge | Failing to complete a task allocated to the employee. | VR | WW | FWW | DISM |

| Loafing/ Idleness | | | | | | |
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| Refers to standing or sitting about idly or saunter lazily or aimlessly and thereby neglecting one's work, failing to work when there is work to be completed. | Loafing/ Idleness in that on the (date) you failed to devote all of your time to the furtherance of your duties in that you (describe the event). | Where an employee is found doing non-work related acts instead of concentrating on his/her work. | WW | FWW | DISM | |
| <p>Note: Attention must be paid to the differences between incapacity (cannot) and misconduct (will not). The disciplinary steps provided for in the code should ONLY be applied for "will not". If the unsatisfactory work performance is due to incapacity (cannot), the following must be adhered to:</p> <ul style="list-style-type: none"> · A formal evaluation must be made of the employee's performance. · Substandard performance as well as ways to correct such performance must be discussed with the employee. The employee must also be informed as to the action that can be taken against him if his/her performance does not improve (issue ultimatum). · Time should be allowed for the employee to improve his/her performance. The Company must assist the employee as far as possible and retrain if necessary. · The employee's performance must be re-evaluated. | | | | | | |

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CONDUCT RELATED OFFENCES

Abusive Language

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|---|---|---|-----|------|--|--|
| Language that is inappropriate, abusive to an employee or groups of employees and may or may not be derogatory in nature. | Use of abusive language in that on the (date) you used abusive language while addressing (victims name) | Use of abusive language. Swearing at fellow employees. Defaming someone, in the effect of insulting them. | FWW | DISM | | |
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Sexual harassment

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| Sexual harassment is attention of a sexual nature that is offensive and unwanted. The unwanted attention distinguishes it from behaviour that is welcome and mutual. | Sexual harassment in that on the (date) you (describe incident). | The sending of unsolicited emails and or messages of a sexual nature. The making of comments and or suggestive remarks and or actions that have a sexual connotation or meaning. | DISM | | | |
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Threatening behaviour

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| Behaviour that constitutes a threat of harm on another person and or property. Could be verbal or physical actions. | Threatening behavior in that on (date) you threatened (person threatened) by (describe incident). | Threatening another employee verbally or by actions. | DISM | | | |
| Assault | | | | | | |
| The physical harming of a work colleague through physical contact and or violence. | Assault in that on the (date) you assaulted (victim) by (describe incident). | The grabbing or pushing of someone. The act of striking a person in any way or form. | DISM | | | |
| Intimidation and or incitement | | | | | | |
| 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. | Intimidation in that on (date) and at (venue) you threatened other employees by (describe incident or behaviour). Note 1: Refer conduct detrimental to the maintenance of good order within the work place as a possible additional charge. Note 2: Refer to abusive language as a possible additional charge. | To incite or intimidate other employees to: Use violence; and/or Damage Company property; and/or Partake in unlawful industrial action, or indulge in any other disorderly behaviour. | DISM | | | |
| Sabotage | | | | | | |

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|---|--|---|-------------|--|--|--|
| <p>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.</p> | <p>Sabotage in that on (date) you wilfully damage property of the Company by (describe event).</p> <p>Note 1: Refer to damage to Company property as a possible additional charge.</p> | <p>Incidents were employees deliberately sabotage of damage Company property.</p> | <p>DISM</p> | | | |
| Unprotected strike action | | | | | | |
| <p>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.</p> | <p>Participation in unprotected strike action in that on the (date), you participated in strike action that was unlawful and unprotected.</p> | <p>Work stoppages that occur without following dispute resolution procedures.</p> | <p>DISM</p> | | | |

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ALCOHOL AND OR DRUG RELATED OFFENCES

Under the influence of alcohol and or narcotics

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| 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 and/or narcotics consumption. | Under the influence of alcohol and or narcotics in that on the (date) you (describe incident). | Reporting for work in an unfit condition whilst under the influence of alcohol and/or drugs. | DISM | | | |
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Unauthorised consumption of alcohol and or narcotics

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| The consumption of alcohol, narcotics or related substance whilst on duty. | Unauthorised consumption of alcohol in that on the (date), you were seen consuming alcohol/narcotics etc... whilst on duty. | Consumption of alcohol and or drugs whilst on duty. | DISM | | | |
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Unauthorised possession of alcohol or narcotics

