



POLICY

– DISCIPLINARY CODE

document information

Document approver	:	EXCO
Responsible person	:	Unathi Sihlahla
Document owner	:	Siyanda Nombika
Document number	:	POL_HR_007
Version number	:	3.0
Date approved	:	2024/09/05



TABLE OF CONTENTS

- 1. Purpose / Scope.....3
- 2. Policy Statement4
- 3. Related Policies and References4
- 4. Terms and Definitions.....4
- 5. Policy Sections5
- 5.1. Legislative and/or Business Context5
- 5.2. Initiating a Complaint.....5
- 5.3. Suspension from Duty6
- 5.4. Disciplinary Enquiry / Procedure6
- 5.4.1. Informal Enquiry (Minor Offences).....6
- 5.4.2. Formal Enquiry (Severe Offences and or Misconduct).....8
- 5.5. Disciplinary Hearing10
- 5.5.1. Phase 1 of the Hearing10
- 5.5.2. Phase 2 of the Hearing11
- 5.5.3. The Outcome.....12
- 5.6. Procedure for Disciplining Shop Stewards.....12
- 5.7. General Sanction precedents for Misconduct13
- 5.7.1. Absenteeism13
- 5.7.2. Time Related Misconducts14
- 5.7.3. Unsatisfactory Work Performance15
- 5.7.4. Unacceptable Behaviour.....15
- 5.7.5. Dishonest Conduct.....17
- 5.7.6. Disorderly Conduct18
- 5.7.7. Participation.....19
- 5.7.8. Smoking on Rand Refinery Premises19
- 5.7.9. Abusive Behaviour.....19
- 5.7.10. Violation of Workplace Traffic Rules20
- 5.7.11. Violation of Safety Rules.....20
- 5.7.12. Dereliction of Duties due to Negligence21
- 5.7.13. Alcohol or Drug Misconducts21
- 5.7.14. Acceptable Use (IT)22
- 5.7.15. Industrial Action23
- 6. Change Control.....25



1. PURPOSE / SCOPE

The Company, including management and all associates, accepts the responsibility of the Company for managing and controlling the activities of the business and thereby meeting its obligations to shareholders and customers. Harmonious and effective working relationships between associates and management are essential for the achievement of the Company's objectives.

This Disciplinary Code has a defined procedure and code that seeks to protect both the rights of the Company and its associates. In order for the business operations of the Company to run efficiently, it is necessary for workplace justice to be fairly and consistently administered by management. The key objective is the creation of mutual respect between management and associates.

Management has the right to expect that associates will follow its instructions and will not engage in wrongful conduct in the workplace. Associates have the right to be treated fairly and to be protected from erratic actions from management. In other words, in all cases, discipline must be for a good reason and follow a fair procedure.

This code seeks to guide both management and associates in the application of discipline in the workplace. It should be used as a guide to advice management and associates of the rules and regulations applicable at the workplace. All associates of the Company, whether, permanently employed or on a fixed-term contract, should therefore familiarise themselves with the contents of this code.

Management should use the disciplinary code and procedure set out herein when an employee breaks a rule or regulation of the Company or commits a common law offence, the objective of discipline being the upholding of the desired behaviour. Discipline should not be applied in cases of poor work performance, that is, where the employee's standard of work declines or where an employee fails to meet performance standards. Poor work performance will be dealt with in terms of the company's performance management procedure. Discipline will also not be applied when an employee cannot perform his/her duties due to ill health. In such cases the Company's Procedure for management of medically affected associates (MAEP) should be utilised.

Where there has been an alleged breach of a rule or regulation, it is important that the disciplinary offence be handled effectively and within reasonable timeframe to prevent a decline in morale and an unnecessarily bad atmosphere in the workplace.



2. POLICY STATEMENT

This code shall apply to all associates, including management, permanent and fixed term associates of the Company.

3. RELATED POLICIES AND REFERENCES

For the purpose of this procedure the following references are valid:

- Labour Relations Act
- Grievance Procedure
- Form Grievance (FORM_HR_001)
- Form Disciplinary Warning (FORM_IR_002)

4. TERMS AND DEFINITIONS

For the purpose of this procedure the following terms and definitions apply.

- **Act** - Shall mean the Labour Relations Act, 66 of 1995 as amended
- **Alleged Offender** - Shall mean the Employee of the Company accused of misconduct
- **Chairperson** - Shall mean a competent person appointed by the Company to preside over a disciplinary enquiry and shall include any external Chairperson not actually employed by the Company
- **Code** - Shall mean the Rand Refinery Disciplinary Code for associates as contained herein
- **Company** - Shall mean Rand Refinery (Pty) Limited
- **Complainant** - Shall mean a competent person appointed by the Company and who acts on behalf of the Company during the formal disciplinary enquiry and presents the facts of the alleged misconduct
- **Associates** - Shall mean any person employed by the Company, including fixed term associates.
- **Associate Representative** - shall mean a fellow associates appointed by an Employee to assist him/her during any stage of the proceedings in terms of this Code. This includes any other associates, and/or trade union representative employed by the company. This shall however specifically exclude any external representation by a person not actually employed by the Company.
- **HR** - Shall mean HR Representative
- **Interpreter** - Shall mean an employee appointed by management or nominated by the alleged offender to competently interpret languages during a disciplinary enquiry.
- **Line Manager** - shall mean a supervisor / foreman / manager appointed by the Company to conduct an informal disciplinary enquiry
- **Respondent** - Shall mean a competent person appointed by the Company and who acts on behalf of the Company during an appeal hearing



- **Site** - Shall mean the entire premises situated at Germiston, (which include but is not limited to the inside and outside of the security areas, recreational facility and the Gymnasium, but excludes houses on the estate or business premises leased to external entities), Alrode and Rand Refinery subsidiaries
- **Workplace** - Shall mean the employee entrance where associates first clock in to enter the Low Risk and High Risk security areas. Where associates have been tasked to work on the estate e.g. counting stock and/or moving smelter bags, this area of designated work shall also be deemed to mean the “workplace.
- **Gross Negligence** – Shall mean the misconduct that is severely negligence or wilful conduct that that is violent, unlawful or has the potential to severely harm the business. It can be classified as deliberate misconduct which the associate(s) could have foreseen the harm that the business would suffer. It is conduct that severely destroys the employment relationship.

