Disciplinary Code Dolphin Beach/Four

1. Introduction

1.1. This disciplinary code is intended to provide a framework of the standards, rules and regulations to ensure that the employees of Dolphin Beach/Four Bodies Corporate know and understands what the Trustees are expecting from them. It also regulates the interaction between the Trustees and the employees.

1.2. Only permanent staff on the payroll of the Estate is governed by this Disciplinary code. Contractors are governed by the contract between the Bodies Corporate and the contractor. Staff directly employed by the hotel and restaurant is excluded from this code.

1.3. The disciplinary code prescribes the penalties which are likely to be imposed by the Trustees should employees transgress the rules. The Disciplinary code provides examples of minor and major transgressions which may lead to disciplinary action and the code is not intended to be exhaustive of possible offences nor prescriptive for the only disciplinary sanction.

1.4. The rules and regulations of the South African Labour law will take preference if a discrepancy arises to this code.

2. Behaviour that meets the Requirement

2.1. Employees are required to make their services available to the Estate as agreed to in their contract of employment.

2.2. Employees are required to be obedient. This means that employees are required to carry out any reasonable instructions that may be given to them by those authorised to do so.

2.3. Reasonable instructions are those that fall into the scope of the employee's job description or duties or are necessary to ensure safety, good order, efficiency and productivity in the Estate or to meet operational requirements.

2.4. Employees are also required to behave respectfully towards all Trustees, residents, visitors, and clients, whom they may come into contact with during their employment.

2.5. Employees are required to maintain the trust inherent in the employment relationship by being honest and always acting with integrity. Trust is the most critical aspect of the employment relationship. As such, employees must be honest in their personal dealings as well as their dealings with their seniors or with the Trustees.

2.6. As a rule, employees are required to perform work in an efficient and professional manner. The Trustees believes that every employee must perform work in a competent manner and to the standards and rate of output reasonably required. To achieve this, employees are required to possess the requisite degree of skill, knowledge and energy as well as the appropriate attitude to be able to effectively meet work standards.

2.7. Employees are required to act faithfully and in the best interest of the Estate at all times.

3. **Behaviour that does not meet the requirement**

3.1. Employees are required to demonstrate acceptable conduct and behaviour during their employment. Continued or serious misconduct makes the continuation of any employment relationship impossible. All employees are required to conduct themselves in accordance with acceptable social norms, morals and ethics, politeness and other standards of behaviour as may be required.

3.2. Misconduct may in certain cases such as severe breach of trust, gross dishonesty, wilful damage to property, wilful endangerment of safety, physical assault; gross insubordination, etc. justify summary dismissal.

3.3. Appendix A outlines the Disciplinary Code in matrix form and serves as a guideline in terms of the appropriate disciplinary penalty. Although this is the recommended disciplinary action, a degree of flexibility should be maintained in order to apply the appropriate degree of discipline.

4. Suspension

4.1. An employee may be suspended temporarily pending the conclusion of a disciplinary enquiry into a *very serious transgression*. Suspension will take place with retention of salary and is *not a disciplinary measure*. The purpose of suspension is exclusively to protect the Trustees against any further damage that may be caused by the continued presence of such an employee in the workplace.

4.2. When suspension is considered, the Trustees must provide the employee with the reasons for the contemplated action. The Trustees must also avail the employee an opportunity to furnish reasons why he/she is of the opinion that suspension is not warranted.

4.3. After having decided to suspend an employee in terms of this procedure, the Trustees must inform the employee of the reasons for this decision.

4.4. The disciplinary hearing must take place as soon as reasonably possible after suspension.

5. Disciplinary Procedure

5.1. Minor transgression. In the case of a minor transgression for which no previous disciplinary measure is valid, the Estate Manager may summarily issue a verbal warning. In the case where the Estate Manager is warned the warning must be issued by a relevant Trustee.

5.2. A verbal warning is recorded informally by way of a note in the personal file.

5.3. Serious transgressions that does not lead to dismissal. In the case of a serious transgression at least two of the following members must attend: The Estate Manager and a relevant Trustee. In the case where the Estate

Manager is warned the Chairman of one of the Boards of Trustees and one other relevant Trustee must be present.

