	Document Title	Performance Management & Disciplinary Procedure		
	Doc. Number	GEN-PRO-003	Doc. Owner	General Manager
	Author	Angela Byrne	Revision	Rev. 02
	Reviewed by	Angela Byrne	Approved by	Fiona Spillane
	Next Review Date	25/07/2024	Approved Date	25/07/2023

1. Policy Statement

At Shorcontrol Safety, we want all of our employees to succeed at their job, however we are aware that from time-to-time disagreements, concerns or issues may occur. This procedure is documented and designed so that employees will have the opportunity to learn and understand the company's requirements and have a fair opportunity to correct any concerns or issues that may arise. The company wants all our employees to be given the fairest and best chance of success during their employment term and to help employees correct any habits or performance problems that may jeopardise their employment. Management shall ensure that this disciplinary procedure is applied in a fair and consistent approach without favouritism.

2. Purpose

The purpose of this procedure is to define how Shorcontrol Safety's management team shall manage the performance and compliance of employees and the company's disciplinary protocol, should the need for such steps arise.

3. Scope

This scope of this procedure is applicable to all situations in which management have identified an employee to be either not complying, performing, or adhering to company policies, procedures, and practices and/or whenever an employee's performance in their duties or position has been recognised by management.


4. Definitions

Term	Definition
Unacceptable behaviour	Any action deemed to be of noncompliance to company policies, procedures, or practices; any action or repeated actions that exhibit poor performance of duties and/or tasks.
Gross misconduct	Unacceptable of improper behaviour of a very serious kind, by an employee or professional person. Examples include theft, physical violence, gross negligence, or serious insubordination. Employees can be immediately dismissed on the basis of gross misconduct.

5. Procedure

5.1 Identifying Noncompliance and/or under performance

- Management and Supervisors are tasked with monitoring their employee's performance of duties, tasks related to their position as well as adherence to company policies, procedures, and practices.
- Members of Management who have direct supervision duties are responsible for identifying nonconformance and poor performance; they have the discretion of how to perform their supervisory duties.

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- Other members of management, employees, learners, visitors, stakeholders, or any other member of the public may bring the attention of an employee’s actions or behaviours through the appropriate channels.
- Any negative actions or behaviours brought to the attention of the relative supervisor must be taken seriously and thoroughly investigated by them.
- Following an investigation, if it is determined that circumstances warrant the initiation of the disciplinary process, the employee under investigation will be notified before the commencement of disciplinary actions.
- The employee in question will be given reasonable notice in advance of meetings to be held with an outline of the issue(s) of concern, and awareness that the meeting outcome may result in initiating the disciplinary process.
- At every stage in the process the employee will be given the opportunity to state their case and put forward any mitigating circumstances that they believe to be relevant prior to the reaching of any decisions.
- Employees should always feel free to openly communicate with their Manager/ Supervisor about any concerns or questions they may have regarding performance improvement and the disciplinary procedure.


Note: The disciplinary procedure does not apply to employees on their probation period. During this time, such disciplinary action as the company deems appropriate may be taken in respect of an employee on probation.

5.2 Stage 1: Coaching noncompliance and/or under performance (Informal)

Prior to invoking a formal disciplinary procedure, the employee **may** be provided with an informal warning or informal discussions about their performance, attendance or conduct etc. This is at the discretion of the Manager or General Manager and depending on the severity of the concerns.

During this time, it is important that the employee understands exactly what the concerns are and how they can work towards correcting the situation. The Manager or Supervisor will make a note in the employees personal file about the discussion

- Coaching is the most informal method of correcting an employee’s behaviour or action and should also be used first before other methods of behaviour correction are sought.
- Coaching an individual is any act of teaching, showing, explaining, or demonstrating how a correct behaviour, action or performance should be or look like.
- Coaching can be a positive and constructive method of correcting an employee’s behaviour; condescending, negative or scornful language and instruction must be avoided.
- The Manager or Supervisor is encouraged to email instructions or a synopsis of the coaching plan they have provided to their employee.
- This would not automatically constitute as a written warning; this is to be used as reference for the employee.