5. POLICY SECTIONS

5.1. Legislative and/or Business Context

This code is based on the following principles, which must be observed under all circumstances:

- i. The application of discipline is the responsibility of management. As disciplinary action should not be taken lightly, the responsibility for implementing action is reserved for Company representatives of the appropriate responsibility and seniority. The imposition of discipline is therefore the prerogative of management only.
- ii. Disciplinary steps are instituted in order to obtain the co-operation and involvement of all associates within the workplace, and to protect the interests of both the employee and the employer in the process of dealing with unacceptable behaviour.
- iii. In the enforcement of discipline, the emphasis must rather be focused on guidance and rehabilitation than on the imposition of disciplinary sanctions. However, where necessary, disciplinary sanction must be used as a legitimate deterrent in the maintenance of discipline.
- iv. In certain instances the Company reserves the right to impose the most severe sanction on an employee without having to follow the principles of corrective and progressive discipline.
- v. The application of discipline must at all times be lawful, just, fair and consistent.

5.2. Initiating a Complaint

Any person who has information regarding an act of misconduct, and or breach of company rule is required to report the matter to the Company immediately after the occurrence or immediately after he/she becomes aware of such occurrence. Reporting must be done by submitting information to a supervisor, manager, the human resources department, asset protection or by phoning the whistleblowing line.



It is recommended to ask HR for advice and process guidance prior to following a disciplinary process. As the objective of discipline is corrective behaviour, the sanctions used by management and or chairperson should match the misconduct committed. In other words, where a minor offence has been committed, the formal procedure of a disciplinary enquiry may not be used but rather an informal approach should be adopted and, if necessary, the procedure for less serious offences the sanction guidelines should be used but it is not deemed to be exhaustive.

5.3. Suspension from Duty

- a) Suspension prior to a disciplinary enquiry being conducted may be applied in circumstances where the presence of the alleged offender may undermine a proper investigation, cause embarrassment to the Company or its customers, disturb good working relationships, possibility of tampering with evidence or cause intimidation of possible witnesses, etc.
- b) The decision whether or not to suspend an alleged offender shall be in the sole and absolute discretion of the Company. No formal hearing is required prior to a decision to suspend an alleged offender.
- c) Any arrangements for suspension should be done in consultation with HR and the employee must be present and given reason why he/she is suspended.
- d) Suspension in this context is with full remuneration and benefits pending the outcome of the disciplinary enquiry.
- e) Written notice of suspension will be given to the alleged offender upon being suspended setting out any conditions that should be observed during the period of suspension.

5.4. Disciplinary Enquiry / Procedure

The primary objectives of a disciplinary enquiry are as follows:

- a) To determine on balance of probability bases on the evidence presented during the disciplinary enquiry whether misconduct was indeed committed;
- b) To afford the alleged offender an opportunity to state his/her version by presenting evidence to challenge the evidence brought against him/her and to present proof, witness/ witnesses and to mitigating factors where relevant.
- c) To allow the chairperson the opportunity reach a decision as to whether or not the alleged offender is guilty and or not guilty of the misconduct he / she based on the balance of probability
- d) If found guilty, to determine the appropriate sanction to be imposed on the offender. Using the guide in the code and not limited to guide.

5.4.1. Informal Enquiry (Minor Offences)

- a) It is not required that for every offence a formal disciplinary enquiry be convened prior to deciding on appropriate action. In cases of minor offences, the line manager in consultation with HR can issue a written warning and or holding a counselling session with the alleged offender. A key aspect of this process is to hear the other side prior to imposing any form of disciplinary action.



- b) In the event of an informal disciplinary enquiry being convened, the following sets out the process to be applied.
- (i) The alleged offender and his/her representative (if any) must be advised verbally by the line manager of the proposed informal disciplinary enquiry and or coaching, in sufficient time to ensure that alleged offender has reasonable time and opportunity to prepare .
 - (ii) The informal enquiry shall be held within a reasonable time period to ensure that recollection of the incident and facts are still fresh in mind of the alleged offender and potential witnesses' memory and evidence is available.
 - (iii) The line manager, alleged offender, is/her representative (if any) and a Human Resources Representative will be present at an informal enquiry. An alleged offender who attends an informal disciplinary enquiry shall be informed of all the facts of the case being brought against him/her and shall be entitled to be present at all times during the informal enquiry.
 - (iv) The alleged offender or his/her representative shall be entitled to present their case and must be afforded a full opportunity to do so.
 - (v) To decide which penalty is deemed appropriate, the line manager in consultation with the Human Resources representative will look at the category of the offence and the likely penalty listed. Informal reprimands must be documented and reflected on alleged offender's personal record.
 - (vi) In the event where it becomes apparent during the enquiry that the misconduct may lead to the alleged employee being issued a final written warning and or a possibility of dismissal, then a formal disciplinary hearing must be scheduled, by line manager and he/she must advise the employee.

c) The disciplinary sanction that may be imposed at informal enquiries may be one of the following:

(i) Counselling

- In the event of minor misconduct on the part of an employee, the disciplinary action taken will be a verbal reprimand coupled with an instruction from the employee's line manager to correct his/her behaviour. This involves discussing the conduct with the employee in a joint-problem solving manner, pointing out the actual and potential implications of such conduct on the alleged offender, other associates and the organisation and urging the alleged offender to refrain from this as well as entering into a written agreement which detail the steps that will be taken by the Associate to prevent the conduct from occurring in the future.
- Such reprimands constitute informal disciplinary action but would still be reflected on the employee's personal record.
- Such counselling is normally valid for 3(three) months as from date of issue, unless a longer period is specifically prescribed.

(ii) Written Warning

- A written warning is issued for moderate misconduct and/or where the behaviour of an employee has not improved following a counselling or warnings and/or where the misconduct requires that more severe disciplinary action than a counselling be taken. Such reprimand will constitute informal disciplinary action
- Such written warnings are normally valid for 6(six) months as from date of issue, unless a longer period is specifically prescribed.



