



Yacht Havens Disciplinary Policy and Procedure

Whilst we hope this will never apply to you, Disciplinary issues arise when problems of conduct or capability are identified and cannot be resolved informally.

At such times, it is important that a framework is available to follow for the benefit of all employees and managers to ensure there is a consistent and fair process, in a formal manner.

The purpose of this Disciplinary Policy is to provide a consistent, fair and systematic approach to enforcing the standards of conduct, job performance and company policies and procedures. The Disciplinary Procedure is invoked when informal processes of resolving the matter have been exhausted or are not considered appropriate.

This policy and procedure applies to all employees and managers of the company.

Informal Action

Informal action does not form part of the formal part of the Disciplinary Procedure and may include counselling, setting performance goals, advising the employee of conduct concerns etc. Wherever possible, informal dispute resolution action is encouraged to avoid the necessity of following the formal Disciplinary process.

Disciplinary Procedure

The formal procedure is in three stages, however, depending on the severity of the Disciplinary case, any of these stages may be skipped and an appropriate Disciplinary sanction may be administered in order to achieve the desired outcome.

Disciplinary Hearings

If the Manager feels that a Disciplinary hearing is necessary and the situation cannot be resolved by informal action, the employee will be invited to attend a Disciplinary hearing.

The employee will receive a formal invitation, to attend a hearing in writing detailing the employee's alleged reasons for potential Disciplinary action, which will state the date, time and place.

At all hearings, there is no pre-conceived decision and it is the employee's opportunity to state their case.

The employee is entitled to bring a fellow colleague with them as support counsel* to the hearing. If the employee's chosen companion is not available at the time proposed for the hearing, it will be postponed to a time proposed by the employee provided that the alternative time is both reasonable and not more than 5 working days after the date originally proposed. The support counsel may ask questions on behalf of the employee but may not answer on the employee's behalf.

A meeting will be held in all cases except in cases where it has been necessary to suspend the employee or in cases of summary dismissal for gross misconduct. If the timing is not convenient for the employee, the employee may request that the meeting is moved once only. There is no right to have it moved, however, and all meetings will take place during normal working hours. The company reserves the right to hold the meeting in the absence of the employee if the employee is unable to attend or he or she has not presented a response (or a response which is not accepted) or does not contest the allegation(s).

First Formal Warning

This is the first stage of the formal Disciplinary process. First formal warnings are normally issued for 6 months. It may be given for minor breaches of discipline such as timekeeping, mild insubordination etc. Any decisions relating to the employee made following this hearing will be confirmed in writing to the employee, together with details of a desired improved course of action, if necessary.

Final Formal Warning

If there is still a failure to improve and/or conduct or performance is still unsatisfactory but is insufficiently serious to justify a dismissal, a Final Written Warning may be given after or at the end of a hearing. This is normally for a period of 12 months.

Dismissal

Except in cases of gross misconduct warranting summary dismissal, all employees are entitled to the appropriate notice as specified in their written Statement of Terms and Conditions. There may also be cases where, instead of dismissal, the company decides that such poor conduct or capability has rendered the employee in a position where he or she cannot perform their job, but where demotion is considered a suitable alternative. This will not apply to cases of summary dismissal, however.

Gross Misconduct

The following is not an exhaustive list but does outline some examples of what may constitute gross misconduct.

- Theft, misappropriation or misuse of company property or that of other employees
- Fraud
- Deliberate damage to company property and that of other employees
- Deliberately visiting internet sites that contain pornographic, obscene or offensive material
- Bringing the company into disrepute
- Serious breach of health and safety legislation and procedures
- Causing loss, damage or injury through serious negligence
- Drunkenness, drug or substance misuse
- Breach of confidentiality or a serious breach of confidence
- Gross insubordination
- Any bullying, harassment of any kind, or violence which may be verbal or physical
- Serious disorderly conduct

Notification of Disciplinary Action

All formal Disciplinary action will be confirmed in writing stating the sanction given, the time period it is given for and the reasons. The employee will also receive details of their right to appeal.

Appeal

The employee has a right to appeal to any decision for Disciplinary action given at every stage of the process.

This appeal must be in writing and must take place within 5 working days of receipt of written confirmation of action from the employer.

The employee must state, in writing, their reason for appeal. The appeal meeting is normally to review any new evidence or if they do not feel they were given a fair hearing.

The appeal hearing will be held by a Director. Where this is not possible, it may be necessary to hear the appeal by an alternative Manager or a Consultant to the company.

The employer will then write to the employee within 5 working days receipt of receiving the Appeal in writing, inviting the employee to attend an appeal hearing.

The employee must take all reasonable steps to attend this meeting. If the employee does not, it will be held in their absence and the company reserves the right to make a decision based on the information available to them and after full consideration of the contents of the written appeal on behalf of the employee.

The employee is entitled to bring a fellow colleague with them as support counsel to the hearing.

The decision made at appeal is final and there is no further right of appeal within the company.

***Support Counsel**

The support counsel is allowed to address the hearing to put and sum up the employee's case, respond on behalf of the employee to any views expressed at the meeting and confer with the employee during the hearing. The support counsel does not, however, have the right to answer questions on the employee's behalf, address the hearing if the employee does not wish it or prevent the employer from explaining their case.

Informal meetings, discussions, investigations or counselling do not bring the right to be accompanied by support counsel. Only when there is a formal Disciplinary or grievance hearing is the right to be accompanied applied.