



WILDERNESS

COMPANY CODE OF CONDUCT

DISCIPLINARY CODE AND PROCEDURE

DISCLAIMER:

Note that this code is subject to continuous review and updates in order to comply with all relevant laws and regulations. To ensure the integrity and fairness of the Company Code of Conduct and Disciplinary procedures, be advised that this document can only be relied on for a maximum of four week after it has been printed. Should you have any enquiries and/or concerns kindly visit the Company intranet to obtain an electronic copy of the latest policy or contact your local HR department.

Wilderness Disciplinary Code and Procedure

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PART A: APPLICATION AND DEFINITIONS

1. PURPOSE

The purpose of this Disciplinary Code and Procedure is:

- a) To provide a guideline on dealing with acts of misconduct.
- b) To ensure fair and equal treatment in the correction of unacceptable conduct in the workplace.
- c) To ensure that this Disciplinary Code and Procedure complies with the South African legal framework, and to have a procedure for other companies operating outside the country.
- d) To encourage timeous corrective action where misconduct arises.
- e) To ensure that disciplinary action is progressive and conclusive in its application.
- f) To ensure the application of the principles of natural justice when an Alleged Offender is disciplined.
- g) To ensure consistency in the application of corrective action.
- h) To identify acts of misconduct.
- i) To encourage the reporting of misconduct in the workplace.

2. SCOPE AND APPLICATION

This Disciplinary Code and Procedure shall apply to all Employees (including management, permanent and temporary Employees) of the Wilderness Group, which includes, but shall not be limited to all of the companies connected with Wilderness Holding Limited in a network of wholly owned companies (whether holding, subsidiary, associated or affiliated), including (without limitation) Wilderness Safaris (Pty) Limited, Namib Wilderness Safaris (Pty) Ltd, Wilderness Air Namibia (Pty) Ltd, Namib Lodge Company (Pty) Ltd, Okavango Wilderness Safaris (Pty) Ltd, Zambia Touring Company Ltd, Wilderness Safaris Zimbabwe (Pty) Ltd, Wilderness Tours Limited, Sefofane Aviation Holdings (Proprietary) Limited, Northern Air Maintenance (Pty) Ltd, Wilderness Air Botswana (Pty) Ltd, Wilderness Air Zambia Limited, Wilderness Air South Africa (Pty) Ltd, and all of the companies, organisations, trusts, associations and entities that are wholly owned by companies in the abovementioned network.

This Disciplinary Code and Procedure cancels all previous instructions, disciplinary codes and procedures and practices regarding disciplinary procedures for Employees and will be the only valid Disciplinary Code and Procedure until otherwise amended. Furthermore, the Company reserves the right to amend this Disciplinary Code and Procedure from time to time.

3. DEFINITIONS

- 3.1 “**Alleged Offender**” shall mean an Employee of the Company accused of misconduct.
- 3.2 “**Balance of probabilities**” shall mean that the Initiator has provided sufficient evidence to convince the Chairperson that the evidence on behalf of the Company is more probable than the evidence presented on behalf of the Alleged Offender, or vice versa.
- 3.3 “**Chairperson**” shall mean an authorised person appointed by the Company to preside over a disciplinary enquiry.
- 3.4 “**Company**” shall mean the Wilderness Group and all wholly owned subsidiaries operating in Africa.
- 3.5 “**Dismissal**” shall mean a decision of a Chairperson following a disciplinary enquiry to terminate the services of an Alleged Offender.
- 3.6 “**Employee Representative**” shall mean a fellow Employee who agrees to assist an Alleged Offender during any stage of the Disciplinary Enquiry proceedings in terms of this policy and subject to the Company’s operational requirements.
- 3.7 “**Employee**” shall mean any person employed by the Company.
- 3.8 “**HR Manager**” shall mean a Human Resources manager employed by the Company whose function, in terms of this policy, shall be to observe and guide any disciplinary process instituted in terms of this policy.
- 3.9 “**Independent Contractor**” shall mean someone who has by law no employment relationship with the Company, and undertakes the performance of certain specified work or the production of a certain specified result.
- 3.10 “**Initiator**” shall mean a person employed by the Company who acts on behalf of the Company during the disciplinary enquiry and presents the facts of the alleged misconduct.
- 3.11 “**Interpreter**” shall mean a person appointed by Management with the support of HR to competently interpret languages during a disciplinary enquiry.
- 3.12 “**Legislation**” shall mean all statutory provisions on related issues.
- 3.13 “**Verbal warning**” is given to an Alleged Offender in instances of misconduct, with a view to preventing further similar actions. A verbal warning remains valid for a period of 3 (three) months and a written record of the warning shall be kept by the Company.
- 3.14 “**Written warning**” is given to an Alleged Offender in instances of misconduct where the verbal warning did not have the desired effect or when the nature of the offence is such that a written warning is warranted. Written warnings are issued with a view to preventing further similar actions. A written warning remains valid for a period of 6 (six) months and a written record of the warning shall be kept by the Company.

