



AVANTIS

Disciplinary and Dismissal Policy

AV-PO4

30/03/2022

For more information visit
avantismarine.com

Introduction

During the course of your employment, Avantis employees are expected to observe all company rules and behave in a reasonable way towards the company and other employees. Members of staff who fail to follow or effectively implement these rules and policies may be subject to the company's disciplinary procedure which is outlined below.

At all times during your employment the Company expects you to conduct yourself as a representative of the Company and to act accordingly. Failure to carry out your work as and when directed in an efficient and conscientious manner may be considered misconduct and could lead to disciplinary action being taken.

Minor cases of misconduct or poor performance may be dealt with by informal advice, coaching and counselling which will be recorded on the employees personnel file. However, where informal action does not bring about an improvement, the formal disciplinary procedure will be initiated.

The following are examples of conduct, which the Company regards as misconduct. These lists are not exhaustive. Carrying out an act of misconduct may result in disciplinary action being taken against you.

Misconduct:

- Poor time keeping
- Unauthorised absence
- Failure to complete contracted hours of work
- Minor damage to Company property
- Minor breach of Company rules, including health and safety policies and procedures
- Failure to observe Company procedures, example: failure to adhere to vehicle procedures

- Rudeness to customers, colleagues and managers
- Abusive behaviour
- Unsatisfactory attendance
- Unsatisfactory sickness record (including prolonged and/or high levels of absence)
- Careless loss or damage of Company tools or equipment
- Unauthorised use of Company telephone
- Failure to wear protective clothing provided for your safety
- Unfitting behaviour
- Unauthorised/ inappropriate use of or access to the internet
- Failure to adhere to all policies and procedures indicated at each office location internationally

Offences under the following heading are so serious that an employee who commits them may be summarily dismissed. In such cases, the Company reserves the right to dismiss without notice of termination or payment in lieu of notice.

Gross Misconduct

Examples of gross misconduct, where the Company has reasonable grounds for believing that the following matters have occurred, are:

- Dishonesty, theft or fraud. Falsification of Company records or unauthorised possession, removal or sale of Company products or property
- Submission of false expense claims. Communicating confidential information to third parties.
- Working for a competitor without permission
- Willful damage to Company property
- Conviction of a serious criminal offence
- Taking bribes in connection with employment



- Willfully causing harm or injury to another employee, assault, physical violence or threatening, bullying or grossly offensive behaviour
- Rudeness/inappropriate behaviour towards staff, customers or clients
- Actions which endanger an employee's safety
- Causing loss, damage or injury through serious carelessness
- A serious breach of health and safety rules
- Non-adherence of health and safety rules
- Knowingly breaking a legal requirement in connection with employment
- Willful refusal to carry out or obey a reasonable management instruction
- Gross insubordination
- Being under the influence of alcohol or illegal drugs during work hours or on Company premises
- Smoking on Company premises in an unauthorised area
- Harassing, bullying or victimising another employee on the grounds of race, colour, ethnic origin, nationality, national origin, religion or belief, sex, sexual orientation, gender reassignment, marital or civil partnership status, age or disability
- Unauthorised absence
- Sending abusive, scandalous, obscene or defamatory communications of any kind including e-mail within the office or on the internet or any other media
- Accessing or downloading any rude or obscene images or other material from the internet or by email or otherwise being in possession of rude or obscene material or publications or images in any media at your place of work or during working hours

The above is intended as a guide and is not an exhaustive list.

Disciplinary Rules and Procedures

Note that the disciplinary procedure set out above does not form part of employees' contracts of employment and may be changed by the Company in its absolute discretion at any time. The rules and procedure outlined below are for the purpose of promoting fairness and consistency in the treatment of employees whose behaviour and conduct are not satisfactory.

The same procedure will be followed for conduct, poor performance and non-adherence to Health and Safety policies and procedures, although the timescale and the outcome may be different for each. These procedures (formal and informal) will usually be adopted in the interests of fairness. The objective of the formal procedure is to enable problems of alleged misconduct to be dealt with quickly, fairly and consistently.

In certain circumstances, where it is applicable, the option of mediation to resolve an issue may be used. Mediation may be used at any stage of the process and formal proceedings will be suspended whilst mediation takes place.

Disciplinary Action

After the meeting, the hearing manager will decide whether disciplinary or any other action is justified and will inform the employee accordingly in writing. The action to be taken will normally be confirmed in writing within 48 hours of the disciplinary meeting taking place, unless there is a need to carry out further investigation as a result of the disciplinary meeting. If further investigation needs to take place, the company will confirm the timescale for this investigation.



The types of disciplinary action are:

- Verbal warning
- Written warning
- Dismissal

The procedure may be implemented at any stage if the employee's conduct, performance or non-adherence to Health and Safety policy and procedure warrants it. The point at which the procedure is entered will depend entirely on the seriousness of the employee's alleged conduct or the performance issue. An employee will not be dismissed for a first conduct offence other than in cases of gross misconduct.

Investigation

No disciplinary action will be taken until the matter in question has been properly investigated. You and any relevant witnesses will be interviewed, and written notes of any interview will be documented and kept on file. You are not entitled to be accompanied at any investigatory meeting. This process will be followed for investigations into accident reports as a result of non-adherence to Health and Safety policy and procedure. The investigatory stage will not automatically result in disciplinary action. If there is unsuitable evidence to support the allegations or complaints, disciplinary action will not be considered.

Suspension

At any stage in the disciplinary process or investigations process, including health and safety investigations, the Company reserves the right to suspend you without pay, in order to investigate any allegation of misconduct or other disciplinary matter. A decision to suspend does not presume guilt for the employee being suspended, but rather is designed to ensure that a full and proper investigation and procedure can be carried out.