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| Refers to the possession of alcohol or narcotics on the Company premises. | Unauthorised possession of alcohol and/or narcotics in that on the (date), you were found in possession of (describe substance found). | Found in possession of alcohol and/or narcotics. | DISM | | | |
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DISOBEDIENCE AND OFFENCES OF A DISRESPECTFUL NATURE

| Insolence | | | | | | |
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| <p>Action by an employee that constitutes and shows disrespect to his/her employer and/or superior.</p> <p>A direct (verbal) or indirect (through actions) challenge to the authority of the employer and or his designated representative.</p> | <p>Insolence in that on (date) you showed disrespect to your manager/supervisor by (describe incident).</p> | <p>Being belligerent in the acceptance of an instruction.</p> <p>Accepting an instruction but then voicing dissatisfaction to colleagues.</p> <p>Openly refusing to accept an instruction from a superior.</p> | FWW | DISM | | |
| Gross Insolence | | | | | | |
| <p>A serious act of insolence that has as its elements wilful contempt of the employer's authority. A challenge by an employee.</p> | <p>Gross insolence in that on (date) you showed disrespect to your manager by (describe incident).</p> | <p>Public refusal of an instruction. Swearing at a manager when refusing follow an instruction.</p> | DISM | | | |
| Insubordination | | | | | | |
| <p>The intentional disobeying of a reasonable and lawful instruction</p> | <p>Insubordination in that on the (date) it is alleged that you engaged in gross misconduct by challenging</p> | <p>An employee directly or indirectly confronts his supervisor by e.g.</p> | FWW | DISM | | |

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| <p>given by management.</p> <p>Any act or conduct of disobedience that has the effect of challenging the authority of the superior, management, supervisor.</p> | <p>the authority of the employer/superior and/or failing or refusing to obey a reasonable and lawful instruction relating to (details of instruction/incident).</p> | <p>refusing verbally and/or making no effort to carry out the work when instructed to do so.</p> | | | | |
| Gross insubordination | | | | | | |
| <p>A serious act of insubordination refusing to comply with a reasonable and lawful instruction.</p> | <p>Gross insubordination in that on the (date), you refused to obey a reasonable and lawful instruction relating to (details of instruction/incident).</p> | <p>When an employee is given an instruction and fails to carry out the instruction resulting in damage to the Company. Or where the instruction was given on at least three occasions.</p> | DISM | | | |
| Breach of Company policy and procedure | | | | | | |
| <p>A negligent or intentional failure to follow a Company policy that has been implemented.</p> | <p>Breach of Company (name of policy) policy and procedure in that on the (date) you failed to abide to the policy by (describe event or conduct).</p> | <p>An instance where there is an implemented Company procedure and the employee fails to follow it.</p> <p>The employee must be aware or reasonably aware that there is such a policy in place.</p> | WW | FWW | DISM | |

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DISHONESTY OFFENCES

Dishonesty

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|---|--|--|------------|-------------|--|--|
| <p>The intentional making of a statement with the intent to deceive or conceal the truth.</p> <p>Withholding information which any reasonable person would honestly disclose.</p> | <p>Dishonesty in that on the (date) you made a false statement by (describe incident.)</p> | <p>An employee makes a false statement or submission to the Company.</p> | <p>FWW</p> | <p>DISM</p> | | |
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Gross Dishonesty

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| <p>The intentional making of a statement with the intent to deceive or conceal the truth.</p> <p>Generally has the result of incurring substantial losses on the Company.</p> <p>A repeated and deliberate action and one of a very serious nature.</p> | <p>Gross dishonesty in that you on the (date) made a false statement by (describe incident).</p> <p>Note 1: This is a charge to be included in relation to the dishonesty around work permit status.</p> | <p>An employee makes a false statement or submission to the Company.</p> | <p>DISM</p> | | | |
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| Fraud | | | | | |
|--|---|--|------|--|--|
| <p>The intentional making of a false statement either in writing or verbally with the intention to obtain some form of benefit and or unjustified enrichment.</p> | <p>Gross dishonesty in that you committed fraud in that on the (date) you presented a false (describe document and or conduct).</p> <p>Note 1: This is a charge to be included in relation to the dishonesty around work permit status.</p> | <p>The creation of a false document with the intent to mislead (defraud), resulting or calculated to result in some prejudice, harm or loss to another or undue benefit to the employee, e.g. altering a medical certificate, travel claim, etc.</p> | DISM | | |
| OFFENCES DETRIMENTAL TO THE COMPANY | | | | | |
| Breach of confidentiality | | | | | |
| <p>Refers the unauthorised disclosure of confidential information including but not limited to Company's trade secrets, confidential documentation, technical know - how and data, drawings, system, methods, software, processes, client lists, programs, marketing and or financial information.</p> | <p>Breach of confidentiality - in that on the (date), you disclosed (describe information disclosed) being confidential information of the Company without authorisation.</p> | <p>Any disclosure of Company information without permission and authorisation.</p> | DISM | | |