- 3.15 **“Final warning”** is a warning issued to an Alleged Offender in instances of misconduct where the warning procedure has been followed, or when the nature of the offence is such that a final written warning is warranted. Final warnings are issued with a view to preventing further similar actions. A final warning remains valid for a period of 12 (twelve) months and a written record of the warning shall be kept by the Company. A final warning may only be issued after a disciplinary hearing has been followed.
- 3.16 **“Working day”** shall mean any day or shift upon which the Alleged Offender is normally required to work, with the provision that a disciplinary enquiry be held from Mondays to Fridays unless circumstances require otherwise.

For the purpose of this Disciplinary Code and Procedure, any reference to the male gender shall also include the female gender, and vice versa.

4. GENERAL TERMS

- 4.1 Formal disciplinary steps in terms of this Disciplinary Code and Procedure will normally be instituted in respect of:
- 4.1.1 conduct specifically set out in the Categorisation of Offences;
 - 4.1.2 other conduct that amounts to misconduct;
 - 4.1.3 contraventions of the general conditions of service; or
 - 4.1.4 instances of poor work performance due to misconduct.
- 4.2 The Disciplinary Code and Procedure, which is partly a guideline, shall form part of the terms and conditions of employment of all Employees of the Company.
- 4.3 The maintenance of discipline at the workplace is the responsibility and prerogative of management.
- 4.4 In the maintenance of discipline, management will ensure that all conditions of employment, legislation and rules that govern employment in the Wilderness Group, and any amendments thereto are at all times available to Employees.
- 4.5 This Disciplinary Code and Procedure cannot cover every offence. The Company may exercise disciplinary action against an Alleged Offender for good reason, although the reason may not be set out in the Disciplinary Code and Procedure or the schedule of offences.
- 4.6 The institution of disciplinary action in terms of this Disciplinary Code and Procedure will not necessarily be influenced by any other procedures, such a grievance procedures, incapacity enquiries etc.
- 4.7 It is further specifically recorded that all internal company remedies, as provided for in this code, must have been exhausted before any external remedies may be sought.

PART B: REPORTING MISCONDUCT

5. DUTY TO REPORT MISCONDUCT

- 5.1 Any person who has information regarding an act of misconduct is required to report the matter to the Company immediately after the occurrence or immediately after he/she becomes aware of such occurrence. Reporting could be done by submitting information to the employee's manager or the regional HR manager.
- 5.2 In the event of reporting an offence, the following information should be submitted to the Company:
 - 5.2.1 Name of the Alleged Offender.
 - 5.2.2 Nature of the alleged misconduct committed.
 - 5.2.3 Place and time where the alleged misconduct occurred.
 - 5.2.4 Possible witnesses.

Note: The failure to report an alleged misconduct may, in certain instances, also amount to an offence. Employees are therefore reminded that the Ethics Hotline provides an anonymous platform to report any suspected misconduct.

PART C: SUSPENSIONS

6. GENERAL PRINCIPLES REGARDING SUSPENSION FROM WORK

- 6.1 Pending a disciplinary enquiry, the Company may, at its sole discretion, suspend the Alleged Offender concerned from his/her duties. Such suspension will be effected after consultation with the Human Resources department and shall be with full remuneration retained by the Alleged Offender.
- 6.2 The conditions relating to the suspension will be given to the Alleged Offender prior to being suspended. These conditions should be complied with during the period of suspension.
- 6.3 The Company reserves the right to suspend an employee immediately and without consultation in the event of serious misconduct, which includes alleged criminal activity or honesty related offences, which has a direct and severe impact on the health and safety of other employees or the reputation of the Company.
- 6.4 Upon receipt of a notice of suspension, an Alleged Offender will surrender all company property to the local HR department and leave the premises of the Company immediately, unless otherwise instructed by the Company.

