

SIERRA MINERAL HOLDINGS 1 LIMITED

DISCIPLINARY POLICY AND PROCEDURE

Dated 1st January 2023

A. Collier
5/1/2023



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Article 1

AIMS AND OBJECTIVES

Why do we have this Disciplinary Policy and Procedure?

It is the Policy of Sierra Minerals Holdings 1 Limited (SMHL) to encourage fair, efficient and equitable solutions for problems arising out of the employment relationship and to meet the requirements stated in the labor laws of Sierra Leone.

This Disciplinary Policy and Procedure seeks to ensure that all employees maintain a satisfactory level of conduct by adhering to the rules and regulations of SMHL. SMHL makes efforts to employ employees who are both competent and responsible. Unfortunately, some workers are unable or unwilling to meet acceptable work standards, and in some cases may behave in ways that are damaging to SMHL's business.

Where conduct falls short of the required standard, SMHL will use the Disciplinary Procedure to encourage employees to improve and /or take disciplinary action to maintain the values and standards of SMHL. This Policy has been written in the light of the Collective Bargaining Agreement (CBA) of the mining industry 2019, SMHL's *Grievance Handling Procedure*, code of conduct and Handbook. The main objective of this Policy is to enforce the rules and regulations of SMHL, maintain industrial peace and develop a work culture which improves performance.

1.1. ELIGIBILITY

Who does this Policy and Procedure cover?

This Disciplinary Policy and Procedure applies to all categories of employees including experts, fixed-term and casual workers of SMHL.

1.2. POLICY

SMHL aims to ensure that there is a just, fair, reasonable and consistent approach to the enforcement of standards of conduct and performance affecting all employees. This is achieved by applying set down rules and regulations, a system of progressive penalties and an appeal process.

It is an employment requirement that employees perform their duties competently, follow lawful and reasonable instructions, and conduct themselves in a manner generally and reasonably acceptable to clients, colleagues etc. and follow SMHL's set standards and procedures. Employees should advise their immediate Line Manager of any difficulties meeting agreed standards. If there are ongoing concerns relating to an employee's performance, these will be dealt with under SMHL's *Capability Performance Improvement Plan* except where such performance issue is related to misconduct. If problems of unsatisfactory work performance exist or occur after KPIs and job descriptions have been established and agreed upon and the problem still persists after

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exhausting SMHL's *Capability Performance Improvement Plan*, the employee will be subjected to a formal Disciplinary Procedure.

When misconduct occurs, SMHL will endeavour to investigate and establish the reasons for this to see if measures of assistance, guidance or discipline are appropriate. It is understood that problems affecting conduct are not necessarily long-term and that the employer's assistance will often contribute to a mutually satisfactory result. In the case of reasonable assistance and guidance having been provided and exhausted, or in the case of misconducts for which employees offer no acceptable explanation, the appropriate penalty as prescribed in this Policy and Procedure will apply.

Theft, fraud, dishonesty or corrupt offences may be reported and investigated outside this Policy and Procedure using the appropriate law enforcement national institutions. Where SMHL decides to report a matter to a national law enforcement institution or takes legal proceedings, SMHL shall first exhaust its internal investigations using this Disciplinary Policy and Procedure before engaging outside investigation or legal proceedings or where appropriate, conducts its internal investigations side-by-side external investigations. External investigation here refers to investigations conducted law by enforcement officers or institutions and does not include investigations internally conducted by an auditor, contractor, banks, clients etc. undertaken to establish whether there is a case to answer at the investigation stage of a formal procedure under this Procedure. Employees must bare in mind that internal disciplinary investigations are independent and do not depend on the outcome of any external investigations. All internal disciplinary investigations are conducted on a standard of *balance of probability*.

Except for external investigations outside this Policy and Procedure, all disciplinary matters will be dealt with as quickly as reasonably practicable whilst ensuring a proper, consistent, fair and impartial process is followed.

1.1. DEFINITIONS

For the purpose of this Policy and Procedure, unless the context otherwise requires, the following words or phrases have the meanings assigned herein:

"Appeal Officer" means an appointed senior manager, senior to the delinquent employee and Disciplinary Officer and charged with the responsibility of handling and presiding over an appeal hearing.

