

## DISCIPLINARY & GRIEVANCE PROCEDURE

In order to bring the Company's disciplinary and grievance procedures into line with recent government legislation they have been updated and agreed with your GMB union representatives.

The basis of the new procedures are outlined below. Full copies of the agreements are held by the Works Convenor, the Joint Managing Directors and the HR Manager.

### **DISCIPLINARY PROCEDURE**

This will follow a three-step procedure dependent upon the type of disciplinary action being considered.

1. Standard disciplinary procedure for offences which may require action up to but not including suspension and dismissal, and not involving demotion, transfer or docking of pay.

The format this will follow is: -

a) **VERBAL INVESTIGATION**

The employee is told of the problem and allowed to explain. If the explanation is not accepted the employee is required to attend a meeting normally within 5 working days.

b) **THE MEETING**

The employee is allowed to be accompanied by a fellow employee or union representative to a meeting where both the individual and the Company will put their cases. The employee will be informed of the decision arrived at and if any disciplinary action is to be taken and the form it will take. It will be confirmed in writing. A right of appeal will be given.

c) **THE APPEAL**

If an employee wishes to appeal he or she must inform the company in writing within 5 working days. Where an appeal is taken up a more senior company representative will hear it than at the first meeting and the employee retains the right to be accompanied by a fellow worker or union representative. A decision will be arrived at after the meeting and the employee informed in writing. This is the final decision.

2. Standard disciplinary procedure for formal action which may require the imposition of disciplinary sanctions such as demotion, transfer, docking of pay, suspension and dismissal for offences other than serious misconduct.

The format this will follow is as above but with following amendments:

a) **STATEMENT OF GROUNDS FOR ACTION AND INVITATION TO MEETING**

If the employee explanation is not accepted the employee will be informed in writing of the alleged conduct together with any relevant information.

b) **THE MEETING**

Only after the meeting will the level of disciplinary action be decided and employee is informed verbally and in writing.

c) **THE APPEAL**

Normally in the case of dismissal the Managing Director or his authorised deputy will hear the appeal.

Disciplinary stages for offences other than serious misconduct:

1. Confirmation of Official Verbal Warning.
2. First Written Warning.
3. Final written warning.
4. Confirmation of suspension period without pay.
5. Dismissal.

Records of disciplinary action up to and including First Written Warnings are discounted after 26 weeks and for Final warnings and above 52 weeks.

3. **Gross Misconduct**

Where the Company believes an employee may have committed an act of gross misconduct and thus be liable for summary dismissal the facts of the case have to be established and then the format to be followed will be:

a) **STATEMENT OF GROUNDS FOR ACTION AND INVITATION TO MEETING**

The employee will be informed in writing that they will be required to attend a hearing and notified of the allegations against them. Copies of witness statements and other relevant information will be given them. The hearing will be held as soon as possible preferably within 24 hours but certainly within 5 working days.

b) **THE MEETING**

Before determining responsibility and penalty the employee will be given the opportunity to put their case and both parties may call witnesses. The employee also has the right to be accompanied by a fellow worker, or a shop steward and convenor or deputy. After the meeting the disciplinary action will be decided and the employee informed verbally and in writing. The employee will also be informed of the right of appeal.

c) **THE APPEAL**

This will be carried out in accordance with the procedure as set out in section 2 c. After the meeting the employee will be informed of the decision in writing and this will be a final decision.

Examples of gross misconduct offences are:

- Theft or fraud including falsification of company documents.

- Physical violence, threatening, bullying or offensive behaviour.
- Deliberate damage to property.
- Misuse of company property.
- Flagrant disregard for health and safety.
- Being unfit for work through the use of alcohol or illegal drugs.
- Causing loss, damage or injury through serious carelessness.
- Refusal to carry out a reasonable management instruction.
- Serious racial or sexual harassment.
- The taking of a holiday or extension to an authorised holiday without firstly obtaining the Company's permission.
- Being found asleep during working hours.
- Walking off the job and leaving the works without firstly obtaining the permission of the supervision.
- Inappropriate use of the Internet, Company telephones or computer misuse.
- Unauthorised disclosure of confidential Company information.

In the case of gross misconduct the penalty will normally be dismissal without notice and without pay in lieu of notice.

## **AMENDMENTS TO CASTINGS PLC GRIEVANCE PROCEDURE**

Within our present agreement that covers the avoidance of disputes this section has now been amended to follow recent Government legislation and follow a three-step procedure. This is outlined below and full copies of the agreement are held by the Works Convenor, the Joint Managing Directors and the HR Manager.

### **STAGE 1**

Raising of a disagreement or grievance

If any employee or group of employees has a disagreement or grievance it can be raised informally with their supervisor who will respond within 5 days.

If the issue is not settled or of a more serious nature the disagreement or grievance must be raised formally in writing with sufficient information for the basis of the grievance.

If two or more employees wish to raise the grievance it can be raised by the shop steward.

### **STAGE 2**

#### **MEETING**

On receiving a formal grievance a manager should respond quickly, inviting the employee to a meeting at an agreed time and place and stating the employees right to be accompanied by their shop steward and convenor. The employee will be allowed to explain their complaint and the Company will set out its response verbally and in writing within 5 days and inform the employee of the right of appeal against the decision if they are not satisfied with it.

### **STAGE 3**

#### **APPEAL**

The appeal must be in writing to the Managing Director. The appeal will be arranged with the Managing Director or his authorised deputy in conjunction with the shop steward, the Convenor and previously involved management/supervision as soon as possible.

Where the Company and the Union are in agreement on a decision and this stage is the end of the procedure the employee will be informed of the outcome verbally and in writing within 7 days.

Where there is no satisfactory resolution agreed, a failure to agree will be registered.

KMB issued Jan '05