7. MISCONDUCTS WHICH MAY JUSTIFY SUSPENSION

An Alleged Offender, at the sole discretion of the Company, may be suspended pending a Disciplinary Enquiry if the alleged offence relates to:

- 7.1 Assault.
- 7.2 Riotous behaviour.
- 7.3 Gross insubordination.
- 7.4 Misconducts with dishonesty as an element, such as fraud, theft and unauthorised possession, misappropriation, misrepresentation
- 7.5 Breaching of the trust relationship.
- 7.6 Any act which threatens health and safety of other Employees.
- 7.7 Intoxication.
- 7.8 Unlawful misappropriation of Company property.
- 7.9 Sexual Harassment

Note: This list is not exhaustive and suspension may occur in other circumstances not mentioned above.

PART D: DISCIPLINARY PROCEDURE

8. BASIC PROCEDURE FOLLOWED BY THE WILDERNESS GROUP WHEN MISCONDUCT OCCURS

- 8.1 The line manager in the relevant department or other designated person will, if necessary, upon receipt of information regarding misconduct, arrange a preliminary investigation.
- 8.2 The line manager will be responsible for ensuring that the disciplinary process is concluded.
- 8.3 It shall thereafter be determined which specific procedure will be applied in terms of this Disciplinary Code and Procedure.
- 8.4 The manager, in consultation with the relevant HR manager, will also decide whether to suspend the Alleged Offender while the preliminary investigation is being conducted.
- 8.5 The procedure that should be followed can either be:
 - 8.5.1 The issuance of a warning, whether verbal or written, in accordance with the procedure prescribed for warnings in paragraph 9;
 - 8.5.2 The conducting of a formal disciplinary enquiry followed by possible dismissal if found guilty.

8.6 Note that the seriousness of the Alleged Offence will determine the procedure to be followed and each incident will be assessed on a case-to-case basis. The procedure to be followed is therefore entirely in the discretion of the Company.

Employees will, in terms of their conditions of employment, be subjected to a disciplinary or formal / informal enquiry if termination of services is possible due to misconduct. If the enquiry outcome leads to a dismissal, and the Employee is not satisfied with this outcome, the Employee can refer the matter for appeal within 10 days from date of termination.

9. PROCEDURE FOR WARNINGS

9.1 The Alleged Offender must be given an opportunity to state his/her case before a decision is made.

9.2 All disciplinary warnings within a certain category of offences are cumulative. For example, an Alleged Offender who is already in receipt of a verbal warning for a particular offence and who commits any other similar offence from that category within the prescribed period of time, will be subject to the steps prescribed for a more severe sanction. .

9.3 An offender must acknowledge in writing on the warning form issued, that it has been received. Refusal to sign receipt for a warning, for whatever reason, will not negate the warning. Should the Alleged Offender refuse to sign the warning, the refusal could preferably be recorded on the warning. When issuing a warning, the Manager can inform the Alleged Offender that should he/she commit an offence from the same or similar category within the period of validity of the particular warning, a more severe sanction may be imposed.

9.4 It is preferable to refer an offence where a Final Warning is contemplated to a disciplinary or formal / informal enquiry.

9.5 The Procedure to be followed is as follows:

9.5.1 The line manager or superior directly responsible for the Alleged Offender will investigate any the complaint received and inform HR as soon as the complaint gets raised;

9.5.2 The Alleged Offender will be notified of the Alleged Offence as well as the time and venue during which he will be afforded an opportunity to present his version of events;

9.5.3 If during the aforementioned discussion it becomes apparent to the line manager or superior that the offence warrants a more formal procedure, the Alleged Offender will be advised as such and the session will be adjourned;

- 9.5.4 If during the aforementioned discussion it becomes apparent to the line manager or the superior that the Alleged Offender is not guilty, the Alleged offender will be advised as such and the session will be adjourned;
- 9.5.5 If the line manager is satisfied that the Alleged Offence warrants a verbal or written warning, the line manager or superior will counsel the Alleged Offender relating to the avoidance of future indiscretions and the effect and consequences of the warning and caution the Alleged Offender that future transgressions may result in formal disciplinary action.