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| Bringing the Company name into disrepute | | | | | | |
|--|--|---|------|------|--|--|
| 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. | Bringing the Company name into disrepute in that on the (date) you (describe incident) thereby bringing the Company name into disrepute. | A complaint received from a member of the public or a client. | FWW | DISM | | |
| Competing with the employer and or conflict of interest | | | | | | |
| 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. | Competing with the employer and or conflict of interest in that on (dates) you worked/made/conducted the business of/gave information concerning (describe content) to (competitors name) in competition with the Company and in breach of your contract of employment/duty as an employee. Note 1: Refer to confidentiality obligations for further charge | | DISM | | | |

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Conduct detrimental to the maintenance of good order within the workplace

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|--|--|---|-------------|--|--|--|
| <p>Conduct that has the effect of being detrimental to the moral of the Company and its employees. Normally associated with continuous behaviour of the kind that leads to disharmony within the work place and behaviour that is aimed at challenging the authority of the Company.</p> | <p>Conduct detrimental to the maintenance of good order within the work place in that on the (date), you (describe conduct).</p> | <p>Normally as a result of small acts of the employee that treated separately do not constitute a serious offence but treated together add up to a serious challenge to the authority of the Company.</p> | <p>DISM</p> | | | |
|--|--|---|-------------|--|--|--|

PROPERTY RELATED OFFENCES

Damage to Company property

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|--|--|--|-------------|--|--|--|
| <p>The intentional or negligent causing of harm/damage to Company property or property of a co employee.</p> | <p>Damage to Company property in that on (date) you caused damage to a (describe the property damaged), being the property of the Company or co-employee.</p> <p>Note 1: Refer to negligence for possible additional charge.</p> | <p>The breaking of a tool or machine of the Company.</p> | <p>DISM</p> | | | |
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| Theft | | | | | | |
|--|--|---|------|------|--|--|
| Being in the possession of Company and or client and or a fellow colleagues property with the intention to permanently deprive the affected party of the item. | Theft, in that on the (date), you were found in possession of (describe the item) being the property of the Company/client/colleague without authorisation and or permission. | The unauthorized removal or taking of property other than the employee's own including fellow employees property. | DISM | | | |
| Attempted theft | | | | | | |
| Refers to the attempted removal of property of the Company and or client and or fellow employee without authorisation. | Attempted theft in that on the (date), you were found in possession of (describe the item) being the property of the Company/client/colleague without authorisation and or permission. | Incidents where an employee is caught by security being in possession of property not belonging to them prior to vacating the Company premises. | DISM | | | |
| Misappropriation | | | | | | |
| Refers to the use of property or funds for the purpose other than that for which they are intended or legally required to be used for. | Misappropriation of Company funds/Company property in that on the (date), you (describe the item) . | Incidents where an employee is caught misusing funds or property of the Company. | FWW | DISM | | |

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| Unauthorised possession of Company property | | | | | | |
|--|---|---|------|------|------|--|
| Being in possession of Company property without the necessary permission and or authority. | Unauthorised possession of Company property in that on the (date) your were found in possession of (describe item) without authorisation. Note 1: Refer to breach of Company policy and procedure for a possible further charge. | Incidents where an employee is found in possession of 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 | | | |
| OFFENCES RELATING TO SAFETY AND ADHERENCE TO SAFETY STANDARDS AND PROCEDURE | | | | | | |
| Carrying unauthorised weapons | | | | | | |
| The intentional unauthorised carrying of a weapon without the consent or permission of the Company. | The carrying of a unauthorised weapon in that you (describe incident) on the (date). | An employee who carries a weapon illegally or without authorisation. | FWW | DISM | | |
| Smoking in a non-smoking area | | | | | | |
| An employee who intentionally smokes in a non smoking area and which can lead to possible health related issues to other employees as well as major financial repercussions for the Company. | Smoking in a non-smoking area in that you on the (date) you (describe incident). | An employee who smokes in a non smoking area. | WW | FWW | DISM | |

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Failing to adhere to safety standards and procedures

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| <p>Conducting their job without the necessary safety equipment and standards and putting fellow employees at risk due to not adhering to Company procedure and standards.</p> | <p>Failure to adhere to Company safety standards and procedure in that you on the (date) failed to (describe document and or conduct).</p> | <p>Failing to wear protective gear and equipment as per Company policy.</p> <p>Failure to report an injury or accident to management.</p> <p>Failing to adhere to the Company standards in regards with safety as put out in the Company policies.</p> | <p>FWW</p> | <p>DISM</p> | | |
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