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- Any correspondence, or notes made by the supervisor should be submitted and retained into the employee's personal folder.

The formal disciplinary procedure consists of 3 stages. However, depending on the nature and severity of the circumstances, a tailored approach may be required. The company reserve the right to invoke any stage of the disciplinary procedure or move to any stage of the disciplinary procedure according to the severity of unsatisfactory conduct or performance.

5.3 Stage 2: Verbal Warning (Formal)


If an employee's conduct, attendance, performance etc. is unsatisfactory, they shall be given a formal verbal warning by direct Manager or Supervisor. The reason for the warning and the expected improvement timescale will be outlined to the employee as well as consequences of further reoccurrence.

- A Manager or Supervisor's first formal method of managing employee's unacceptable behaviour, action or performance should be in the form of a Verbal Warning.
- A verbal warning may be used whenever an employee has failed to correct their action, behaviour or performance following coaching (if applicable), if the employee's unacceptable behaviour warrants it due to negligence or disregard for a known acceptable behaviour.
- The Manager or Supervisor should state and communicate clearly what the action, behaviour, or poor performance indicators they found to be unacceptable.
- The Manager or Supervisor will email instructions or a synopsis of the verbal warning and the required corrective or future acceptable actions, behaviours and timeline which the employee is expected to produce.
- The Manager or Supervisor should refer to any applicable company policies, procedures and/or practices which are relevant in which the employee was found to be in breach of.
- The email should contain words which clearly state that the employee has received a *Verbal Warning*.
- A periodic review shall be arranged, at an appropriate timeframe determined by the Manager or Supervisor, to evaluate improvements or decline in performance, attendance or conduct etc.
- Any communication between the supervisor and the employee, along with any notes made about the incident or behaviour, must be submitted, and retained in the employee's personal file.

5.4 Stage 3: First Written Warning

Following review, if an employee's performance, conduct, or attendance continues to be unsatisfactory, or if it is of such a nature that it warrants a more serious warning than a verbal warning, they will be issued with a formal written warning.

During this time, the employee will be advised of the reason for the warning, the improvements required and the time scale in which the improvements must be made. They will also be advised that if there is no improvement or if a further offense is committed, then further disciplinary action will be taken.

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- A Manager or Supervisors second formal method of managing an employee’s unacceptable behaviour, action or performance should be in the form of a *First Written Warning*.
- A written warning may be used after an employee has failed to correct their action following two previous *Verbal Warnings* or if their unacceptable behaviour or action warrants it, due to gross misconduct, negligence or conscious disregard for a known acceptable behaviour, practice, or procedure.
- The Manager or Supervisor is to state and communicate clearly, in writing, what the action, behaviours or performance in which they found to be unacceptable.
- The Manager or supervisor, in writing, must produce clear instructions or actions which the employee is to take immediately aimed at correcting the employees current and/or future behaviours or actions.
- The Manager or supervisor should refer to any applicable company policies, procedures and/or practices which are relevant in which the employee was found to be in breach of.
- The written warning is to be signed and dated by the Manager or Supervisor and the employee and submitted to the General Manager for review, they are also to sign and date it. The written warning is to be submitted and retained in the employee’s personal file.
- A periodic review shall be arranged, at an appropriate timeframe determined by the Manager or Supervisor, to evaluate improvements or decline in performance, attendance or conduct etc.

5.5 Stage 4: Final Written Warning

If there has not been sustained improvement in the employee’s performance, attendance, conduct etc. or if other offences deemed more serious than to warrant a first written warning, the employee shall receive a final written warning.

During this time, they shall be advised that if there is no improvement, if further offences occur, or if other aspects of the employee’s performance, attendance or conduct etc. are deemed unsatisfactory, then further disciplinary actions shall be taken.