10. DISCIPLINARY ENQUIRY

10.1 Objectives

- 10.1.1 The primary objective of a disciplinary enquiry is to determine, on the basis of evidence presented and on a balance of probabilities, whether misconduct was indeed committed.
- 10.1.2 To afford the Alleged Offender an opportunity to state his/her version.
- 10.1.3 To decide on a fair and appropriate sanction should the Alleged Offender be found guilty.

10.2 Notice of disciplinary enquiry

- 10.2.1 In all events where an Employee is called upon to explain any alleged misconduct which is regarded as very serious, a notice to attend a disciplinary enquiry will be issued to such an Alleged Offender.
- 10.2.2 The disciplinary enquiry should be held within a reasonable time while recollection of the incident is fresh and evidence is available.
- 10.2.3 The written notice advising the Alleged Offender about the alleged misconduct, the time and venue of the disciplinary enquiry, shall be issued to the Alleged Offender at least two working days prior to the actual disciplinary enquiry commencing.
- 10.2.4 In the event that the Alleged Offender refuses to accept and acknowledge the written notice, any member of senior management can witness that the Alleged Offender has been provided with a true and accurate copy of the Notice of Disciplinary Enquiry and refused to accept same. This is done by counter signing the Notice of Disciplinary Enquiry in the presence of the Alleged Offender, line manager, Initiator and HR manager This shall be deemed to be *prima facie* proof that the Alleged Offender had knowledge of the details relating to the disciplinary enquiry.

10.3 Steps to be followed during the disciplinary enquiry

Note: The steps mentioned below are inserted merely as a guideline as the particular circumstances of each case may require a deviation, or alternatively, that a different process be followed.

- 10.3.1 The Chairperson introduces all parties present and clarifies their respective roles.
- 10.3.2 If the Alleged Offender is absent without a valid reason for the disciplinary enquiry of which he/she was aware, an enquiry as to his/her whereabouts should be made. The Chairperson may continue thereafter in absentia or postpone the disciplinary enquiry to a later date.
- 10.3.3 The Chairperson re-affirms the Alleged Offender's rights, as follows:
 - a. That at least 2 days' notice of the disciplinary enquiry was given.
 - b. That the Alleged Offender understands his/her rights in relation to representation by a fellow Employee. Alleged Offenders are required to make their own arrangements regarding Employee Representatives and the onus of securing a representative shall be on the Alleged Offender.
 - c. That the Alleged Offender understands his/her right to call witnesses.
 - d. That the Alleged Offender understands his/her right to an interpreter.
- 10.3.4 The Initiator states the charges against the Alleged Offender.
- 10.3.5 The Alleged Offender is afforded an opportunity to state if he/she did or did not commit the misconduct. He/she could require an explanation from the Initiator if a charge is not clearly understood.
 - a. If the Alleged Offender confesses on the charge(s), the Chairperson should afford the Alleged Offender an opportunity to explain why he/she considers himself / herself guilty of the charges.
 - b. If the Alleged Offender denies the allegations, then the Initiator is asked to present evidence to prove the charges of misconduct. Documentary evidence could also be submitted.
- 10.3.6 The Alleged Offender can be given the right to cross-examine each of the Initiator's witnesses after their evidence has been heard.
- 10.3.7 After the Initiator has called all the witnesses to prove his/her case, the Alleged Offender calls his/her witnesses and/or submits documentary evidence.
- 10.3.8 The Initiator may cross-examine each of the Alleged Offender's witnesses after they have testified.

- 10.3.9 The Chairperson needs to consider the evidence before making his finding. He could adjourn the disciplinary enquiry for this purpose.
- 10.3.10 The Chairperson decides whether the Alleged Offender is guilty or not guilty on a balance of probabilities. He may take counsel with the HR manager, consult text books or legal advisers to assist him in the decision making process.
- 10.3.11 After the Chairperson has made his decision, the finding will be communicated in writing or in person.
 - 10.3.11.1 If the Alleged Offender is found not guilty, the matter is concluded.
 - 10.3.11.2 If the Alleged Offender is found guilty, the Chairperson invites both parties to address him on what sanction should be awarded and why in writing or in person. The Chairperson considers this, makes a decision regarding the sanction, and communicates it to the parties in writing or in person. The Chairperson may adjourn the proceedings in order to deliberate.
- 10.3.12 The Chairperson informs the Alleged Offender in writing or in person that he/she has the right to refer the matter for Compulsory Private Arbitration within 30 days.