During such a period of suspension, you will not be entitled to access any of the Company's premises except at the prior request or with the prior consent of the Company and subject to such conditions as the Company may impose.

Disciplinary Hearing

Before any disciplinary action is taken by the Company, a disciplinary hearing will be held with you, where you will be given the opportunity to comment on the complaints against you. The disciplinary meeting will be held without unreasonable delay whilst allowing the employee reasonable time (normally at least 72 hours) to prepare their case.

At least 72 hours written notice of the date, time and location of the disciplinary hearing will be sent to you in advance, setting out details of your alleged misconduct, poor performance or non-adherence to Health and Safety policies and procedures. Wherever possible, you will be provided with copies of any relevant evidence in advance of the hearing, although in some cases witness statements will be confidential and may not be disclosed in full.

You must take all reasonable steps to attend the disciplinary hearing. Failure to attend the hearing without good reason may lead to the hearing being held and disciplinary action being taken in your absence.

You may be accompanied by another employee of the Company (to act as a worker's companion at disciplinary hearings), if you reasonably request, to any disciplinary hearing. In addition to the manager who is holding the disciplinary hearing, the Company will usually have another person present who will keep a record of the hearing.



The Role of the Representative

The representative has the right to put forward the employee's case, to respond to points made on behalf of the employee and to sum up the case.

They are entitled to confer with the employee both before and during the hearing, the one thing the representative cannot do is answer questions put directly to the employee. Your chosen companion can act as a witness, take a note of the proceedings, address the hearing and confer with you but may not answer questions on your behalf. It is your responsibility to ensure that your chosen companion is willing to act and is available to attend the meeting.

If your chosen companion is unavailable on the proposed date of the disciplinary hearing, the hearing may be postponed by up to five working days at your request, subject to you proposing an alternative time and date within five working days of the original date.

Recording of Formal Procedures

A note will be made of all formal disciplinary meetings and warnings given to you. A copy will also be kept on your personnel file, 3 months for a verbal warning, 6 months for a first written warning and 12 months for a final written warning. Recorded warnings will be disregarded for disciplinary purpose at the expiry of their discretion, subject to satisfactory conduct or performance. If any decision is made in your absence copies of any notes and of any written warning or dismissal decision will be sent to you and placed on your personnel file.

Appeal Procedure

You have the right to appeal against any disciplinary decision arising from the procedures set out above whether formal or informal. If you wish to appeal you should contact your Line Manager or the HR

Department who will inform you of the appropriate person to whom the appeal should be made. You should indicate your desire to appeal to the appropriate person within five working days of the date of receiving confirmation of the disciplinary decision.

The appeal will be heard by one or more of the Senior Managers or Directors and usually within 10 working days of receiving your request for appeal. No definite decision will be made at the appeal meeting, but the employee will normally be notified of the decision made within 48 hours of the appeal meeting taking place. The decision made at the disciplinary appeal hearing is final.

At the appeal meeting you have the right to be accompanied by a work colleague, to have the hearing postponed (see above).

Records

Records will be kept detailing the nature of any breach of disciplinary rules or unsatisfactory performance, the employees defence or mitigation, the action taken and the reasons for it, whether an appeal was lodged, its outcomes and any subsequent developments. These records will be kept confidential.

Supplement to Disciplinary Policy

In line with the Company Disciplinary Policy detailed above, it has been directed that a system of penalties be introduced to deal with disciplinary matters that fall into particular and specific categories. This is to demonstrate accepted and proportional discipline in a firm but fair manner.

Categories are:

1. Continued or repeated minor safety or procedural violations
2. Safety Violations that could cause harm to persons or equipment
3. Safety Violations or Actions that cause harm to the reputation of the company



Continued or repeated minor safety or procedural violations.

1. This category allows Project Managers to raise concerns to Senior and/or Top Management of an individual who persistently breaches safety procedures, rules or objectives for formal Disciplinary Procedures implemented. An example would be having to be reminded repeatedly to wear a PPE item such as safety glasses
2. Safety Violations that could cause harm to persons or equipment.
3. Safety Violations or Actions that cause harm to the reputation of the company.
These categories are a little more serious than the first and therefore the penalties and likelihood of disciplinary being initiated immediately in a higher level is a reality.

Example's would include lifting and leaving a floor grating with no safety barrier or warning signs, or being removed from a project for failing a breathalyser test.

Disciplinary Action and Penalty

In any of these instances the PM would request to HSE/ HR that a formal Disciplinary Action be implemented against the individual, and after discussion, it would be decided at what level. This is dependent upon the severity of the issue and penalty to be imposed.

HR would then issue a formal notice to be issued to the individual concerned, detailing either that an investigation is being conducted, or that following an investigation, and include the decision.

Proposed Penalties to be considered and at the discretion of the Directors within the standard Disciplinary structure would be:

- Deduction of up to 3 week's pay which can be split over several weeks
- Suspension without pay for up to one day to immediately remove a person from the site
- Removal from a project
- Retrieval of costs imposed upon the company as a result of the individuals actions
- Suspension of all bonus entitlement for 12 months
- Dismissal

Depending upon the severity of the incident, either one or more of the above could be applied

Signed on behalf of the Board of Directors of the Company:





Contact details

Avantis Marine Ltd UK
Dubai, Miami, Singapore,
Oslo, Monaco

For Further Info Contact:

Sales@Avantismarine.com
[linkedin.com/Company/18802259](https://www.linkedin.com/company/18802259)