5.4.2. Formal Enquiry (Severe Offences and or Misconduct)

- a) In the event that a severe offence and or misconduct has been committed or there exists the possibility that should the alleged offender concerned be found guilty, that he / she could face severe sanction up to and including a final written warning or dismissal, then a formal disciplinary enquiry should be convened.
- b) In the event that a formal disciplinary enquiry is convened, the following general principles should be observed:
 - i. The enquiry should be held as soon as possible after the event, provided that a reasonable time is accorded to the alleged offender to prepare for his/her defence;
 - ii. The manager will decide in consultation with HR whether to suspend the alleged offender;
 - iii. All suspensions shall be done in writing
 - iv. The alleged offender may be suspended with pay, prior to, during or pending the outcome of the enquiry;
 - v. The alleged offender should, within a reasonable time after committing of the alleged offence, be notified in writing of the date, time and venue of the enquiry;
 - vi. The alleged offender must be informed in writing of the misconduct, which he/she is alleged to have committed, and of his/her rights at the enquiry.
 - vii. The written notification of the alleged offences committed by the alleged offender should have sufficient information thereupon for the alleged offender to prepare a defence to the charges; and
 - viii. No alleged offender should be dismissed without a disciplinary hearing first being conducted.
- c) In the event of a disciplinary enquiry being convened, the following sets out the process to be applied.
- d) The alleged offender and his/her representative (if any) must be advised, in writing of the charge against him/her and the time and date of the proposed enquiry, in sufficient time to ensure that they have reasonable opportunity to prepare (not less than 48 hours).
- e) The alleged offender shall be informed that he/she is entitled to have a shop steward or a fellow employee present at the enquiry as a representative. No external representation by a person who is not actually an employee of the company is allowed.
- f) The enquiry shall be held within reasonable time while recollection of the incident is fresh in witnesses' memory and evidence is available.
- g) An alleged offender who attends a disciplinary enquiry shall be informed of all the facts of the case being brought against him/her and shall be entitled to be present at all times during the enquiry. If the alleged offender was not present during the enquiry a copy of the outcome of the disciplinary hearing shall be handed and forwarded to the alleged offender last address as provided by the employee in the employee file.
- h) The alleged offender or his/her representative shall be entitled to present his/her case and must be given a full opportunity to do so. Both the alleged offender and his/her representative shall be entitled to question any witnesses called by management and may themselves call any other witnesses.
- i) After having heard all the evidence, the Chairperson shall decide as to whether the alleged offender is guilty or not of the allegations against him/her.



- j) The question of guilt and the penalty to be imposed must be considered separately. The alleged offender's previous record shall only be taken into account when considering the penalty to be imposed after it has already been established that the alleged offender is guilty. Cognisance may not be taken of warnings which have expired, unless such warnings serve to establish a pattern of misconduct on the part of the employee.
- k) The sanction of the Chairperson shall always be made in writing.
- l) The disciplinary sanction that may be imposed where an alleged offender is found guilty of misconduct during a formal disciplinary enquiry may be one of the following:
 - i. Final Written Warning
 - A final written warning may be issued for more serious offences where a written warning is deemed to be insufficient and/or prior written warning(s) have not been adhered to.
 - A formal disciplinary enquiry in terms of this code is necessary before a final written warning may be issued. However, after the establishment of facts at the informal enquiry, an alleged offender may choose to waive his/her right to a formal disciplinary hearing by signing a hearing waiver and revert to the informal enquiry if the alleged misconduct will result in a sanction of a final written warning.
 - Such final written warnings are normally valid for 12 (twelve) months as from date of issue, unless a longer period is specifically prescribed. The final written warning may also be coupled with other conditions or terms, such as, for example, suspension with loss of pay for a period not exceeding six months.
 - ii. Dismissal
 - When a series of progressive and or corrective measures have not produced the anticipated effect; or a series of verbal or written reprimands given for minor misconduct have not been effective; or when an employee is alleged to have committed serious misconduct, the Company should before taking disciplinary action, hold a formal disciplinary enquiry prior to termination of the associates services.
 - In certain instances dismissal without notice will be justified in terms of the company code and precedent and the principles of the common law.
 - Dismissals may be on notice, or depending on circumstances, or the sanction is summary dismissal.
 - The alleged offender must be informed of the reason(s) for his/her dismissal, as well as his/her actual dismissal, in writing.

As an alternative to a sanction of dismissal, where appropriate circumstances dictate, the Chairperson may propose alternative measures, subject to the proviso that it may not be unilaterally imposed and must be agreed to by the employee as an alternative sanction to dismissal. Should the alleged offender refuse to agree to this alternative sanction, this does not in any way detract from the original decision to dismiss the employee of prejudice such decision, and the original sanction of dismissal will still apply. Forms of possible alternative sanctions are:

- A period of suspension without pay (minimum 1 month and maximum of up to 6 months days), which may be coupled with a final written warning (valid for 12 months), determined by the Chairperson;



- A demotion to a lesser position, which may be coupled with lesser conditions of employment / remuneration and/or a final written warning;
- The payment of damages to the Company, which may be coupled with a final written warning;
- A transfer of position, which may be coupled with a final written warning;
- A final written warning, coupled with any specific conditions, terms or obligations the Chairperson may recommend and which the employee is required to agree to.
- The Chairperson shall also advise the employee at the hearing that he/she has the right to refer the matter to the CCMA within 30 days of sanction being issued.