"Delinquent Employee" means an employee who has been found guilty of a misconduct notwithstanding there is an ongoing appeal process.

"Disciplinary Sanctions" means formal penalties for a misconduct under this Disciplinary Policy and Procedure but does not include a verbal warning.

"Disciplinary Officer" means an appointed supervisor or manager other than the Head of HR charged with the responsibility to act as foreman for a Disciplinary Panel.

"Disciplinary Panel" means a body of persons of 3 (three) including the Disciplinary Officer but excluding the Head of HR charged with the responsibility of presiding over a disciplinary hearing.

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“formal investigation meeting” means a meeting convened by the Investigating Officer to gather relevant facts and/or documents to assist him determine the next line of action for an alleged misconduct.

“Gross misconduct” generally refers to severe negligence or willful conduct that is violent, unlawful or has the potential to severely harm SMHL’s business. Gross misconduct includes misconducts that are so serious that they fundamentally undermine the employment relationship between SMHL and the employee. Repeatedly violating SMHL’s policies may also be considered gross misconduct. Examples of Gross Misconduct includes but not limited to: gross insubordination, deliberate or serious negligent breach of safety or security regulations, discrimination and harassment.

“Investigating Officer” means an appointed manager or supervisor not necessarily a HR staff, senior to an employee facing an investigation for a misconduct and charged with the responsibility of gathering evidence, statements, relevant documents, facts and information relating to a misconduct with the onus of reporting and giving recommendations to HR for the appropriate disciplinary step.

“Legal proceedings” means police investigations and court proceedings whether civil or criminal.

“Misconduct” means an unacceptable act or omission or a behavior that does not undermine the employment relationship, but is reasonably treated by SMHL as misconduct and which, if repeated, may become sufficiently serious to undermine the employment relationship to a point that will justify dismissal. All SMHL employees are expected to follow any reasonable and lawful instructions, policies and standards set out in SMHL’s Employee Handbook or any other relevant SMHL document. Failure to do so can be a misconduct warranting discipline. Examples of misconduct include, but are not limited to poor timekeeping, poor attendance, and misuse of telephones or SMHL’s equipment stationery.

Article 2

KEY GENERAL PRINCIPLES

- 2.1. First offence for minor misconducts will be handled without recourse to a formal disciplinary hearing.
- 2.2. In both formal and informal procedure, an employee will be advised of the nature of the allegations or misconducts against him and provided with relevant information to enable him to respond.
- 2.3. Junior staff will be given at least two (2) days’ notice in writing requiring him to attend a formal disciplinary hearing under the Disciplinary Procedures. Senior staff and expatriate employees will be given minimum of one (1) day written notice.
- 2.4. A formal disciplinary investigation shall be handled by an Investigating Officer, the disciplinary hearing by the Disciplinary Panel headed by the Disciplinary Officer and the appeal by an appeal officer. No member of a disciplinary panel can participate in more than one formal disciplinary process for a particular misconduct.
- 2.5. If an employee who is subject to formal disciplinary process refuses to co-operate with the process without good reason and after having giving him opportunity to co-operate, a disciplinary hearing will be convened

