

KAMUZU  **ACADEMY**



STAFF CONDUCT AND DISCIPLINE POLICY

Date updated: 17th November 2022

CONDUCT AND DISCIPLINE

1. Acts of Misconduct

An employee shall be deemed guilty of misconduct if they: -

- 1.1 Absent themselves from duty during the prescribed hours of duty without leave or valid excuse or is habitually unpunctual.
- 1.2 Perform their duty in an unsatisfactory and inefficient manner and neglects or omits to perform the same
- 1.3 Refuse to obey lawful and reasonable orders and instructions of their superiors or show insubordination by word or conduct.
- 1.4 Are discourteous to such superiors or their fellow employees or to members of the public with whom it is their duty to transact the Academy's business.
- 1.5 Disregard standing or operating instructions relevant to their duty.
- 1.6 Conduct themselves in any way objectionable or unbecoming to the proper discharge of their duty (this includes assault or use of foul language and spreading of false rumours against colleagues or the Academy as whole).
- 1.7 Are under the influence of liquor or drugs during hours of duty or habitually takes intoxicating liquor or habit-forming drugs to excess.
- 1.8 Are seriously in debt to the extent of prejudicing the satisfactory performance of their duty.
- 1.9 Become insolvent or compounds with their creditors or assigns their estate unless, in the opinion of the Academy, their financial difficulties have been occasioned by unavoidable misfortune.
- 1.10 Engage in undertaking which might, in any way, conflict with the interests of the Academy.
- 1.11 Fail to take reasonable care of the Academy's property in their custody or in their charge or fails to take such steps as are within their power to ensure that reasonable care is taken of any such property.
- 1.12 Take or convert to their own use any of the Academy's property, or wilfully or negligently causes or permits any unauthorized person to use such property.
- 1.13 Take or convert to their own use the Academy's assets or monies.
- 1.14 Use of information for unauthorized purposes or disclose orally or in writing or gives copies of any documents, which may have been obtained in the course of their duty to unauthorized persons.
- 1.15 Engage in fraudulent practices.
- 1.16 Engage in political activities to the embarrassment of the Academy.
- 1.17 Fail to comply with any of the Academy's regulations, Financial Orders or Stores Regulations as amended from time to time or commits a breach of any contract or agreement entered into with the Academy.
- 1.18 Engage in bribery and corruption.
- 1.19 Commit theft by false pretences, receipt of stolen property knowing it to have been stolen or unlawfully obtained

DISCIPLINARY PROCEDURE

A formal disciplinary procedure is required to ensure fair treatment of employees who become liable to disciplinary action because of failure to meet acceptable standards with regard to conduct, attendance to work and job performance.

The severity of action within the procedure will be dependent on the gravity of the offenses. If it is deemed to be necessary, the employee may be suspended, pending investigation of all circumstances. Management should ensure that **a formal hearing** is carried out before any

disciplinary action or decision is made. A formal hearing involves communication to the employee:

- the offence committed,
- what regulation (s) has been violated.
- How their action has affected the work environment,
- what punishment will be given
- and giving the employee the right to respond and defend themselves.

The following procedures are advised before reaching the point of a formal hearing:

1. Verbal Warning

The normal procedure in the first instance of a minor breach of acceptance standards is at least one verbal warning from an immediate supervisor. The supervisor will make it clear that a verbal warning is being given and record will be made on the personal file of such warning, which is intended to be purely corrective.

2. Formal Written Warning

If the verbal warning fails, or an offense is of such gravity that a verbal warning is not deemed sufficient, an employee will receive a formal written warning. A record will be made giving account of the incident which gave rise to the formal warning and specify the action required to reach acceptable standards within specific time limits.

The record will be placed on the employee's personal file and a copy given to the employee, receipt of which must be acknowledged by the employee by signing a copy of the letter.

If the employee displays change within the period specified in the warning letter, the warning shall be taken off their record and they will be notified about it.

3. Final warning

Failure to meet the standards set out in the formal written warning or an offense is of such gravity that a first warning is deemed not sufficient; an employee will receive a final warning.

A record will be made giving account of the incident, which gave rise to the final warning and the specific targets and limits to be achieved. The record will be placed on the employee's personal file and a copy given to the employee, receipt of which has to be acknowledged by signing a copy of the letter.

4. Dismissal

Failure to meet the standards set out in a final warning could result in dismissal. This will be carried out after a formal disciplinary hearing procedure has been done.

4.1 Dismissal with notice

Some offenses may not be serious such that they warrant dismissal with notice. Without limiting the nature of such offenses, the following cases of misconduct may warrant dismissal with notice:

- (a) Intimidating or inciting employees to violence of any form.
- (b) Illegal industrial action or inciting other employees to participate in an illegal industrial action including but not limited to illegal strikes, work stoppage, boycotts, work to rule or any other interference with the operations of the company.
- (c) Repeated refusal to carry out a supervisors/managers lawful and reasonable instructions amounting to gross insubordination.

- (e) Removal of material or other property from the Academy's premises without permission.
- (f) Desertion (absent for work for more than five (5) consecutive days without any reasonable cause).
- (g) Deliberate violation of safety requirements thereby endangering the safety of fellow employees, the general public or themselves
- (h) Behaviour, speech or actions likely to stir up hostility between employees or between management and employees.
- (i) Gross wastage or disregard of company property.

4.2 Instant Dismissal

Some offenses are considered so serious that they may warrant instant dismissal, i.e. dismissal without notice or pay in lieu of notice.

Without limiting the nature of such offenses, the following matters may warrant instant dismissal;

- (a) Assault or attempt assault; where one party deliberately attacks another with the intent to cause grievous bodily harm.
- (b) Intentional or malicious damage to the Academy's property or private property on Academy's premises.
- (c) Unauthorized/unlawful possession of Academy's property (theft).
- (d) Sabotage, such as interrupting any supply of power, fuel, materials or services necessary to the efficient operation of the Academy.
- (f) Dishonesty;
 - i) Bribery or corruption (giving or receiving or attempting to give or receive any bribe or inducing or attempting to induce any person to perform any corrupt act).
 - ii) False evidence (deliberately giving untrue, erroneous or misleading information or testimony whether verbally or in writing).
 - iii) Forgery (falsifying or changing a document or company record with fraudulent intent or attempting to do so).
 - iv) Fraud
- (h) Driving Academy's vehicles under the influence of alcohol or drugs.
- (i) Gross negligence
- (j) Gross incompetence
- (k) Conviction in court proceedings, which, in the absolute opinion of the Academy, renders an employee unsuitable to continue in the capacity in which they were engaged.

SUSPENSION

If it appears prejudicial to the interest of the Academy's to allow an employee to continue in the execution of their duties, such an employee may be suspended from duty pending an inquiry.

The Academy reserves the right to determine the type of suspension i.e. whether on full pay, half or no pay. However, where misappropriation of Academy's funds or property is suspected, an employee shall be suspended without pay.

After suspension, investigations and all processes shall be expedited to ensure that the matter is cleared in the shortest time possible.