5.5. Disciplinary Hearing

- a) Prior to the formal hearing commencing the Company must ensure that an independent chairperson is arranged to chair the hearing. An independent chairperson is one who has not been involved as a witness to the events. The chairperson must either be a more senior employee than the accused and the complainant or an external third party chosen by management.
- b) Should the alleged offender fail to arrive and or to notify the company of his/her reasons for absence at the disciplinary hearing, the Company shall be entitled to proceed with the disciplinary hearing in the absence of the alleged offender.
- c) The disciplinary hearing is divided into two phases, the first phase of the hearing; the Chairperson is presented with evidence, facts from both parties the complainant and the alleged offender, to help him or her determine whether or not the alleged offender is guilty of the offences brought against him/her.
- d) At the second phase of the hearing, the Chairperson is presented with aggravating and mitigating circumstances by both the complainant and the) alleged offender to help him or her determine the penalty to be imposed if there is a finding of guilt. Where the Chairperson decides that the employee is not guilty of any of the offences brought against him or her, there is no need for the Chairperson to determine a penalty and the hearing should be concluded.
- e) The people which will be present at both phases of the hearing should be the Chairperson, the complainant, the alleged offender, the employee's representative (if the employee required one), an interpreter (if required) and HR to oversee a fair procedure.
- f) Witnesses should only be called in at the first phase of the hearing as needed and should not sit throughout the entire proceedings. Witnesses are not normally necessary in phase 2 of the hearing, unless such witnesses may present evidence with regard to issues relevant to the determination of the fairness of the sanction.

NOTE: THE METHOD OF RECORDING WILL INCLUDE AUDIO TAPE RECORDING BUT EXCLUDED VISUAL RECORDINGS

5.5.1. Phase 1 of the Hearing

- i. The Chairperson shall conduct the hearing in a fair and proper manner, ensuring that all parties understand the proceedings.



- ii. The alleged offender shall be given the right to the assistance of an interpreter, to be represented by a fellow employee or shop steward (only internal representation shall be permitted and no external representative/union official shall be allowed unless representing an office bearer i.e. shop steward), and to call and cross-question witnesses and to state a case in defence to the allegations.
- iii. The complainant shall begin the presentation of evidence by presenting the Company's case against the alleged offender. The alleged offender and/or his/her representative shall have the opportunity to answer the complainant on his/her statement as well as the evidence presented.
- iv. The complainant shall call witnesses (if applicable) and the alleged offender shall be entitled to cross-question such witnesses.
- v. It is recommended that it be specifically documented should the alleged offender not wish to challenge the complainant on his/her statement and cross examine any witness presenting evidence for the company.
- vi. The alleged offender shall be given an opportunity to state his/her case and to lead evidence in his/her defence.
- vii. The complainant shall be given the opportunity to cross examine the alleged offender
- viii. If applicable, the alleged offender may call witnesses. The complainant shall be entitled to cross-question the alleged offender's witnesses. It is recommended that it be specifically documented should the alleged offender not wish to call any witnesses.
- ix. The Chairperson shall be entitled to conduct the hearing in a manner that ensures all evidence is presented and both parties are treated fairly. In this context, the chairperson may call witnesses or call for further evidence to clarify issues and to ensure the entire case is properly and completely determined. Both parties shall have the same right with regard to such witnesses the Chairperson may call as set out above.
- x. The Chairperson shall adjourn the meeting to consider the evidence and decide whether or not the alleged offender is guilty or not guilty, on a balance of probabilities, of the charges brought against him/her.

5.5.2. Phase 2 of the Hearing

- i. The Chairperson shall present his/her findings to the employee within 5 working days.
- ii. If the Chairperson has found the alleged offender guilty of any of the charges brought against him/her, the Chairperson shall ask for the presentation of aggravating and mitigating circumstances, in order that a decision as to the appropriate sanction can be made.
- iii. The complainant shall present aggravating circumstances, whilst the alleged offender shall present factors in mitigation of sanction.
- iv. If required, witnesses may be called by either of the parties, and/or any further evidence led by either of the parties, as to the fairness or not of the sanction to be imposed, considering all the following factors:
 - o The importance of the rule that has been breached
 - o The reason why the sanction would be considered to be appropriate



- The harm caused by the employee's conduct
 - Whether the misconduct is serious and makes a continued employment relationship intolerable
 - Employee's length of service
 - Whether the employer has applied the sanction of dismissal consistently in the past and between associates who participate in the same misconduct.
 - Presence of honesty or absence of dishonesty in the employee's conduct
 - Whether additional training and instruction may result in the employee not repeating the misconduct
 - Whether progressive discipline was applied and if not, whether progressive discipline may be effective
 - The Chairperson may consult the employee's work records.
 - The Chairperson shall adjourn the proceedings to decide the appropriate sanction.
- v. The chairperson may also request both parties to make written submissions instead of making oral representations. Either party also has the right to make a request to the chairperson to submit written submissions.

5.5.3. The Outcome

- i. The Chairperson shall through the HR Representative notify the alleged offender of the outcome of the hearing in writing, within 5 working days of the date of the finding
- ii. The outcome shall state reasons for the Chairperson's findings.
- iii. The outcome should further specify that the employee has the right to refer the matter to the CCMA within 30 Days of the outcome having been communicated

5.6. Procedure for Disciplining Shop Stewards

- a) The Code of Good Practice: Dismissal, Schedule 8 of the LRA no.66 of 1995, as amended, grants shop stewards extra rights when disciplinary action is contemplated. This however only applies to shop stewards in terms of Chapter III of the LRA.
- b) Whether the shop steward has allegedly committed a less serious offence or a more serious offence the Company shall, prior to instituting any disciplinary action, inform and consult with the shop steward's Trade Union regarding the proposed disciplinary action.
- c) In regard to less serious offences, the Company shall be entitled, unless otherwise agreed with the Union, to inform and consult the Union official telephonically regarding the proposed discipline. For record keeping purposes, written confirmation of the telephonic discussion should be sent immediately after the consultation.
- d) When a more serious offences has been committed, the Company shall inform the Trade Union in writing about the possible disciplinary action against the shop steward and shall allow the Union an opportunity to make representations, in writing, regarding such discipline. If necessary, a meeting shall be convened to discuss the proposed discipline.
- e) Following consultation with the Union, the Company shall be entitled to commence with the relevant disciplinary procedure in regard to the shop steward, if the Company deems this to be necessary.



- f) Should the Union fail to make any attempt to consult with the company within 7 working days and/or fail to respond to any attempt to consult and/or fail to react to any notification by the Company of the intention to discipline a shop steward and/or fail to file any representations within 7 working days, this obligation to consult shall be deemed to be complied.
- g) Nothing in this code shall convey the right on a shop steward to be represented in the disciplinary proceedings by an external union official.