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- and the Disciplinary Officer will make a decision on the basis of the information that is available. A decision taken herein can be appealed against using the appeal procedure.
- 2.6. The employee who appeals a disciplinary decision must present solid grounds for appeal which was not presented during the formal disciplinary action.
 - 2.7. An employee has one (1) chance to appeal a disciplinary decision.
 - 2.8. At all formal disciplinary process, an employee has the right to be accompanied either by a work colleague or a trade union representative (if the employee is a member of a trade union). No legal representation is allowed at this stage except where SMHL permits same.
 - 2.9. At all formal and informal disciplinary process, an employee will be given full opportunity to explain the misconduct and where appropriate, to request any reasonable assistance.
 - 2.10. The standard of proof in a disciplinary procedure shall be on a balance of probability. Misconducts shall be proven by the evidences collected by SMHL and does not require a conviction by a criminal tribunal or police investigation.
 - 2.11. SMHL uses certified fuel monitoring device on its equipment which detects fuel drops or theft. In a disciplinary investigation for fuel theft, evidence of the device recordings shall be used and can be relied on as the sole evidence for the employer against an employee even though there is no factual witness to corroborate the evidence.
 - 2.12. No formal disciplinary action will be taken until the matter has been fully investigated. This does not include a suspension. Employees caught on the height committing a dismissible offence will be summarily dismissed without going through formal disciplinary process.
 - 2.13. An employee may be suspended with half pay pending an investigation and /or disciplinary process. Suspension for alcohol and illegal drugs will be without pay and will last for not more than four (4) weeks. If an employee is put on suspension, SMHL will endeavour to complete the investigations or disciplinary process as quickly as possible. It should also be noted that any suspension pending investigation/disciplinary hearing is not a disciplinary action and does not involve any pre-judgement of the case. If an employee is found not guilty at the end of a disciplinary process any earnings lost during the period of suspension shall not be paid to him.
 - 2.14. During a period of suspension an employee is not required to attend the office and may not make contact with any colleagues unless specifically permitted by the person conducting the investigation or disciplinary process. The employee should however remain available for contact by his Line Manager, HR or the person appointed to preside over an investigation or disciplinary process.
 - 2.15. Both formal procedures (disciplinary investigation, hearing and appeal) and informal procedures shall be documented.
 - 2.16. All documentation relating to disciplinary matters will be kept in a confidential and secured place. In case of employees who leave the company, disciplinary records that have not expired on the date of leaving may be disclosed to potential or new employers who request for a reference.

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- 2.17. The stages of disciplinary procedure are normally progressive. However penalty will depend on the nature and seriousness of the misconduct and the prescribed penalty as set out in SMHL's *Specific Misconducts and Penalties*.
- 2.18. An employee will not be dismissed for a first breach of SMHL's standard, except in the case of a Gross Misconduct.
- 2.19. Disciplinary actions for all employees will be based on SMHL's Schedule of Offence.
- 2.20. When considering appropriate Disciplinary Sanction, consideration will be given to any mitigating circumstances, the employee's previous disciplinary or performance record and how SMHL has dealt with similar cases in the past.
- 2.21. Resignation pending disciplinary procedure may give rise to external legal proceedings to be sought. Where external legal proceedings are sought, your accrued benefit may be withheld until the outcome of the legal proceedings. Where SMHL abandons the proceedings, the employee's accrued end of service benefit shall be paid without further delay.
- 2.22. For misconducts that constitute a criminal offence and warranting a criminal investigation, SMHL may report the employee to the police for investigation but such report shall not prejudice any disciplinary investigation that will be conducted by SMHL. The outcome of police investigation shall not determine the outcome of an internal disciplinary process.
- 2.23. An employee has the right to appeal against the outcome of a disciplinary hearing within 48 hours from the date the decision is communicated to the employee by SMHL. An appeal shall be dealt with as prescribed by the *Appeal Procedure*.

Article 3

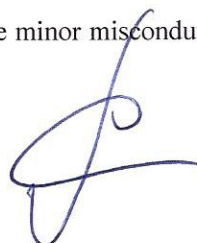
RESPONSIBILITIES UNDER THIS DISCIPLINARY POLICY AND PROCEDURE

3.1 Employee

- 3.1.1 Co-operate fully at all stages of the disciplinary process.
- 3.1.2 Prioritize attendance at all invitations to enable facts to be established as promptly and fully as possible.
- 3.1.3 Answer questions open and honestly.
- 3.1.4 Employee shall confirm they are emotionally stable before the commencement of the investigation/disciplinary procedure.

3.2 Line Manager

- 3.2.1 Monitor the conduct of employees, making clear the required standard of conduct that SMHL expects of them and provide support where necessary to employees by helping and encouraging them to attain the required standards.
- 3.2.2 Wherever possible and appropriately seek to resolve minor misconduct informally and at the earliest opportunity.

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- 3.2.3 If necessary, attend a disciplinary hearing to present SMHL's case.
- 3.2.4 Prioritize invitations and maintain confidentiality.
- 3.2.5 Ensure that this policy and procedure is fully implemented and where necessary seek advice from HR.

