

Disciplinary Policy

Policy It is the policy of the Company to provide a fair framework to deal with difficulties that may arise as part of the working relationship.

Rationale The aim of the disciplinary procedure is to ensure that effective arrangements exist so that persistent or repeated problems, serious offences or incidents of misconduct are dealt with in a fair and appropriate manner.

Conduct & Behaviour All employees are expected to act, behave and conduct themselves in an acceptable manner when carrying out their work, when on the Company's premises and when in any area that could influence the good name of the Company. The Company expects a good standard of discipline from its employees together with satisfactory standards of work. Dismissal may take place if your standard of work or conduct falls below an acceptable level, and/or fails to improve after due warning by the Company.

General Principles Disciplinary rules and procedures are necessary to:

- Promote fair and equal treatment of individual employees
- Set standards of capability, competence, qualification, conduct, attendance and performance at work
- Ensure that standards are maintained, and
- Provide a fair method of dealing with alleged breaches

Every reasonable effort will be made to ensure that any action taken under this procedure is fair, with you being given the opportunity to state your case and appeal against any decision that you consider unjust.

Exclusions This procedure excludes:

- Employees employed on a fixed-term or specific purpose contract whose employment is terminated as a result of a cessation on the day that the fixed-term contract ends or on the completion of the specific purpose of the contract.
- Persons engaged by the Company under a contract for service or service agreement.
- Employees on probation are subject to the Company's Probationary Policy rather than the Company's Disciplinary Procedures.

Certain factors beyond the control of either the Company and/or employee may also make it impracticable to carry out, complete, or conclude the disciplinary procedure, such as but not limited to:

- The employee cannot continue in a particular position without contravening a statutory requirement.
- The Company's business suddenly and unexpectedly ceases and it becomes impractical to employ any employee.
- The employee is dismissed while taking part in an unofficial industrial action.

Investigations At the sole discretion of the Company, the nature, type and complexity of evidence will determine the extent and scope of an investigation and/or if an investigatory meeting is necessary.

Where necessary an investigatory meeting may be conducted with the employee before any disciplinary hearing. In other cases, the investigatory

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stage may be limited to a collation of facts by the Company for use at a disciplinary hearing.

Any investigation will be conducted by an impartial person, appointed by the Company, who has not been directly involved in the disciplinary issue.

Any investigation will be conducted in a thorough, objective, sensitive, fair, impartial and confidential manner with due respect for the right of all persons involved and will take account of the principles of natural justice.

The Company may appoint an independent third party, external to the Company, to undertake an investigation on the Company's behalf.

Failure to co-operate in a disciplinary investigation may in itself lead to disciplinary action, up to and possibly including dismissal.

An investigation meeting should not be interpreted as a disciplinary hearing.

Informal Procedure

It is expected that trivial or minor concerns regarding conduct and performance may at the sole discretion of the Company be dealt with and resolved informally without the need to resort to use of the formal procedure.

Your manager may have an informal discussion with you, who will advise you to improve your conduct and/or behaviour. He/she will record details of the incident and this record will be placed in your HR file. If there is no further incident this record may be removed from your file after six months.

A pre-disciplinary informal discussion is however not guaranteed by the Company.

Stage 1: Formal Warning

A formal warning (which may be verbal or written) may be given for a minor offence or if informal discussions have failed to resolve a problem. The employee may be invited to a formal disciplinary hearing by management or nominee, during which:

- the nature of the conduct or work performance issue that has given rise to any problem or concerns will be explained to the employee, and
- the employee will be given the opportunity to state their version of events and explain their actions or inaction.

The employee will normally be advised of the outcome of the hearing within 5 working days.

If it is determined that disciplinary action is merited, the employee will be formally warned in relation to their future conduct or performance. They may also be required to make an undertaking not to repeat any offence, commit any further offences or to achieve a required standard of performance within a specified period of time. Where appropriate, the employee may also be required to undertake specified training or, for example, obtain medical advice or assistance in cases involving drug or alcohol abuse. A copy of this warning will be placed on the employee's HR file and if there are no further disciplinary incidents removed after a period of six months.

Stage 2: Final Written Warning

If an employee's misconduct is repeated or their work performance continues to be unsatisfactory, or if their alleged misconduct is deemed to be sufficiently serious to warrant a final warning but not dismissal, they may be issued with a final written warning.