5.7. General Sanction precedents for Misconduct

- a) This Disciplinary Code lists examples of offences of which an employee may be found guilty and a likely penalty for the offence. The Code is not meant to be an exhaustive list of all possible offences and there may be offences not listed in this Code which will still be regarded as offences.
- b) The penalties listed that would most likely result from a finding of guilty of a particular offence are not prescriptive. The penalties are listed as a guide, as each case must be decided on its own merits.
- c) Where an employee commits an offence of a similar nature to a previous offence, the previous warning will be taken into consideration when determining the penalty.
- d) To decide which penalty is appropriate, the Chairperson must, amongst other things examine the:
 - Nature of offence;
 - Circumstances;
 - Previous record of the employee;
 - The provisions of this code
- e) It should also be noted that in certain instances of serious misconduct, dismissal for a first offence will be appropriate.

5.7.1. Absenteeism

Absenteeism without leave could be caused by misconduct, ill health or factors beyond the control of the employee. If an investigation to ascertain the facts indicates the cause of absenteeism without leave to be based on misconduct, a disciplinary enquiry could be conducted.

NATURE OF OFFENCE	FIRST OFFENCE	SECOND OFFENCE	THIRD OFFENCE	FOURTH OFFENCE
ABSENCE WITHOUT LEAVE (AWOL) – 1 to 3 consecutive days without a valid reason	Written Warning	Final Written Warning	Dismissal	
UNAUTHORISED AND/OR UNCOMMUNICATED ABSENCE – (DESERTION) – unauthorised absence from work for 3 or more consecutive days, without a valid reason	Dismissal			



NATURE OF OFFENCE	FIRST OFFENCE	SECOND OFFENCE	THIRD OFFENCE	FOURTH OFFENCE
ABUSE OF SICK LEAVE - Means claiming to be on sick leave under false pretences	Counselling	Written Warning	Final Written Warning	Dismissal
NON NOTIFICATION OF ABSENCE - Failure to inform the company within reasonable period regarding absences as required by company instructions	Counselling	Written Warning	Final Written Warning	Dismissal
UNAUTHORISED AND/OR UNCOMMUNICATED ABSENCE – from work without a valid reason.	Written Warning	Final Written Warning	Dismissal	

5.7.2. Time Related Misconducts

NATURE OF OFFENCE	FIRST OFFENCE	SECOND OFFENCE	THIRD OFFENCE	FOURTH OFFENCE
UNAUTHORISED ABSENCE FROM WORK STATION	Counselling	Written Warning	Final Written Warning	Dismissal
HOLDING UNAUTHORISED MEETINGS ON COMPANY PREMISES DURING WORKING HOURS	Counselling	Written Warning	Final Written Warning	Dismissal
UNAUTHORISED VISITS DURING WORKING TIME	Counselling	Written Warning	Final Written Warning	Dismissal
OCCUPATION OF CO-WORKER'S TIME: (e.g. hawking, unauthorised recruiting of members for associations /organisations)	Counselling	Written Warning	Final Written Warning	Dismissal
PASSING TIME IDLY/FAILING TO COMPLETE TASKS	Counselling	Written Warning	Final Written Warning	Dismissal
LACK OF PUNCTUALITY (LATE ARRIVAL, EARLY DEPARTURE FROM THE WORK)	Counselling	Written Warning	Final Written Warning	Dismissal
UNAUTHORISED / EXCESSIVE USE OF TELEPHONE	Counselling	Written Warning	Final Written Warning	Dismissal



5.7.3. Unsatisfactory Work Performance

NATURE OF OFFENCE	FIRST OFFENCE	SECOND OFFENCE	THIRD OFFENCE	FOURTH OFFENCE
FAILURE TO PERFORM WORK TO STANDARD ONCE PERFORMANCE MANAGEMENT WAS FOLLOWED (The disciplinary route is not chosen if poor work quality/quantity is being addressed within a HR development framework or if the incapacity option as per schedule 8 in the LRA is a more suitable approach. In this instance the code on performance management will be followed. Alternatively, the Procedure on the management of medically affected employees will be followed, depending on the circumstances)	Counselling	Written Warning	Final Written Warning	
WILFUL / DELIBERATE POOR WORK PERFORMANCE	Counselling	Written Warning	Final Written Warning	Dismissal
UNSATISFACTORY WORK PERFORMANCE DUE TO IDLENESS	Counselling	Written Warning	Final Written Warning	Dismissal
FAILURE TO ADHERE TO OR FOLLOW COMPANY POLICIES AND PROCEDURES	Written Warning	Final Written Warning	Dismissal	
INTERFERENCE WITH OR DISRUPTION OF WORK OF OTHER ASSOCIATES.	Counselling	Written Warning	Final Written Warning	Dismissal
NEGLIGENCE in that employee failed to exercise proper care in performing work leading to the damage of material or the task had to be redone	Final Written Warning	Dismissal		

5.7.4. Unacceptable Behaviour

NATURE OF OFFENCE	FIRST OFFENCE	SECOND OFFENCE	THIRD OFFENCE	FOURTH OFFENCE
FAILURE TO REPORT AN ACCIDENT IN THE WORKPLACE	Final Written Warning	Dismissal		
SLEEPING ON DUTY	Final Written Warning	Dismissal		
UNETHICAL CONDUCT	Final Written Warning	Dismissal		
FAILURE TO DISCLOSE A CONFLICT OF INTEREST	Final Written Warning	Dismissal		
FAILURE TO DISCLOSE GIFTS as per the Policy on Gifts, Hospitality and Sponsorship	Final Written Warning	Dismissal		