3.3 Investigating Officer

- 3.3.1 Carry out a thorough and impartial/unbiased investigation without unreasonable delay.
- 3.3.2 Gather all relevant information and complete an investigation report which will include recommended next steps.
- 3.3.3 If applicable, attend a disciplinary hearing to present the investigation findings.
- 3.3.4 Prioritize invitations and maintain fairness, impartiality and confidentiality.

3.4 Disciplinary Officer

- 3.4.1 Review and thoroughly consider the investigation findings.
- 3.4.2 Serve as the head/chairman in a Disciplinary Hearing, leading the process to reach a decision based on the entirety of the case in consultation with the members of the Disciplinary Panel.
- 3.4.3 If necessary, attend an appeal hearing to present SMHL's case.
- 3.4.4 Prioritize the hearing, maintain fairness, impartiality and confidentiality.

3.5 Disciplinary Panel

- 3.5.1 Shall maintain a quorum of not less than 3 (three) including the Disciplinary Officer
- 3.5.2 Consider all evidence presented in a case together with the Disciplinary Officer and reach a decision.
- 3.5.3 Prioritize the hearing, maintain fairness, impartiality and confidentiality.

3.6 Appeal Officer

- 3.6.1 Review the decision of the Disciplinary Panel together with all documentation and preside over an appeal hearing.
- 3.6.2 Carefully consider all of the information presented and make a final decision.
- 3.6.3 Prioritize the appeal hearing, maintain fairness, impartiality and confidentiality

3.7 Trade Union

- 3.7.1 Represent or accompany members at a formal disciplinary process.
- 3.7.2 Prioritize invitations and maintain your roles in the process and confidentiality.
- 3.7.3 In absence of formal Trade Union in existence, an appointed representative shop stewards should participate.
- 3.7.4 Trade unions participation is limited to only attestation of the process and not abide to the disciplinary decisions.

3.8 Work Colleague

- 3.8.1 Accompany colleagues (not under disciplinary actions and or suspension pending investigation, family relations) not exceeding two (2) are allowed at the disciplinary process at the request of a work colleague.
- 3.8.2 Serve as a witness where necessary

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3.8.3 Prioritize invitations, maintain your roles in the process and confidentiality.

3.9 Human Resources Manager (HR)

- 3.9.1 Provide impartial advice and guidance to all parties involved in the application of the Disciplinary Policy and Procedure.
- 3.9.2 Make the final decision in the event of an objection from an employee to a particular appointed manager/supervisor's involvement in the formal process.
- 3.9.3 Where appropriate, attend a formal process.
- 3.9.4 Retain master copies of all documentation gathered as part of the disciplinary process.
- 3.9.5 Prioritize invitations and maintain confidentiality.

Article 4 DISCIPLINARY PROCEDURE

SMHL may carry out disciplinary procedures: informal and formal ways. The informal procedure is done by the Line Manager or Supervisor of the employee. A formal procedure is sphere-headed by HR Department and involves 3 (three) stages: investigation stage, hearing stage and the appeal stage. Disciplinary sanction can be imposed at the disciplinary and appeal stages. A disciplinary sanction can only be imposed at the investigations stage where the misconduct is fully admitted by the employee without contention warranting a full disciplinary hearing.

4.1 Informal Procedure

The informal procedure is most appropriate and should be taken in cases of minor misconduct such as misuse of mobile phones, lateness, wastage of SMHL's materials etc. This will be conducted by the Line Manager or Supervisor of the employee. A one-to-one *confidential* discussion between the Line Manager and the employee should be held to communicate the expected standards with the intention of gaining sustainable improvement in the employee's conduct without escalating problems or tensions at the workplace. At this stage, coaching and counselling may be appropriate.

- 4.1.1 An informal procedure is part of the normal supervisory roles that Line Managers and Supervisors do to bring to the attention of the employees the standards required and any failure to meet those standards. The Line Manager or Supervisor *must* speak to the employee, in private and should encourage them to conduct themselves in accordance with the required standards.
- 4.1.2 The purpose of these discussions is to ensure that the employee understands the nature of the misconduct, expectations of improvements in conduct and where appropriate the required timescale and the nature of any support/assistance available.
- 4.1.3 No notice in writing or a notice period is required to invite an employee to an informal discussion.
- 4.1.4 The Line Manager or Supervisor must confirm the outcomes of any informal discussions in *writing* to the employee. The Line Manager/Supervisor should submit notes of informal discussions and action taken to the HR Department for filing.