10.4 Record of proceedings

- 10.4.1 Minutes or recordings of the disciplinary enquiry should be kept by the HR manager or any other authorised person.
- 10.4.2 Disciplinary enquiries will normally be recorded. Copies of recordings made by one party may, on request, be made available to the other party. The party requesting copies shall bear the necessary costs for copying, delivery etc.

10.5 Outcome

- 10.5.1 The outcome of the disciplinary enquiry will be communicated to the Alleged Offender and/or his representative. Communication could be issued verbally during the disciplinary enquiry when all parties are still present or in writing.
- 10.5.2 An Alleged Offender who is dissatisfied with a dismissal resulting from the disciplinary enquiry can refer the matter for Appeal in terms of his/her terms and conditions of employment.

10.6 Burden of proof

- 10.6.1 The burden of proof is on the Company (Initiator) to show on a balance of probabilities that the Alleged Offender has committed the alleged misconduct.
- 10.6.2 The Chairperson must weigh-up the facts put forward by both sides and make a decision on the basis of what is the most probable version.

10.7 The Appeal

- 10.7.1 If the employee concerned contests the finding and or sentence imposed then he/she may lodge an appeal with management within seven (7) working days of being given the decision by the chairperson of the disciplinary hearing.
- 10.7.2 The appeal shall be lodged in writing by completing the "Notice of an Appeal" form and handing it to management. The appeal hearing shall be held within fourteen (14) normal working days from receipt of said form, unless special circumstances exist requiring a longer period.
- 10.7.3 An appeal shall be convened by a more senior manager than the manager who chaired the disciplinary hearing. (Hereinafter referred to as the "Appeal Chairperson".)
- 10.7.4 A record of the proceedings of the disciplinary hearing including the chairperson's decision shall be compiled and handed to the Appeal Chairperson. Copies shall be made available to the employee concerned and employee representative.
- 10.7.5 The appeal shall be attended by: - The employee concerned - The employee representative - Appeal Chairperson - Initiator of the disciplinary hearing
- 10.7.6 NOTE: The Chairperson of the disciplinary hearing may not be present in the appeal but may be called as a witness.
- 10.7.7 The purpose of the appeal is to give the employee concerned and his/her worker representative an opportunity to substantiate his/her reason for appeal.
- 10.7.8 The Appeal Chairperson shall, within three (3) normal working days of the completion of the appeal, give his/her decision on the matter to the parties concerned, unless special circumstances exist requiring a longer period.
- 10.7.9 Should the decision given in terms of the appeal not be acceptable, any party may then seek remedy through the process of law or through voluntary arbitration, in which instance the costs shall be borne equally by both parties.

10.8 Disciplinary enquiry in absentia

- 10.8.1 The Company reserves the right to proceed with a disciplinary enquiry without the Alleged Offender being present in the following events:
 - 10.8.1.1 If the Chairperson is satisfied that the Alleged Offender had received proper notice of the disciplinary enquiry;
 - 10.8.1.2 If the Alleged Offender is absent without good reason or on valid grounds; and
 - 10.8.1.3 After having postponed the matter as a result
- 10.8.2 In the event where an Alleged Offender is not present at the hearing, the Chairperson must:
 - 10.8.2.1 satisfy himself that the Alleged Offender had been properly notified of the disciplinary enquiry;
 - 10.8.2.2 establish the reasons why the Alleged Offender is absent, and if unable to do so, consider postponing the matter for no longer than 24 hours and ensures that the Alleged Offender receives notice of the postponement
- 10.8.3 If the Chairperson has satisfied himself with the aforementioned, the hearing may proceed in the absence of the Alleged Offender.

PART E: GENERAL

11. RESIGNATION PRIOR TO / DURING DISCIPLINARY ENQUIRY

In the case of an Alleged Offender terminating employment with insufficient or sufficient notice (notice as per the Employee's contract of employment) prior to or during the disciplinary enquiry, the Company reserves the right to continue with the disciplinary enquiry and have the matter concluded. Resignation by an Alleged Offender and subsequent absence from the process may lead to the disciplinary enquiry being held and concluded in absentia (in the Alleged Offender's absence).

12. EFFECTIVE DATE AND UPDATING

This Disciplinary Code and Procedure shall become effective from date of issue and revised as and when necessary. Employees are required to familiarise themselves with this Disciplinary Code and Procedure as well as any updates / revisions as posted on the HR share site.