- A Manager or Supervisors third formal method of managing an employee’s unacceptable behaviour, action or performance should be in the form of a *Final Written Warning*.
- A final written warning shall be used after an employee has failed to correct their action following previous *Verbal Warning and First Written Warning*, with reviews, or if their unacceptable behaviour or action warrants it, due to gross misconduct, negligence or conscious disregard for a known acceptable behaviour, practice, or procedure.
- The Manager or Supervisor is to state and communicate clearly, in writing, what the action, behaviours or performance in which they found to be unacceptable.
- The Manager or supervisor, in writing, must produce clear instructions, actions and timeline which the employee is to take immediately aimed at correcting the employees current and/or future behaviours or actions.
- The Manager or supervisor should refer to any applicable company policies, procedures and/or practices which are relevant in which the employee was found to be in breach of.

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- The final written warning is to be signed and dated by the Manager or Supervisor and the employee, and submitted to the General Manager for review, they are also to sign and date it.
- The final written warning is to be submitted and retained in the employee’s personal file.
- A periodic review shall be arranged, at an appropriate timeframe determined by the Manager or Supervisor, to evaluate improvements or decline in performance, attendance or conduct etc.

Note: If there has been sustained improvements in the concerns identified in the formal disciplinary methods, these shall be documented in the meeting review records. The warnings issued will remain active for up to 6 months on the employee’s personal file. During this time, should any issue arise with the employee’s performance, attendance or conduct etc., then the next stage of disciplinary action shall be initiated.


5.6 Stage 5: Suspension, Demotion, or Termination/Dismissal

If there has not been a sustained improvement in an employee’s performance, attendance or conduct etc., other aspect of their conduct are unsatisfactory or for certain offences which are too serious to issue a final written warning, including Gross Misconduct, Shorcontrol Safety management may decide that further disciplinary action is necessary which may take the form of dismissal with or without notice, suspension without pay, demotion, transfer to other duties or appropriate actions.

- A Manager or Supervisor’s final formal method of handling employee’s noncompliance, poor performance, unacceptable behaviour, or action can be termination of employment with Shorcontrol Safety Ltd.
- The termination of employment may take place after the employee has failed to correct their actions, behaviours, or performance after receiving a *Verbal Warning* and a *Written Warning*, or if the employee’s unacceptable behaviour or action warrants it due to it being of wilful gross misconduct or negligence, or if the unacceptable behaviour is suspected to be criminal or unlawful.
- Any request for termination or dismissal, made by an employee’s Manager or Supervisor, must first be approved of by either the General Manager or the Managing Director.
- The Manager or Supervisor must give, in writing, the reason for the dismissal or termination of the employee.
- The Manager or Supervisor must include all relevant reasoning for the dismissal by including the previous written and verbal warning notices as well as any documentation which establishes that the reasoning for dismissal is clearly understood and founded.
- The General Manager and/or Managing Director must review and sign the written reasoning prior to it being issued to the employee.
- The General Manager must ensure that any termination of employment is in accordance with the employee’s contract terms. E.g., The company must supply 30 days’ notice prior to the employee officially being dismissed. The General Manager may require that the employee abstain from reporting to work during the 30 days’ notice, with pay.

5.7 Appeals

An employee has the right to appeal any of the above disciplinary steps if they feel that any action taken against them is unjustified. The appeal must be made in writing the General Manager or a nominated

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individual who has not been involved in the disciplinary procedure prior to the appeals stage. The appeal must be made within 3 working days of being notified of the disciplinary action.

The employee will be required to clearly outline, in writing, the reasons why they feel that the action taken against them is unjustified. An appropriate non-connected person shall conduct the appeal within 14 days. The employee will receive a written decision on the outcome within 5 days of the appeal being heard. Any disciplinary sanction imposed will be implemented once a decision has been made and will be reversed if an appeal is successful.