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- 4.1.5 Following a satisfactory outcome on the use of the informal procedure, the matter will be considered resolved. No formal disciplinary sanctions shall be imposed at the informal stage. However, a verbal warning may be given and this shall be confirmed in writing.
- 4.1.6 Where an issue has been discussed with an employee informally, if the issue has not been resolved and the misconduct persists and the required improvements in conduct are not achieved or further information becomes available during discussions which make the matter sufficiently serious and appropriate for a formal procedure to be invoked.

4.2 Formal Procedure

Where the informal process has not led to improved conduct, or where the alleged misconduct is of such seriousness that the Line Manager or Supervisor considers informal action to be inappropriate, formal disciplinary procedure will be initiated.

4.2.1 Disciplinary Investigation

When an employee's misconduct has been identified or reported, an Investigating Officer will be appointed by the HR to investigate the circumstances, as soon as is reasonably practicable, to establish the facts and determine whether or not there is a case to answer.

As soon as the report is received or the misconduct is identified, the Complainant shall be required to put his statement in writing or may be invited to a formal meeting to hear his complaint. The HR will query the employee reported and shall require him to prepare a written statement within 24 hours in answer to the alleged misconduct. A disciplinary investigation is not a hearing but a formal investigation meeting called to enable the Investigating Officer gathers all relevant facts and documents and advise on the next step. The purpose of the meeting is to establish the facts of the misconduct and to determine the appropriate next stage of the process. An employee has the right to be accompanied at a formal investigation meeting.

As part of the investigations, an Investigating Officer may request for an auditor, bank, client, contractor's investigations report, CCTV footage, employee's file etc. if necessary. All relevant documents or evidence including existing warnings shall be considered and gathered at this stage. No legal proceedings shall be used at this stage. In cases of potential Gross Misconduct an employee may be suspended pending the conclusion of the formal process.

At the end of the Disciplinary Investigations, the Investigating Officer shall prepare a report with recommendations and submit same to the head of HR, whether the case is a proper one for a Disciplinary Hearing or appropriate to be handled under the *Capability Performance Improvement Plan*. Misconducts that can be appropriately handled by Informal Procedure shall not be dealt with here unless it is shown that Informal Procedure has been exhausted without improvement. Where such misconducts are investigated herein without having exhausted the Informal Procedure, the Investigating Officer shall recommend that such misconducts be dealt with firstly under the Informal Procedure.

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Where the investigating Officer recommends that the case is appropriate for Disciplinary Hearing, then the next stage will be invoked by the Disciplinary Officer.

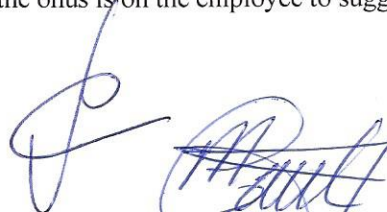
Article 5

STEPS FOR FORMAL DISCIPLINARY HEARING

This shall be conducted by a Disciplinary Panel of not less than 3 (three) with the Disciplinary Officer acting as the foreman. All panel members must not be below supervisory level and shall be different from the Investigating Officer. A Line Manager may be a member of a panel if he is not the complainant, has not served as the Investigating Officer and if the employee has no objections against his participation. It must be established that the appointed members of the disciplinary panel are independent and impartial.