13. CATEGORISATION AND DESCRIPTION OF MISCONDUCT

Any contravention of a Company policy may constitute misconduct and disciplinary action will be taken against Alleged Offenders. Such disciplinary action could, in certain instances, lead to dismissal.

The following categories of misconduct can be identified but **it must be noted that these categories do not constitute an exhaustive list of offences.**

13.1 Absenteeism and time keeping

13.1.1 Absenteeism

Absenteeism in this context means absence from work without permission.

Note that it is the responsibility of every employee to communicate immediately to the Company during any period of absence.

13.1.2 Poor time keeping and related offences

This will include:

- (a) reporting late for work;
- (b) leaving work early without permission;
- (c) extended or unauthorised breaks during working hours;
- (d) unauthorized absence from the work place.

13.2 Control at work

13.2.1 Sleeping on duty

Any employee who is found asleep on duty, whether or not such action leads to damage to Company property, shall be deemed guilty of an offence.

13.2.2 Negligent Loss, Damage or Misuse of Company Property

a) Negligent loss of Company property:

Any act whereby an employee, through carelessness or negligence, loses Company property or is unable to account for it satisfactorily.

b) Negligent damage to Company property:

Any act whereby an employee, through carelessness or negligence, causes or allows Company property to become damaged.

c) Misuse of Company property:

d) Using Company property for purposes other than that for which it was intended.

13.3 Unsatisfactory Work Performance

- a) **Poor Quality work/not working to standards:**
Work that is of demonstrably inferior quality or that can be shown as not conforming to laid down standards.
- b) **Carelessness:**
Performance of a task or duty without the exercise of due care and attention, which could lead or has led to incidents of loss to the company.
- c) **Negligence:**
Failure to exercise proper care and regard to the manner of discharging duty to the extent that tasks have to be repeated or equipment or persons are at risk of damage or injury.
- d) **Inefficiency:**
Failure or inability to carry out work at the required standard without reasonable cause.
- e) **Loafing:**
Passing time idly or failing without reasonable cause to complete tasks set out.
- f) **Non-compliance with established procedures:**
Failing to observe procedures that have been formally established, either verbally or in writing, by a person in authority.

13.4 Offences relating to indiscipline or disorderly behaviour

13.4.1 Disobedience and Related Offences

- a) **Refusal to obey a reasonable instruction:**
Deliberate refusal to carry out a lawful and reasonable instruction by a person in authority.
- b) **Refusal to work:**
Deliberately refusing to work, in breach of employment contract.
- c) **Failing to obey a reasonable instruction:**
Failure to obey a lawful and reasonable instruction given by a person in authority.
- d) **Non compliance with established procedures / standard instructions:**
This offence is repeated under this category as it is related in terms of both categories. (See 13.3 above)
- e) **Refusal to work overtime:**

Unreasonable refusal to work overtime when required to do so in terms of the company's right as an employer.

13.4.2 Attitudinal Offences

- a) **Gross Insubordination:**
Gross insolence towards a superior shown by demeanour, action or words.
- b) **Gross Negligence:**
Gross carelessness in carrying out functions, resulting in loss or accident or risk of loss or accident.
- c) **Gross Incompetence:**
Inability to properly perform significant job functions.
- d) **Gross Disloyalty:**
Serious disloyalty to the company, resulting in loss or risk of loss to the company or impairment of its image.
- e) **Sexual Harassment:**
Causing discomfort to members of the opposite sex through words or actions that are perceived by such members of the opposite sex to have sexual undertones.
- f) **Racial Harassment**
Causing discomfort to members of a different race through words or actions that is perceived by such members of a different race to have racial undertones.
- g) **Abusive language or Behaviour:**
The uttering of any words or the publication of any document or any action expressing or showing hatred, ridicule or contempt for any persons or bodies. The offence is more serious when it is wholly or mainly directed at an employee/s because of race, tribe, sex, religion, place of origin or colour. Wilful use of foul language or behaviour in front of persons, who object to this, falls under this category.
- h) **Insubordination:**
Insolence towards a superior shown by demeanour, action or words.

13.4.3 Disorderly Behaviour and Related Offences

- a) **Disorderly behaviour (horseplay):**

Including rough or unruly behaviour or practical jokes whether or not such behaviour endangers the safety or health of others or the smooth running of the work place.