5.4. A written warning is a formal document that is signed by the employee as well as the person issuing the warning.

5.5. Serious and very serious misconduct that could lead to a dismissal. The Estate Manager will inform the employee in writing of a disciplinary hearing into alleged misconduct within a reasonable time after the alleged misconduct took place. In the case where the Estate Manager is involved both Chairman of the two Bodies Corporate must inform the Estate Manager. The following information will be provided: -

- The alleged transgression which the employee has committed.
- Reasonable information must be supplied about the alleged misconduct that will enable the employee to prepare his / her defence. This includes mention of the *place*, *date* and *time* of the incident.
- The date, time and place where the disciplinary hearing will take place.
- The employee will be informed of his/her right to present his/her case at the hearing.
- An employee will be given at least 48 hours' notice of a disciplinary hearing and such notice will not take place over a weekend.
- The employee will not be entitled to formal representation however may make use of witnesses.
- The disciplinary hearing will take on a formal format.
- An independent chairperson chosen by the chairman of one of the relevant Board of Trustees.
- The following members must be present: The Estate Manager or in the case where the Estate Manager is involved both of the chairmen of the Bodies Corporate.

6. Disciplinary Hearing

6.1. During the hearing the Employee will be confronted with the alleged transgression and he/she will be availed the opportunity to state his side of the case. The Chairperson will listen to and evaluate all the evidence and will conclude as to the employee's guilt based on the balance of probabilities.

6.2. The entire Hearing must be recorded and transcript in writing for future reference purposes.

6.3. The following steps will take place during the inquiry: -

- The charge(s) will be read to the Employee.
- The Employee will be given the opportunity to plea on the charges, i.e. he will indicate whether he is guilty or innocent of the alleged misconduct.
- If the Employee pleads guilty, no evidence is heard and the Chairperson only hears the Employees opinion regarding an appropriate disciplinary measure, and studies the Employees employment record, where after the disciplinary measure is imposed.
- If the Employee pleads not guilty, the Chairperson will call witnesses to state the employer's case.
- The Employee will have the opportunity to cross-examine every witness.

- The Employee will then have the opportunity to call his witnesses and to question them.
- The Chairperson may question the Employee's witnesses.
- After all the evidence has been heard, the Chairperson gives the employee the opportunity to summarise his case and to give his opinion regarding the finding the Chairperson should arrive at, considering all the evidence.
- The Chairperson now summarises the evidence.
- The Chairperson now makes the decision regarding the Employee's guilt or innocence known and gives reasons for the decision.
- The Employee's service record is now presented to the Chairperson.
- The Employee is given the opportunity to give evidence in mitigation and to request the Chairperson to impose a specific disciplinary measure.
- If applicable, the Chairperson may hear the employee's supervisor on the question of an appropriate disciplinary measure.
- The Chairperson makes the disciplinary measure known and gives reasons for the decision.
- The disciplinary measure is recorded, and the employee is requested to sign the form as acknowledgement of receipt. Should the employee refuse to sign, any witness present may sign as proof that the Employee has heard the disciplinary measure.
- The Chairperson informs the employee of the right to refer this matter for further attention in terms of the Labour Relations Act.

Appendix A to Disciplinary Code Dolphin Beach/Four

	Type of Transgression	Minor Transgressions	Serious Misconduct	Very Serious Misconduct
1	***Attendance***	Late for work	Absenteeism (2 days to 6 days)	Desertion (7 days or more)
		Leaving early	Failure to report absence	
		Too long breaks	Failure to file sick report	
			Failure to file leave request	
2	***Contractual obligations***	Allocated tasks not done	Specific tasks not done	Dereliction of duty
		Reports not generated	Negligence	Insubordination
			Poor quality of work	
			Inspections not done	
3	***Tools and Equipment***	Not clean	Lost or misplaced	Unsafe procedures or equipment
		Not sharpened	Misuse of equipment	
			Using company equipment privately	
4	***Work place***	Not cleaned	Disrespect	Unsafe
		Doing private work during working hours	Accepting bribes or gifts not disclosed	Entering private property unauthorised
			Failure to report damage	Offensive material
5	***Work ethics***	Slow work	Damage to Dolphin Beach/Four property	Sabotage
		Not neat	Dishonest	Theft or fraud
		Sleeping on duty	Failure to wear proper clothing	
		Harassment	Racist or sexual behaviour	
			Disclosing company information	

6	***Personal Hygiene***	Uniform not washed		Forging Sick Certificate
		Cloakroom not cleaned		
7	***Behaviour***	Not courteous	Foul language	Misuse of liquor and or drugs
				Assault