NATURE OF OFFENCE	FIRST OFFENCE	SECOND OFFENCE	THIRD OFFENCE	FOURTH OFFENCE
DISPLAY / DISTRIBUTION / POSTING ANY UNAUTHORISED BADGES OR SLOGANS ON COMPANY PROPERTY.	Final Written Warning	Dismissal		
MISUSE OF ANY PROPERTY OF THE COMPANY	Final Written Warning	Dismissal		
USE OF ABUSIVE / RUDE/ OBSCENE LANGUAGE / GESTURES displaying gross discourteousness towards colleagues, superiors and other persons associated with the Company in any way.	Final Written Warning	Dismissal		
BRINGING OR ATTEMPTING TO BRING THE NAME OF THE COMPANY INTO DISREPUTE	Dismissal			
CAUSING OR INCITING OTHER EMPLOYEES TO CAUSE DISORDERLY BEHAVIOUR, DISRUPTIVE ACTION AND ANY OTHER ACT WHICH IS PREJUDICIAL TO THE DISCIPLINE OR EFFICIENCY OF THE COMPANY	Dismissal			
INTIMIDATION / THREATENING TO DO PHYSICAL INJURY TO ANY OTHER PERSON	Dismissal			
WORKPLACE BULLYING	Final Written Warning	Dismissal		
SEXUAL HARASSMENT	Dismissal			
WORKPLACE DISCRIMINATION	Final Written Warning	Dismissal		
ILLEGAL FAVOURITISM	Counselling	Written Warning	Final Written Warning	Dismissal
SPREADING MALICIOUS RUMOURS – of discriminatory nature that aims to undermine, humiliate, degenerate or injure the recipient	Final Written Warning	Dismissal		
MAKING DEROGATORY REMARKS ABOUT AN EMPLOYEE – by insult or humiliating him/her in the workplace.	Final Written Warning	Dismissal		
ROWDY, UNCOUTH AND AGGRESSIVE BEHAVIOUR AND/OR THE USE OF FOUL AND/OR INSOLENT OR ABUSIVE LANGUAGE	Final Written Warning	Dismissal		
POSTING OR DISTRIBUTING NOTICES, POSTERS ETC. ON COMPANY PREMISES without the permission of management	Final Written Warning	Dismissal		
SEXUAL INTERCOURSE ON COMPANY PREMISES	Dismissal			



NATURE OF OFFENCE	FIRST OFFENCE	SECOND OFFENCE	THIRD OFFENCE	FOURTH OFFENCE
DISCUSSION OF SALARIES WITH OTHER STAFF MEMBERS	Written Warning	Final Written Warning	Dismissal	
UNAUTHORISED DIVULGENCE OF CONFIDENTIAL COMPANY INFORMATION	Dismissal			
POSTING OR MAKING DEROGATORY COMMENTS ON SOCIAL MEDIA ABOUT THE COMPANY	Dismissal			
SPEAKING TO THE MEDIA WITHOUT APPROVAL OR PERMISSION	Dismissal			
BEING PROVEN GUILTY OF HAVING COMMITTED A CRIMINAL OFFENCE AND REQUIRED TO SERVE TIME WHILST EMPLOYED AT THE COMPANY	Dismissal			

5.7.5. Dishonest Conduct

NATURE OF OFFENCE	FIRST OFFENCE	SECOND OFFENCE	THIRD OFFENCE	FOURTH OFFENCE
BRIBERY/CORRUPTION/EXTORTION: Giving or receiving any benefit to induce any person to perform any illegitimate or dishonest act, or any attempt to commit the aforementioned whether done voluntarily or due to threats or intimidation	Dismissal			
FRAUD: Any intention and unlawful misrepresentation by any employee to damage or potentially damage or harm the company and/or advantaging potentially advantaging himself or any other employee/party, or any attempt to commit the aforementioned.	Dismissal			
THEFT: The intentional and unlawful possession and removal of the property of the company or any other party in order to deprive the Company or that other party of the specific goods, or any attempt to commit the aforementioned.	Dismissal			
UNAUTHORISED POSSESSION OF COMPANY PROPERTY: The unauthorised possession, removal or attempted removal of goods belonging to the company or any other party	Dismissal			



NATURE OF OFFENCE	FIRST OFFENCE	SECOND OFFENCE	THIRD OFFENCE	FOURTH OFFENCE
MISAPPROPRIATION/UNAUTHORISED USE OF COMPANY PROPERTY: Incorrect application of company funds, assets or property for reasons of personal gain or any improper purpose	Dismissal			
UNAUTHORISED DISCLOSURE OF CONFIDENTIAL INFORMATION: The unauthorised disclosure of information/documents through press release/discussion/presentation or any other form of communication or publication which can disadvantage the company and related stakeholders	Dismissal			
FALSIFICATION/FORGERY: Intentionally changing any form of company record, documentation or information to reflect untrue and unjust facts as well as giving untrue erroneous or misleading information or testimony in a written or verbal form, including falsifying of any other documents, claim forms or records and knowingly giving false evidence during the proceedings in terms of this code	Dismissal			
DELIBERATELY GIVING OR ATTEMPTING TO GIVE UNTRUE, ERRONEOUS OR MISLEADING INFORMATION / EVIDENCE / STATEMENTS	Dismissal			
ANY OTHER FORM OF DISHONEST CONDUCT	Dismissal			

5.7.6. Disorderly Conduct

NATURE OF OFFENCE	FIRST OFFENCE	SECOND OFFENCE	THIRD OFFENCE	FOURTH OFFENCE
INSUBORDINATION AND RELATED MISCONDUCT: Unwillingness or refusal to accept or execute lawful instruction(s) from any authorised person or supervisor within the company	Final Written Warning	Dismissal		
INSOLENCE BY WORD OR CONDUCT	Final Written Warning	Dismissal		
REFUSAL TO WORK (without a reasonable justification)	Final Written Warning	Dismissal		
CONTRAVENES OR FAILS TO COMPLY WITH THE COMPANY'S SECURITY MEASURES	Dismissal			
FAILURE TO WORK AGREED OVERTIME	Written Warning	Final Written Warning	Dismissal	



NATURE OF OFFENCE	FIRST OFFENCE	SECOND OFFENCE	THIRD OFFENCE	FOURTH OFFENCE
FAILURE TO PERFORM STANDBY DUTIES	Final Written Warning	Dismissal		
REFUSAL TO ACCEPT REASONABLE DUTIES ON STANDBY BASIS	Final Written Warning	Dismissal		

5.7.7. Participation

NATURE OF OFFENCE	FIRST OFFENCE	SECOND OFFENCE	THIRD OFFENCE	FOURTH OFFENCE
FAILING TO REPORT AN OFFENCE COMMITTED in the employee's presence or reporting any offence of which the employee was aware and/or provided assistance in the committing of any offence in terms of this code (derivative misconduct)	Dismissal			

