

DISCIPLINARY RULES AND PROCEDURES FOR MISCONDUCT

Objective

The hotels aim is to encourage improvement in individual conduct and performance. The objective of this procedure is to give employees the opportunity to improve their conduct or performance. It identifies who has authority to take disciplinary action and aims to ensure that employees are protected against unjustifiable or inconsistent disciplinary action. It also identifies the type of offence which would result in disciplinary action being taken, what that action would be and what further action would result if there is no improvement or a recurrence takes place.

Informal Action

Cases of minor misconduct or unsatisfactory performance may be dealt with informally. Before taking formal disciplinary action, the supervisor will make every effort to resolve the matter by informal discussion with the employee. Only where this fails to bring about the desired improvement should the formal disciplinary procedure be implemented. The supervisor may have a quiet word of caution or advice and encouragement with the employee in order to improve an employee's conduct or performance. This informal approach may be used in dealing with problems quickly and confidentially. There will, however be situations where matters are more serious or where this informal approach has been tried but is not working. In these circumstances, the formal procedure will take place

Investigations

The purpose of an investigation is to establish a fair and balanced view of the facts relating to any disciplinary allegations against the employee, before deciding whether to proceed with a disciplinary hearing. The amount of investigation required will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from the employee and any witnesses, and/or reviewing relevant documents.

Investigative interviews are solely for the purpose of fact-finding and no decision on disciplinary action will be taken until after a disciplinary hearing has been held. The employee does not normally have the right to bring a companion to an investigative interview. However, the hotel manager may allow the employee to bring a companion if it helps him/her to overcome any disability, or any difficulty in understanding English.

The employee must co-operate fully and promptly in any investigation. This will include informing the hotel manager of the names of any relevant witnesses, disclosing any relevant documents to the hotel manager and attending investigative interviews if required.

If the employee cannot attend the investigation meeting he/she should inform the management immediately and we will arrange an alternative time. The employee must make every effort to attend the meeting, and failure to attend without good reason may be treated as misconduct in itself. If the employee fails to attend without good reason, or is persistently unable to do so (for example for health reasons), the hotel manager may have to reach its conclusions based on the available evidence.

General Principles for the Formal Disciplinary Procedures

The hotel manager expects all its employees to abide by the terms and conditions of their employment and the rules, regulations and standards established by the employer. The procedure for dealing with misconduct, capability and performance comprises a number of levels and the type of disciplinary action taken will depend on the severity and frequency of the misconduct as well as the general circumstances surrounding it. The hotel manager reserves the right at its absolute discretion to invoke any stage of the procedures, depending in the seriousness of the misconduct complained of.

- No disciplinary action shall be taken until there has been a full investigation into any alleged incident.
- The employee has the right to receive, prior to disciplinary hearings:
 - A verbal statement of the alleged misconduct; and
 - Particulars on the basis for the allegation.
- The employee has the right to reasonable opportunity, prior to disciplinary hearings, to consider their responses to the information provided on the allegation.
- The hotel manager will ensure that the disciplinary rules and procedures are applied fairly and consistently.
- The hotel manager will endeavor to ensure that;
 - All steps under the procedure are taken without unreasonable delay;
 - The timing and location of all hearings are reasonable;
 - Hearings are conducted in a manner which enables employees to explain their cases
- The management will take all reasonable steps to ensure that confidentiality is maintained throughout the process.
- If an employee has been issued with a final verbal warning this normally means that **any** further misconduct within the duration of that warning may result in dismissal.
- If the employee has difficulty at any stage of the procedure because of a disability, he/she should discuss the situation with their supervisor as soon as possible.

Types of misconduct

- The following list shows examples of the type of rules/offences which the management has categorised for each level of misconduct. This is not an exhaustive list and management reserves the right to decide how any other misconduct shall be categorised:

A MINOR MISCONDUCT

- Absenteeism
- Poor Timekeeping/lateness
- Careless work and poor effort at work
- Minor breach of safety/hygiene/security rules
- Extended tea and meal breaks
- Failure to maintain a tidy and safe working environment
- Misuse of personal mobile phone
- Failure to wear any protective clothing/equipment provided
- Wearing unacceptable or inappropriate clothing

B MAJOR MISCONDUCT

- Excessive absenteeism
- Performance of duties below the acceptable standard
- Constant misuse of the telephone
- Failure to adhere to Rules and procedures
- Dangerous physical horseplay
- Neglect causing damage to or loss of employer's, customer's or other employee's property/ equipment/tools
- Serious neglect of safety/hygiene/security rules
- Smoking in the workplace
- Consuming intoxicants during working hours or bringing intoxicants into the premises without permission
- Entry into any unauthorized areas
- Willful or excessive wastage of material
- Unsatisfactory attitude to customers
- Use of foul language
- Gambling on the premises
- Insubordination

C GROSS MISCONDUCT

Gross Misconduct by an employee entitles the management to summarily dismiss without notice.

