

IHTSDO Disciplinary Procedure

Stages in the Disciplinary Procedure

Please note that it is not imperative that all stages are followed. The seriousness of the offence should guide the process. For example, an incident of "Gross Misconduct" may begin at Stage Four.

Stage One: Formal Oral Warning

Normally the employee will be given a formal oral warning if his/her conduct or performance does not meet acceptable standards. He/she will be advised of the reason for the warning, the improvements required and the timescale for improvement. He/she will also be advised that this is the first stage of the Disciplinary Procedure and that he/she has the right to appeal. A letter confirming the formal oral warning will be sent to the employee/worker. The warning will be effective for a maximum of 12 months (from the date of the letter following the disciplinary interview). After that time it will be disregarded, subject to satisfactory performance and/or conduct.

Stage Two: First Written Warning

If the employee's conduct or performance warrants it, or if a further offence occurs, a first written warning will be issued. The employee should be advised that, if there is no satisfactory improvement, further disciplinary action will be considered under Stage Three. The written warning will be effective for a maximum of eighteen months (from the date of the letter following the disciplinary interview). After that time it will be disregarded subject to satisfactory performance and/or conduct.

Stage Three: Final Written Warning

If there is a continuing failure to improve, and conduct or performance is not satisfactory, a final written warning will be issued to the employee. This will give details of the complaint, the improvement required and the timescale for improvement. It will warn that a recommendation for dismissal will result if there is not satisfactory improvement and will advise of the right of appeal. The final written warning will normally be effective for a maximum of two years. After that time it will be disregarded subject to satisfactory performance and/or conduct.

Stage Four: Dismissal

If conduct or performance remains unsatisfactory, and the employee continues to fail to reach agreed standards, he/she will be dismissed. Only the Executive Chairman or the Chief Executive Officer can take the decision to dismiss an employee. The employee will be provided with written reasons for dismissal, the date on which the employment is terminated, and the right of appeal. If the dismissal is 'with notice', the notice period will be as stated in the employee

contract of employment, but the IHTSDO may deem it appropriate to make a payment in lieu of notice. In cases of gross misconduct the employee may be dismissed summarily (see below).

Gross Misconduct

Gross misconduct is generally seen as misconduct serious enough to destroy the contractual relationship between the employer and the employee and make any further working relationship and trust difficult, if not impossible. Whilst it is not possible to specify all incidents which would constitute gross misconduct, examples of acts which normally would be regarded as gross misconduct include:

- fighting, or using or threatening to use physical violence against another employee, someone in the wider Community of Practice or an external stakeholder of the IHTSDO;
- serious negligence which causes or may cause unacceptable loss, damage or injury to persons or property;
- harassment or bullying of a another employee, someone in the wider Community of Practice or an external stakeholder of the IHTSDO;
- sexual or racial harassment;
- deliberate damage to, or serious misuse of IHTSDO property or the property of an employee, visitor, or other party associated with the IHTSDO;
- serious insubordination or refusal to carry out a legitimate instruction, the consequences of such a refusal being that there is a clear breach of contract between the staff member and the IHTSDO;
- theft, fraud, or deliberate falsification of records;
- incapacity at work through alcohol or use of non prescribed drugs;
- irresponsible conduct of a nature likely to endanger the health and safety of the individual or others;
- bringing the IHTSDO into serious disrepute;
- serious breach of confidence.

This list is neither exclusive nor exhaustive. Dismissal on the grounds of gross misconduct could, therefore, occur for offences not mentioned above which are of similar gravity, or where the contractual relationship between the IHTSDO and the employee has broken down. In cases of alleged gross misconduct, the employee may be suspended without prejudice to his/her pay, pending a full investigation.