5.7.8. Smoking on Rand Refinery Premises

NATURE OF OFFENCE	FIRST OFFENCE	SECOND OFFENCE	THIRD OFFENCE	FOURTH OFFENCE
CONTRAVENING THE SAFETY RULES setting out prohibitions on smoking in demarcated areas as well as where any occupational health rules regarding prohibitions on smoking are violated.	Final Written Warning	Dismissal		

5.7.9. Abusive Behaviour

NATURE OF OFFENCE	FIRST OFFENCE	SECOND OFFENCE	THIRD OFFENCE	FOURTH OFFENCE
HORSEPLAY: Where one or more employees indulge in unruly or rough behaviour in the workplace	Written Warning	Final Written Warning	Dismissal	
ASSAULT/ATTEMPTS TO ASSAULT: Assault is physical violence administered on an employee, customer or any other person in the workplace or threats to do so	Dismissal			
FIGHTING: Physical combat involving two or more persons	Dismissal			



NATURE OF OFFENCE	FIRST OFFENCE	SECOND OFFENCE	THIRD OFFENCE	FOURTH OFFENCE
VICTIMISATION: Any behaviour or action which is aimed at instilling fear by disadvantaging or potentially disadvantaging an employee to do his duties in a free and peaceful environment and can include pressure to become or refrain from becoming a member of a trade union and/or organisation in an improper manner to terminate his service, neglect his/her duties or participate in improper conduct	Dismissal			
WEAPONS: unauthorised possession of firearms or dangerous weapons in the workplace	Dismissal			
ANY BEHAVIOUR which could blemish the Company image and harm relationships	Dismissal			

5.7.10. Violation of Workplace Traffic Rules

NATURE OF OFFENCE	FIRST OFFENCE	SECOND OFFENCE	THIRD OFFENCE	FOURTH OFFENCE
CONTRAVENTION OF WORKPLACE SPEED LIMIT / TRAFFIC RULES	Written Warning	Final Written Warning		
DRIVING A COMPANY VEHICLE WHILST INTOXICATED	Dismissal			

5.7.11. Violation of Safety Rules

NATURE OF OFFENCE	FIRST OFFENCE	SECOND OFFENCE	THIRD OFFENCE	FOURTH OFFENCE
INTENTIONALLY/NEGLIGENTLY/VIOLATION/FAILURE TO FOLLOW/CONTRAVENING A SAFETY RULE/SERVICE REGULATION	Dismissal			
ENDANGERING HIS/HER OWN SAFETY AND THE SAFETY OF FELLOW EMPLOYEES, CONTRACTORS, VISITORS AND CUSTOMERS	Dismissal			
REFUSAL/FAILURE TO FOLLOW THE REQUIREMENTS as determined by procedures when issuing/accepting clearance related safety work (permit to work)	Dismissal			
FAILURE TO WEAR SPECIFIC PERSONAL PROTECTIVE CLOTHING	Counselling	Written Warning	Final Written Warning	Dismissal
FAILURE TO COMPLY WITH THE REQUIREMENTS FOR OCCUPATIONAL HEALTH	Final Written Warning	Dismissal		
REFUSAL/NEGLECT OF DUTY RELATED TO ENVIRONMENTAL MANAGEMENT REQUIREMENTS	Final Written Warning	Dismissal		



NATURE OF OFFENCE	FIRST OFFENCE	SECOND OFFENCE	THIRD OFFENCE	FOURTH OFFENCE
FAILURE TO COMMUNICATE RISKS AND PRECAUTIONARY MEASURES to employees before work commence	Final Written Warning	Dismissal		
FAILURE TO PROVIDE ADEQUATE TRAINING AND PROOF THAT THE RELEVANT EMPLOYEES UNDERWENT TRAINING	Written Warning	Final Written Warning	Dismissal	
FAILURE TO ENSURE COMPLIANCE WITH SHE PROCEDURES AND STANDARDS by not taking disciplinary action in cases of non-compliance	Final Written Warning	Dismissal		
FAILURE TO REPORT AN UNSAFE ACT	Dismissal			

5.7.12. Dereliction of Duties due to Negligence

Where reasonable care is not taken by an employee in performing his/her duties, this could result in dereliction of duties and amount to negligence within two categories, minor negligence and gross negligence.

Dereliction of duties due to gross misconduct is a serious misconduct and dismissal could be an appropriate sanction.

NATURE OF OFFENCE	FIRST OFFENCE	SECOND OFFENCE	THIRD OFFENCE	FOURTH OFFENCE
NEGLIGENCE	Final Written Warning	Dismissal		
GROSS NEGLIGENCE	Dismissal			

5.7.13. Alcohol or Drug Misconducts

NATURE OF OFFENCE	FIRST OFFENCE	SECOND OFFENCE	THIRD OFFENCE	FOURTH OFFENCE
ENTRY OR ATTEMPTED ENTRY INTO THE WORKPLACE, AT ANY TIME WITH A BAC LEVEL ABOVE 0.00% (ZERO)	Final Written Warning	Dismissal		
BEING UNDER THE INFLUENCE OF ALCOHOL AND/OR ANY HABIT FORMING DRUGS OR CONSUMING ANY SUCH SUBSTANCES DURING WORKING HOURS OR ON COMPANY PREMISES	Dismissal			
ATTEMPTED ENTRY ONTO THE SITE, WHILST IN POSSESSION OF PROHIBITED DRUGS	Dismissal			
POSSESSION OF ALCOHOL AND/OR PROHIBITED DRUGS, AT ANY TIME IN THE WORKPLACE	Final Written Warning	Dismissal		
STORING AND/OR CONCEALMENT OF ALCOHOL AND/OR PROHIBITED DRUGS ANYWHERE IN THE WORKPLACE;	Final Written Warning	Dismissal		



NATURE OF OFFENCE	FIRST OFFENCE	SECOND OFFENCE	THIRD OFFENCE	FOURTH OFFENCE
THE USE OF ALCOHOL AND/OR PROHIBITED DRUGS ON SITE other than during formally approved events at the recreational club	Dismissal			

5.7.14. Acceptable Use (IT)

Internet/Intranet/Extranet-related systems, including but not limited to computer equipment, software, applications, telephony, operating systems, storage media, network accounts providing electronic mail, WWW browsing, and file transfer protocol, are the property of Rand Refinery. These systems are to be used for business purposes and in serving the interests of Rand Refinery, its clients and customers.