Such matters are by way of example only and are not exhaustive.

- Acts of theft, fraud or other dishonesty whether committed in the course of the employee's duties or not.
- Unauthorized removal or possession of property belonging to the employer, its clients or any person with whom the employer has dealings.
- Violent, willful or reckless behavior which does, or could, result in damage to the person or property of the employer, its employees, clients or other persons with whom it has dealings.
- Possession of, or being under the influence of, alcohol or drugs on company premises.
- Acts of indecency, sexual harassment or other similar misconduct with or towards another employee, client or person with whom the employer has dealings.
- Persistent or unexplained absence from work.
- Serious neglect of the employee's duties resulting in actual or likely loss, damage or injury.
- Use of threatening, abusive or insulting language to other employees, clients or persons with whom the employer has dealings.
- Failure to disclose any criminal convictions
- Actions likely to result in damage to the employer's image or reputation in the community or to the employee's image or reputation
- Refusal to carry out reasonable work instructions
- Willful damage to or gross neglect of employer's, client's or other employee's property
- Falsification of records
- Unauthorized use of employer's vehicle
- Gross misuse of the company's internet/email system
- Serious act of insubordination
- Harassment or bullying
- Physically violent behaviour

NOTE:

Any allegation of bullying in the workplace or any allegation of discrimination, victimisation or harassment linked to anti-discrimination legislation including gender, gender reassignment, sexual orientation, marriage, civil partnership, disability, race, age, religious beliefs or political opinions will be thoroughly investigated and where appropriate will be dealt with under the disciplinary procedure. The disciplinary response will depend upon the nature and seriousness of the incident and in extreme cases may result in summary

dismissal.

Formal Procedure

When taking formal disciplinary action, the management will comply with the Statutory Procedures by ensuring that the following steps are taken at all stages of the formal disciplinary process.

Step 1 Statement of grounds for action and invitation to meeting

The management will provide to the employee a verbal statement of the alleged misconduct which has led to the consideration of formal disciplinary action or dismissal. The management will also inform the employee what the likely range of consequences will be if they decide after the hearing that the allegations are true. The management will invite the employee to a hearing to discuss the issue.

Step 2 Meeting

Prior to the hearing the employee will be informed what the basis was for including in the correspondence under Step 1 the ground or grounds given in it. The employee will be given reasonable opportunity to consider his/her response to that information before any hearing takes place.

The hotel manager will be appointed to deal with the disciplinary matter .At the disciplinary hearing the management will go through the allegations against the employee and the evidence that has been gathered. The employee will be able to respond and present any evidence of their own. The management may adjourn the disciplinary hearing if it needs to carry out any further investigations such as re-interviewing witnesses in the light of any new points the employee has raised at the hearing. The employee will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

After the meeting the hotel manager will inform the employee verbally of the decision and offer the right to appeal.

Step 3 Appeal

If the employee wishes to appeal the management's decision he or she will inform the management. Where an appeal is requested, the employee will be invited to an appeal hearing.

If the employee raises any new matters in their appeal, the management may need to carry out further investigations (as well as adjourning the appeal hearing). If any new

information comes to light the hotel manager will provide the employee with a summary including. The employee will have a reasonable opportunity to consider this information before the hearing.

After the appeal hearing the employee will be informed verbally of the management's final decision. There will be no further right of appeal.

Minor Misconduct

If the alleged breach falls within the minor misconduct category the management will follow the formal procedure outlined above and the following action will be taken if the management is satisfied that an offence has occurred:

Stage 1 You will be given a verbal **warning**.

Stage 2 If there is a repetition of the misconduct or breach or in the case of more serious misconduct or breach you will be given a **second verbal warning**.

Stage 3 In the case of continued misconduct or breach, or very serious misconduct or breach you will be given a **final verbal warning**. This will contain a clear notice that any further offence may result in dismissal.

Stage 4 In the event of further misconduct or breach you may be **dismissed**.

Major Misconduct

If the alleged breach falls within the major misconduct category the management will follow the formal procedure as outlined earlier. If the management is satisfied that an offence has occurred, you will receive a final verbal warning which will contain clear notice that any other offence may result in dismissal.

Gross Misconduct

If the alleged breach falls within the gross misconduct category the management will follow the formal procedure as outlined earlier. If the management is satisfied that an offence has occurred you may be **dismissed** summarily. Alternative to dismissal

As an alternative to dismissal, the following sanction may be considered: **transfer to other duties**.

The Manager



YIANNIS MORAITIS