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This will usually only happen after the employee has been invited to a formal disciplinary hearing by management or nominee, during which:

- the nature of the conduct or work performance issue that has given rise to any problem or concerns will be explained to the employee; and
- the employee will be given the opportunity to state their version of events and explain their actions or inaction.

If it is determined that disciplinary action is merited, the employee will be formally warned in relation to their future conduct or performance and informed that any further problems may lead to dismissal. The employee may also be required to make an undertaking not to repeat any offence, commit any further offences or to achieve a required standard of performance within a specified period of time. Where appropriate, the employee may also be required to undertake specified training or, for example, obtain medical advice or assistance in cases involving drug or alcohol abuse. A copy of this warning will be placed on the employee's HR file and if there are no further disciplinary incidents removed after a period of twelve months.

The employee will normally be advised of the outcome of the hearing within 5 working days.

Stage 3: Dismissal

If an employee's conduct or performance continues to be unsatisfactory or if their alleged misconduct or unsatisfactory performance is sufficiently serious to justify considering dismissal, they may be dismissed.

This will usually only happen after you have been invited to a formal disciplinary hearing by management or nominee, during which:

- the nature of the conduct or work performance issue that has given rise to any problem or concerns will be explained to the employee; and
- the employee will be given the opportunity to state their version of events and explain their actions or inaction.

If an employee wishes to question any individual or individuals regarding any relevant issue or issues at the disciplinary hearing they should notify Management or nominee at least two days before the hearing takes place so Management can consider the request.

Employees will normally be advised of the outcome of the hearing within 5 working days.

Accelerated Procedure

The Company reserves the right to skip any stage of this Disciplinary Procedure and proceed to a more advanced stage (including dismissal) as it deems appropriate in the circumstances.

This will depend on the relative seriousness and circumstances of the situation. The Company will always be cautious about accelerating the procedure and to ensure procedural fairness. Any mitigating circumstances and the previous record of service of the employee concerned will be taken into account.

Holding Suspensions

The Company reserves the right to suspend an employee pending a disciplinary hearing or while the Company is investigating any matter that may lead to a disciplinary hearing.

Prior to placing an employee on a holding suspension:

- Management will hold a suspension meeting with the employee
- The employee will be given an opportunity to preliminarily respond to the allegations

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- Management will conduct a risk assessment and consider:
 - The possibility of any repetition of the alleged conduct
 - The potential of interference with any potential evidence
 - Any risks to any third parties
 - Any risks to the reputation of the Company
- The employee will thereafter be informed in writing if they are being placed on a holding suspension or not.

Employees will be paid during any such period of suspension and the Company shall endeavour to keep any periods of suspension as short as possible but this may also be dependent on an investigation by external third parties such as An Garda Síochána.

The fact that an individual is placed on a holding suspension at any given time is in no way indicative of any decision or judgment having been made by the Company to the completion of any investigation or disciplinary hearing and should not be so regarded.

Misconduct

Misconduct is defined as behaviour or actions that are deemed to be inappropriate for an employee.

Gross Misconduct

Gross misconduct is misconduct that, in the opinion of the Company, is serious enough to prejudice the business or reputation of the Company or that may irreparably damage the relationship of mutual trust and confidence between an employee and the Company. Gross misconduct offences will result in dismissal without notice (see Termination of Employment Policy).

The following are examples of matters that we may normally classify as gross misconduct:

- Any serious breach of any of the provisions herein contained or which is otherwise policy, procedure, protocol, custom or normal work practice within the Company
- Any serious breach of the Company's health and safety rules or performing any action that causes or is liable to cause harm, injury or endangerment of the employee or another
- Performing any action that causes or is liable to cause damage, destruction, misuse or sabotage to Company property
- Any breach of law and/or any unlawful act such as theft, fraud or the deliberate falsification of records or any form of dishonesty
- Disclosure of confidential information to an unauthorised person
- Acts of harassment, victimisation, sexual assault, abuse or the use of violence of any kind
- Conviction of an employee of any criminal offence that in the reasonable and sole opinion of the Company would affect the position of trust in which the employee would be placed by virtue of their employment with the Company
- Woeful refusal to obey a reasonable instruction
- Possession, supply or use of illegal or illicit drugs
- Any grave or persistent misconduct or wilful neglect in the discharge of duties
- Any misrepresentation, wilful deception or withholding of any personal data in relation to employment with the Company
- Aiding or abetting in any of the aforementioned
- Any other substantial grounds, or gross indecent, offensive, obscene or immoral behaviour or act of gross incompetence, incapacity, insubordination, negligence or any dereliction of duties.