NATURE OF OFFENCE	FIRST OFFENCE	SECOND OFFENCE	THIRD OFFENCE	FOURTH OFFENCE
UNACCEPTABLE USE OF E-MAIL OR SOCIAL MEDIA: The sending of any chain e-mails or intend to damage the reputation of Rand Refinery, their employees or customers, e-mails for personal financial gain, as well as sending e-mails in violation of a copyright and intellectual property laws should be avoided. Soliciting and advertising your private business.	Written Warning	Final Written Warning		
UNACCEPTABLE USE OF TELEPHONE AND VIDEO-CONFERRING FACILITIES: It is not acceptable to use the Rand Refinery telephone/mobile phone and video conferencing system for calls to premium rate phone lines, calls involving sexual or pornography inclined purposes, dating services or gambling, accepting operator connected or reverses charge telephone calls, (except, where necessary for urgent business purposes) or subscribing to websites which would result in the sending or receiving of SMS text messages, ring tones, logos, images or other services from or to a Rand Refinery mobile phone. Strict compliance must be adhered to avoid the abuse of systems and applications (e.g. SAP, routers, servers and secure ID tokens) which might threaten the security of Rand Refinery.	Written Warning	Final Written Warning	Dismissal	
UNACCEPTABLE USE OF SYSTEMS AND APPLICATIONS: Only duly authorised and licensed hardware or software may be connected to, or used with, the Rand Refinery network, systems and applications.	Final Written Warning	Dismissal		



NATURE OF OFFENCE	FIRST OFFENCE	SECOND OFFENCE	THIRD OFFENCE	FOURTH OFFENCE
UNACCEPTABLE USE OF COMPANY DATA/INFORMATION IN ELECTRONIC FORM: Extreme care should be taken with the use of company data/information and must not be distributed without direct authorisation from the Information Owner.	Final Written Warning	Dismissal		
UNACCEPTABLE USE OF FUNCTIONALITY: Authorisation needs to be obtained in order to use any system or gain access to any information of Rand Refinery.	Final Written Warning	Dismissal		
UNDESIRABLE CONDUCT: The following are some examples of material that may not be in your possession and/or disseminated: Any type of pornography, hate sites, racial or other hate speech on social media.	Dismissal			
FAILURE TO COMPLY WITH THE LOGGING ON PROCEDURE	Final Written Warning	Dismissal		

5.7.15. Industrial Action

A strike is a partial or complete refusal to work, retardation or obstruction of work by more than one person. When addressing cases of this nature due regard must be taken of relevant sections, schedules and codes of the Act. HR must be involved in these cases.

NATURE OF OFFENCE	FIRST OFFENCE	SECOND OFFENCE	THIRD OFFENCE	FOURTH OFFENCE
UNPROTECTED STRIKE: It is collective action by employees aimed to be a strike action which is not in compliance with the act. Participation in this form of strike constitutes serious misconduct	Dismissal			
UNPROTECTED SECONDARY STRIKE: Secondary strike is designed to support a protected main strike. Participation in an unprotected secondary strike is misconduct.	Dismissal			
UNPROTECTED PICKETING: Picketing is designed to support a protected strike or lockout. Any employee who takes part in an unprotected picketing shall be deemed guilty of misconduct.	Dismissal			
UNPROTECTED PROTEST ACTION: Protest action aimed at promoting or defending socio economic interests. Any employee who takes part in an unprotected protest action is committing misconduct	Dismissal			



NATURE OF OFFENCE	FIRST OFFENCE	SECOND OFFENCE	THIRD OFFENCE	FOURTH OFFENCE
INTIMIDATION: Any act which is aimed at inducing fear on other employees to participate directly or indirectly in any form of industrial action is intimidation and constitutes misconduct	Dismissal			
INCITING UNPROTECTED ACTIVITY: Industrial action includes go slow, work to rule, overtime bans, etc Any effort by an employee designed to provoke unprotected industrial action shall be regarded as misconduct	Dismissal			
SABOTAGE AND THREATS OF SABOTAGE: Any act and/or threats by an employee to interfere with the normal operations within the Company by damaging any plant machinery or equipment or by interrupting any supplies of power, fluid, materials or services necessary to the operations or any bomb threats whether intended seriously or as a joke	Dismissal			

Legend

FORMAL DISCIPLINARY PROCESS (SEVERE OFFENCES)	INFORMAL DISCIPLINARY PROCESS (MINOR OFFENCES)
---	--

It is generally accepted that the disciplinary code and procedure is aimed at the individual employee. However, in certain circumstances it might be necessary to take action against a group of employees who have breached the Company's rules and regulations and who have acted as a collective entity, e.g. the entire team on a shift

NOTE: THE COMPANY RESERVES THE RIGHT TO IN IT'S SOLE AND ABSOLUTE DISCRETION, TO AMEND, ADD TO OR ADAPT ANY PROVISION OF THIS CODE. SUCH AMENDMENTS WILL HOWEVER BE COMMUNICATED TO ALL EMPLOYEES AND EMPLOYEES SHALL BE BOUND BY ANY SUCH AMENDMENTS.



6. CHANGE CONTROL

UPDATED	DATE UPDATED	KEY CHANGES MADE	VERSION N°
S. Marks	2012/05/07	Revised	-
S. Marks	2013/06/07	Revised	-
S. Marks	2014/03/25	Revised	-
S. Marks	2015/04/25	Revised	-
M. Motloung	2017/04/01	Revised	-
M. Motloung	2017/12/01	Revised	-
Amanda Hefer	2020/04/28	New format	0.0
S. Nombika	2021/05/26	Review	1.0
S Nombika	2022/08/12	Review	2.0
S Nombika	2024/08/23	Changed review period 365 to 730	3.0

[End of document]