- b) Threatening violence:
Threatening to do physical injury to any other person.
- c) Assault or attempted assault:
Occasioning, threatening or attempting to occasion bodily harm or hurt to any other person. Assault is defined in terms of the perception of the assaulted person, not the intention of the assaulter.
- d) Fighting:
Physical combat with another person.
- e) Riotous behaviour:
In concert with two or more persons, engaging in or inciting a group of persons to indulge in disorderly behaviour or wilful damage to Company or other private property.

13.4.5 Alcohol or Narcotic Offences:

- a) Working or reporting for work whilst under the influence of alcohol and/or narcotics.
- b) Being in possession of alcohol and/or narcotics whilst on duty.
- c) Taking alcohol or narcotics, i.e. taking, injecting or inhaling alcohol and/or narcotics whilst on duty.
- d) Possessing or consuming alcohol on Company premises.

13.4.6 Wilful Loss, Damage or Misuse of Company Property

- a) Wilful loss:
Any act whereby an employee wilfully or deliberately loses or causes to be lost, Company property.
- b) Wilful damage:
Any act whereby an employee wilfully or deliberately damages, or allows or causes damage to Company property.
- c) Wilful misuse:
Any act whereby an employee wilfully or deliberately misuses Company property.

13.4.7 Divulgence of Confidential Information:

Divulgence of information that is apparently confidential in nature in that such divulgence can result in loss or risk of loss to the company, or impairment of its image.

13.5 Offences relating to dishonesty

13.5.1 Bribery or Corruption:

Giving or receiving or attempting to give or receive any bribe or inducing or attempting to induce any person to perform any corrupt act.

13.5.2 False Evidence:

Deliberately giving untrue, erroneous or misleading information or testimony whether verbally or in writing, as a result of which the exercise of authority or any general controls or operations of the business may be undermined.

16.5.4 Forgery, Uttering and Fraud:

Fraud is deception or distortion of the truth deliberately in order to secure unfair or unlawful gain. Offences in this regard include:

- a) falsifying or attempting to falsify a document with fraudulent intent,
- b) uttering or attempting to utter false statements with intent to defraud,
- c) defrauding or attempting to defraud by other means.

16.5.5 Theft/ Unauthorised Possession

Stealing or unauthorised / unlawful possession of property or goods.

16.5.6 Misappropriation:

Applying or attempting to apply a wrong use or for any unauthorised purpose any funds, assets or other property belonging to the company.

6.6 Misconduct not elsewhere provided for

Relates to any misconduct that is not provided for elsewhere in this document.

14. GENERAL PRECEDENTS FOR SANCTIONS ON MISCONDUCT (as outlined above)

IMPORTANT: These precedents are merely guidelines and may, if circumstances require, be deviated from. In certain instances of misconduct, the precedent as set out hereunder can be

disregarded and a dismissal could be imposed for a first offence. Mitigating and aggravating factors may determine that a deviation in the discretion of the Chairperson may occur.

NATURE OF MISCONDUCT		1 st Offence	2nd Offence	3rd Offence	4th Offence
1.	Absenteeism				
1.1	Absence without leave for less than 3 working days Absence	Final warning	Dismissal		
1.2	Absence without leave for 3 days or more	Dismissal			
1.3	Abuse of sick leave	Written warning	Final warning	Dismissal	
1.4	Non-notification of absence	Written warning	Final warning	Dismissal	
2.	Time related misconduct				
2.1	Reporting late for work	Verbal warning	Written warning	Final warning	Dismissal
2.2	Leaving work early without authorization	Verbal warning	Written warning	Final warning	Dismissal
2.3	Unauthorized absence from workstation / post	Verbal warning	Written warning	Final warning	Dismissal
2.4	Unauthorized breaks during hours of work	Verbal warning	Written warning	Final warning	Dismissal
2.5	Abuse of authorized breaks	Verbal warning	Written warning	Final warning	Dismissal
2.6	Fraudulent timekeeping / clocking offence	Dismissal			
2.7	Failing to report for agreed overtime	Final warning	Dismissal		
2.8	Fraudulently obtaining sick leave	Dismissal			
2.9	Abuse of working time	Verbal warning	Written warning	Final warning	Dismissal
3.	Poor Work Performance				
3.1	Poor work performance due to misconduct	Final warning	Dismissal		
3.2	Refusal to follow a lawful and reasonable work-related instruction	Final warning	Dismissal		
4.	Dishonest Conduct				
4.1	Gross dishonesty/dishonesty	Dismissal			
4.2	Bribery/Corruption	Dismissal			
4.3	Fraud/forgery/falsification/misrepresentation	Dismissal			
4.4	Theft/ attempted theft	Dismissal			
4.5	Unauthorised possession	Dismissal			
4.6	Misappropriation/ unauthorised use of property (i.e. employers vehicles, credit card, telephone, internet, e-mail,3G card abuse etc.)	Dismissal			
4.7	Disclosure of confidential information	Dismissal			
4.8	Unauthorised use of company credit card	Dismissal			
5.	IT Resources offences				
5.1	Unauthorised access to another's laptop/desktop and/or data or an attempt thereto	Final warning	Dismissal		
5.2	Security violation of sharing passwords	Dismissal			
5.3	Software violation of illegally copying software (without financial implication)	Final warning	Dismissal		
5.4	Software violation of illegally copying software (with financial implication)	Dismissal			

