

Disciplinary Procedure

Romec's aim is to facilitate positive standards of conduct and to encourage and guide employees in achieving and maintaining said standards.

Principles and Scope

Informal discussion will take place to resolve any shortfalls except in more serious cases.

No action will be taken against an employee until the case has been fully investigated and each case will be considered on its own merits.

At all stages of the formal procedure the employee will have the right to be accompanied by their trade union representative or colleague.

For any formal action the employee will be advised of the nature of the complaint against them and will be given the opportunity to state their case before any decision is made. The employee will be provided with written copies of evidence and witness statements.

Dismissal will not be considered for a first offence except in cases of gross misconduct.

All stages of the procedure will be dealt with as quickly as possible.

An employee has the right of appeal against any penalty.

Informal Action

Managers should deal with minor shortfalls through informal intervention. Employees should be provided with the opportunity to improve their conduct and remedy any shortcomings. The expectations and understanding of both parties must be clearly defined during the informal process.

A private conversation on a one to one basis would normally be sufficient at the informal intervention stage.

These interventions should take place as soon as practicable following any minor shortfall in conduct and should be undertaken by the line manager.

At an informal meeting the Manager would normally:

- Explain how the conduct does not reach the required standards
- Clarify the standards and improvements required
- Provide the employee with the opportunity to respond
- Identify any support or training that may be required
- Outline the required improvements and the specific timeframe
- Explain that failure to meet these standards may lead to formal action

Investigation

Where formal action may be considered necessary, no action will be taken until the case has been fully investigated to determine whether there is a case to answer.

The first line Manager will be responsible for undertaking the investigation. An investigative meeting will be held between the Manager and the employee to establish the facts of the alleged shortfall. This will take place in a prompt and timely manner with the right to

representation normally within twenty-four hours of the incident coming to light. Prior to the investigatory interview an employee will be provided with any documents relevant to the investigation.

The aim of the investigation will be to establish whether it appears necessary for formal action to be taken; full details of any allegations must be provided to the employee who will be given the opportunity to respond.

A copy of the notes will be taken and provided to the employee and their representative normally within three working days. The notes including any amendments should normally be returned to the Manager within three working days.

If the investigating manager believes that there is a case to answer the evidence in conjunction with the investigation manager's recommendations will be passed to the second line manager who will determine whether the formal process should be initiated.

Formal Action

On receipt of the case notes and the investigating Managers recommendations the second Line Manager will have three working days to consider whether formal action may be necessary. If the second line manager believes that there is a case to answer an interview will be arranged normally within the following seven days.

A minimum of two working days written notice will be provided, the letter should clearly state the time, venue and the reason for disciplinary interview. This must include provision of all documents which will form part of the decision making process
If dismissal may be considered the Manager must clearly outline this in writing to the employee when inviting them to the formal meeting.

It is recognised that the employee will need time to discuss the case with their Trade Union representative or colleague and where necessary the interview will be rearranged to facilitate this.

An employee may request copies of personal and other documents relevant to their case, unless there is a legal or a commercial contract obligation which prevents this. In these circumstances the reason for the decision will be explained in writing to the employee.

Formal meetings and decisions will be the responsibility of the second line Manager or equivalent who must be an Executive within the business.

If matters come to light during the disciplinary meeting which require further investigation, it may be necessary to adjourn the meeting. Any further evidence or witness statements will be provided to the employee and their representative at least 2 working days before the meeting is reconvened.

A copy of the notes will be taken and provided to the employee and their representative normally within three working days. The notes including any amendments should normally be returned to the Manager within three days.

In most cases a decision will be communicated face to face and confirmed in writing normally within five days from the meeting

Penalty

Before making any decision the Manager should take account of the employee's disciplinary and general record, length of service, the explanations given by the employee and the merits of the case. The Manager must be satisfied that any disciplinary penalty is reasonable, fair and equitable under all the circumstances.

Written Warning

After conducting the meeting and considering the evidence a written warning may be appropriate. This will be in writing and set out the change in behavior required and the right of appeal. The warning will also inform the employee that a final written warning may be considered if there is no sustained satisfactory improvement or change. A record of the warning will be kept for 12 months but will then be considered spent.

Final written warning

If the shortfall from acceptable conduct is sufficiently serious or if there is a repeated shortfall in conduct a final written warning may be appropriate.