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This list is set out only as an indicative guide for employees. It is not exhaustive.

Disciplinary Sanction

The Company may, at its sole discretion, consider disciplinary sanctions, short of dismissal, at any stage of the disciplinary process such as but not limited to:

- Formal warning
- Transfer to another job or department
- Demotion
- Loss of entitlement to a salary increase

Appeals

There is a right of appeal at every stage of the formal disciplinary process.

Appeals of disciplinary sanctions will be heard by but not limited to a:

- Manager senior to the one who heard the disciplinary hearing
- Manager from another Department or Region
- Member of the Senior Management Team
- A Company Director
- Suitability qualified manager or HR professional external to the Company
- Other suitably independent person

The appeals manager will not have been directly involved in the original disciplinary issue, investigation, hearing or action.

Notification of the intention to appeal any disciplinary sanction must be given, in writing, to the Company within one calendar week (7 calendar days) from the date of notification of the disciplinary sanction. The written notice must clearly state the grounds on which the appeal is to be heard. You will be notified of the identity of the person to whom an appeal should be made at the time a disciplinary decision is given.

Within a reasonable time from the date of the appeal hearing, a letter confirming the appeal decision will be given to the employee.

Where an employee is appealing on the grounds that they did not commit the offence, it may be necessary for the person conducting the appeal to have a complete re-hearing so that there can be a reappraisal of all matters before a decision is made to grant or refuse the appeal.

Representation

An employee has the right to be accompanied, at all formal stages of the disciplinary process, by a fellow employee of the employee's choice or other person connected with the Company.

The accompanier may support the employee, act as a witness, take notes on the employee's behalf, make an opening address on behalf of the employee, confer with the employee during the meeting/hearing and make a closing statement or sum up the employee's case at the end of the meeting/hearing.

The accompanier may not answer questions on the employee's behalf, address the meeting/hearing after the opening statement or frustrate the disciplinary process in any way.

Records

Full written records of all stages of this disciplinary procedure will be kept.

A neutral Company appointed note taker may be present at all meetings/hearings to take notes of the meeting/hearing.

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To facilitate a speedy, true and accurate record of all stages of the disciplinary process, the Company may, at their sole discretion, digitally record meetings/hearings. In such case, and only where the Company is digitally recording a meeting/hearing may the employee or their accompanier also tape or digitally record a meeting/hearing. Where the Company, decides not to digitally record a meeting/hearing, employees and/or their accompanier are strictly forbidden from taping or digitally recording a meeting/hearing.

All tape or digital recordings will be used for the sole and unequivocal purpose of typing accurate notes of the hearing/meeting. All recordings will, therefore, be deleted and destroyed after notes are typed by the Company note taker and may not be used for any other purpose.

Official notes of the hearing will be typed by the Company's note taker/transcriber and will be issued to the employee within a reasonable time.

When a warning is issued, it will be signed by the Company and a copy issued to the employee. Another copy will remain on the employee's HR file.

If an employee continues to perform to a satisfactory standard following the expiry date of a warning, then the warning shall be deemed to be spent. A spent warning will remain on the employee's HR file to form part of an accurate record of the total employment history (see HR Data Protection Policy).

Where a warning has been spent, the warning will not normally be used to accelerate the disciplinary procedure to the next level of warning. However, in limited circumstances the spent warning may be used in consideration of the employee's total work history, particularly where any future offences or incidents are related. Such as, but not limited to, failure to adhere to a previous management instruction to repeat a disciplinary offence or where a trend of disciplinary issues that would intensify fair and reasonable concerns.

Extended Warning

The Company may, at its sole discretion, extend a final written warning if in its opinion, the employee has not reached the required standard following a disciplinary process but has demonstrated some improvement.