5.5	Transmitting, retrieving or storing any data of discriminatory and/or harassing and/or obscene and/or derogatory nature during working hours	Verbal Warning	Written Warning	Final Written Warning	Dismissal
5.6	Transmitting abusive and/or profane and/or offensive language through any of the company's IT resources during working hours	Verbal Warning	Written Warning	Final Written Warning	Dismissal
5.7	Solicitation of non-company business	Dismissal			
5.8	Excessively transmitting, retrieving or storing non-work related data through/on any of the company IT resources	Written warning	Final warning	Dismissal	
6.	Conflict of Interest Offences				
6.1	Holding a second job without prior permission before engaging in external economic interest	Dismissal			
6.2	Having conflicting interest with the company	Dismissal			
6.3	Industrial sabotage	Dismissal			
6.4	Breach of confidential information	Dismissal			
6.5	Wilful refusal on part of alleged offender to submit evidence on any matter pertaining to the company	Final warning	Dismissal		
7.	Disorderly Conduct				
7.1	Sleeping on duty whilst fulfilling a non-critical and essential role	Final warning	Dismissal		
7.2	Sleeping on duty whilst fulfilling a critical and essential role (i.e. security or reception)	Dismissal			
7.3	Insubordination, insolence and related misconducts	Final warning	Dismissal		
7.4	Gross insubordination/ Gross insolence	Dismissal			
7.5	Smoking in non-smoking zone	Final warning	Dismissal		
7.6	Playing games during working hours (card games, computer games etc)	Written warning	Final warning	Dismissal	
8.	Behavioural offences				
8.1	Abusive language	Final warning	Dismissal		
8.2	Improper/disgraceful conduct	Final warning	Dismissal		
8.3	Horseplay	Final warning	Dismissal		
8.4	Threats of violence / physical violence	Dismissal			
8.5	Assault / attempts to assault	Dismissal			
8.6	Fighting	Dismissal			
8.7	Riotous behaviour	Final warning	Dismissal		
8.8	Victimization	Final warning	Dismissal		
8.9	Harassment	Dismissal			
8.10	Intimidation	Dismissal			
8.11	Fire Arms: unauthorized possession of firearms or dangerous weapons on Company property	Dismissal			
8.12	Bringing the Company's name into disrepute/conduct unbecoming of an Employee/ Conduct unbecoming	Dismissal			
8.13	Wilful damaging of company property	Dismissal			
9.	Negligence				
9.1	Negligence/ Dereliction of duty	Final warning	Dismissal		
9.2	Gross negligence/ Gross dereliction of duty	Dismissal			
9.3	Gross negligence in acting in breach of any Service Level Agreement, client mandate or management agreement.	Dismissal			

10.	Alcohol or drug misconducts				
10.1	Unauthorized possession of or entry with alcohol in the workplace	Final warning	Dismissal		
10.2	Unauthorized possession of or entry with illegal substance in the workplace	Dismissal			
10.3	Unauthorized taking of alcohol in any form in the workplace	Final warning	Dismissal		
10.4	Unauthorized taking of illegal substance in any form in the workplace	Dismissal			
10.5	Inability to work properly as a result of alcohol	Dismissal			
10.6	Inability to work properly as a result of illegal substance	Dismissal			
10.7	Reporting for work whilst intoxicated	Final warning	Dismissal		

Note: The abovementioned list is not an exhaustive list and new matters will create a precedent over time. Serious offences could warrant dismissal on the first occurrence.

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