This will be in writing and set out the change in behavior required and the right of appeal. The warning will also inform the employee that if there is no sustained satisfactory improvement or change it could lead to their dismissal. A record of the warning will be kept for 12 months but will then be considered spent.

Dismissal or other penalty

In the case of gross misconduct repeated shortfalls in conduct, dismissal or some other penalty short of dismissal may be appropriate.

Dismissal

- Summary Dismissal – only in cases of gross misconduct
- Dismissal with notice

Penalties short of dismissal are

- Dismissal Warning – kept on file for 12 months
- Transfer to another job – management should carefully consider the financial implications for the employee before making the decision
- Demotion - if the nature of the offence brings into doubt the trust and confidence in the ability of the employee to do the role
- Dismissal warning and or demotion or transfer to another job

The reasons for the decision will be provided in writing including the last day of service, the right of appeal and whom the employee should send the appeal request to.

If some penalty short of dismissal is imposed, the employee will receive a letter giving details of the decision, warned that dismissal could result if there is no satisfactory improvement and informed of their right of appeal. A record of the warning will be kept for 12 months but will then be considered spent.

Appeals

All employees have the right to appeal against any formal penalty.

When an employee wishes to appeal a decision then they must do so in writing within 5 days of receipt of the decision letter. The appeal manager will normally schedule the appeal interview within two weeks of receiving the notification of appeal. No penalty will come into affect until the appeal decision has been communicated, other than summary dismissal.

A Manager more senior than the manager who took the original decision will hear all appeals except in relation to Bullying and Harassment appeals, which will be heard by a representative of the Human Resources department. A minimum of 2 working days written notice of the appeal will be provided, this must include provision of all documents which will form part of the decision making process

It is recognised that the employee will need time to discuss the case with their Trade Union representative or colleague and where necessary the interview will be rearranged to facilitate this.

A copy of the notes will be taken and provided to the employee and their representative normally within working three days. The notes including any amendments should normally be returned to the Manager within three days.

In most cases a decision will be communicated face to face, and confirmed in writing within five days from the meeting

Gross Misconduct

It is not possible to construct a definitive list of what constitutes gross misconduct and in any event all cases will be dealt with in on their own merit. However the following are examples of gross misconduct

- Any action that is likely to endanger the health and safety of any other person
- Violence
- Theft or fraud
- Harassment and bullying
- Deliberate, reckless or negligent behaviour that could lead to damage, injury or significant financial loss or loss of reputation
- Unauthorised disclosure of commercially confidential information and breaches of the Data Protection Act

Suspension

On rare occasions, it may be necessary to suspend an employee on full pay. This would normally only be a consideration in cases where there was a genuine concern that alleged gross misconduct may be repeated, or where the investigation may be hampered. The requirement for this should be reviewed regularly and the objective should be to return the employee to work at the earliest reasonable opportunity.

Suspension with pay should only be imposed after discussion and with the Human Resources Department. Suspension should be reviewed frequently to ensure it is not unnecessarily protracted.

Union Representatives

Accredited representatives are subject to the same standards but no action will be taken beyond informal action until the circumstances of the case have been discussed with the appropriate National Representative see appendix 1

Appendix One

Application of Disciplinary Procedure for Union representatives

Principles

In order to avoid any disciplinary action against an accredited Union Representative on the list provided annually being interpreted as victimisation, discrimination or as an attack on the union the additional steps identified in this appendix will apply where disciplinary action is contemplated against a representative.

Process

Before any investigatory interview the line manager will discuss the issue with the representative to decide if the matter can be resolved informally to the satisfaction of both parties. Following the discussion if the line manager believes a formal investigation is required, a Human Resources business partner or above will contact and meet with the appropriate National Representative to discuss whether the matter can be resolved outside of the formal procedure by counseling, mediation or action by the CWU.

Following this meeting, if it is still believed necessary to proceed with the formal investigation the process outlined in the disciplinary procedure will be followed.

If a disciplinary penalty is given Romec HR and CWU Head Office will be advised in writing.

Appeals in respect of those penalties outlined under "Dismissal or other Penalty" may be referred by CWU Head Office to a national appeals panel.

The panel will consist of a senior manager nominated by Romec, CWU Postal Executive Member, and will be chaired by an independent panel member agreed by the CWU and Romec. The decision will be by majority.