5.8 Gross Misconduct


If Shorcontrol Safety’s management team are satisfied that gross misconduct has been committed, an employee can be dismissed without notice or pay in lieu of notice. Acts of gross misconduct are serious acts that an employee could commit at work or during their term of employment at the company. An act of gross misconduct is one that destroys the relationship of trust or confidence between the employee and the company, making the working relationship impossible to continue.

Where the General Manager considers a breach of standards or behaviour to be very serious, a charge of gross misconduct may be brought against the employee. An employee may be suspended with pay, pending a full investigation of the concern. The charges and findings of this investigation will be made available to the employee who has the right to representation, a fair hearing and appeal.

If the General Manager’s determination is that gross misconduct has occurred, they may decide to dismiss the employee directly and without notice. Written evidence on the misconduct and the considered decision to terminate will be provided to the employee. The General Manager may also impose a lesser sanction if deemed appropriate.

The following is a non-exhaustive list of circumstances where dismissal without compensation or notice may be appropriate:

- Falsifying any report or record, or giving false information with respect to personnel, absence, sickness or falsely making injury claims.
- Abuse, destruction or theft of company property, equipment, or that of fellow colleagues.
- Bringing drugs, alcohol, or weapons of any kind to the workplace.
- Reporting to work or being present on company property under the influence of alcohol, or drugs not prescribed by medical practitioner, or dispensing unprescribed drugs on company property.
- Threatening, intimidating, or coercing colleagues or visitors onsite at any time.
- Fighting or attempting to injure a person on company property.
- Using abusive, racist, sexist, sexually explicit, threatening, or harassing behaviour or language toward a colleague or visitors or engaging in horseplay or practical jokes onsite at any time.
- Continued unsatisfactory standards of work and productivity and deliberate failure to comply with reasonable instruction or carry out assigned work.
- Interfering with the job performance of other colleagues or causing a deliberate slow down or sabotage of business operations.

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- Divulging company information of a confidential nature to unauthorised personnel. This can include verbally, written or sharing on email or social media etc.
- Committing any act that brings the company into disrepute or that affects the business of the company.
- Persistent absence without authorisation including lateness, early leave, leaving the work location during times of work or changing regular shift pattern.
- Soliciting, distributing, or receiving any pamphlets, memberships, or written materials or other non-company literature during designated work times.
- Ignoring or violating Health & Safety rules or common-sense safety practises.
- Smoking or vaping inside the premises or outside any undesignated smoking areas.

6. Responsibilities


Employee Title/Classification	Responsibility
Managers and/or Supervisors	Are to monitor and record their employee's performance or noncompliance to company policies, procedures, and practices; are to follow this procedure
General Manager	Are to monitor and record their employee's performance or noncompliance to company policies, procedures, and practices; are to ensure that supervisors are following this procedure; are to determine outcomes of termination and dismissal requests; are to follow this procedure

7. Enforcement

Employee Title/Classification	Responsibility
General Manager	Has the discretion of determining the repercussion on the discovery of any member of staff, tutors, managers, visitors, or subcontractor's unacceptable behaviour related to this policy. Has the discretion of determining the repercussions on the discovery of a manager or assigned responsible personnel's failure to enforce or follow this policy or its procedures.
Managers & Supervisors	Has the discretion of determining the repercussions on the discovery of any subordinate or learner's unacceptable behaviour related to this policy.

8. Related Information and Documents

Document ID	Title
GEN-FM-012	First & Final Written Warning
N/A	Investigation documents and findings.

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9. Procedure History

This procedure shall be reviewed when:

- There is a change of General Manager at Shorcontrol Safety.
- There is a change in any of the related policies or procedures found in section 8. *'Related Information & Documentation'* of this document.
- As prescribed in Shorcontrol Safety's policy and procedure review schedule.
- As determined or requested by the General Manager at Shorcontrol Safety.

Revision Date	Author with Title	Description
	Adam Romans, Quality coordinator	Initial release of procedure.
25/07/2023	Angela Byrne, QHSM	Revision and update of procedural format. Inclusion of 'Final Written Warning', 'Appeals' & 'Gross Misconduct' elements.