5.1 Before the hearing

- 5.1.1 The HR Department shall invite the employee to a formal Disciplinary Hearing. The letter should set out sufficient information about the allegations and their possible consequences to enable the employee to prepare his case for the hearing.
- 5.1.2 Notify the employee of his right to bring a witness(s) and any relevant document necessary to support his case. Advise him of all rights under this Procedure including the right to make oral or written submissions, the right to be accompanied by a trade union representative or a work colleague.
- 5.1.3 For unionize employees, HR department shall notify the union within 48 hours to the commencement of the hearing. It is the responsibility of the union to attend/witness the hearing. Where the union fails to attend/witness the hearing after two (2) notifications, the HR disciplinary office may proceed to convene the hearing.
- 5.1.4 Prior to the commencement of the disciplinary hearing the employee has the opportunity to object or raise concern about the composition of the panel. His concern will be further analyzed and clarified by the HR Manager in consultation with the Disciplinary Officer.
- 5.1.5 The employee may requests for reasonable special adjustments (such as an interpreter, reasonable adjournment of the hearing etc.).
- 5.1.6 If the employee persistently fails to attend, or is unwilling to attend without good reason, and it appears that the employee may simply be stalling the process, the Disciplinary Officer should consider whether it is appropriate to hear the evidence and take a decision fairly in the employee's absence. Where the employee will not be available to attend within a reasonable period of time (such as in cases of distress, other long-term illness etc. which must be confirmed by SMHL's Clinic), consider other ways of conducting the Disciplinary Hearing, such as: by telephone; at a location nearer the employee's home address; or using written statements be considered at a hearing in his absence.
- 5.1.7 If the employee's companion cannot attend, the onus is on the employee to suggest another person but the process will not be stalled.

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5.2 During the hearing

- 5.2.1 The Disciplinary Officer should first facilitate an introduction of all people present and explain their roles in the hearing. He shall open the meeting with an explanation of its purpose and will read aloud the allegations.
- 5.2.2 If the employee is unaccompanied, the Disciplinary Officer should remind the employee of his right to be accompanied.
- 5.2.3 If the employee is accompanied, the Disciplinary Officer might want to verify the identity of the companion to ensure that they are entitled to be present. The Disciplinary Officer could also say a few words about the scope of the companion's role. Which are to:
- a. confer with the employee during the hearing (this does not include the period when the employee is required to answer a question).
 - b. address the hearing
 - c. sum up the case on the employee's behalf
 - d. ask questions or cross-examine witnesses called.
 - e. respond to any point that has been raised not being a question requiring answers specifically from the employee.
- 5.2.4 Disciplinary Officer shall read out the allegations and ask the employee to respond to the allegations whether he is guilty or not.
- 5.2.5 If the employee fully admits his guilt, read out the portion of SMHL's standard or rule allegedly in breach and its penalties. Summarise the entire case and consider any mitigating factors. The Disciplinary Panel shall retire for a short break to agree on the decision. After the break, the Disciplinary Officer will communicate their decision in the hearing and such decision shall later be put in writing by the HR and served on the employee.
- 5.2.6 If the employee does not admit or fully admit his guilt, both SMHL and the Employee shall be entitled and will be given full opportunity to explain their case and call witnesses during the hearing. SMHL will explain its case first by the Investigating Officer or complainant together with its witnesses and afterwards, the employee will be given an opportunity to do same. Either the employee, SMHL or their representatives are entitled to cross-examine witnesses called. Panel members may also cross-examine witnesses.
- 5.2.7 The complainant or employee/employee's accompanied representative might object to the procedure if not followed as prescribed under this procedure. It is the Disciplinary Officer's duty to follow all



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procedures set out herein, except where circumstances make it impossible to do so, and if he deliberately fails to do so, it shall constitute a ground for appeal.

- 5.2.8 An employee facing hearing may be angry or visibly distressed during the hearing. The Disciplinary Officer should be sensitive to this, and make sensible use of breaks to allow the employee to regain his composure.
- 5.2.9 Once SMHL and the employee have presented their case, the Disciplinary Officer should summarize all evidence put forward by SMHL and the employee and their witnesses respectively. The employee should be asked whether he would like to make any additional comments or ask any further questions at this stage.
- 5.2.10 Proceedings should be recorded. Minutes recorded during the hearing shall be read over to the employee at the end of the hearing. Minutes recorded do not have to be agreed with by the employee, but if the employee disagrees with the minutes taken, he should ideally be allowed to have his objections recorded in writing and attached to the minutes.

5.3 After the hearing

- 5.3.1 The Disciplinary Officer with support from HR Department shall prepare a disciplinary hearing report on the matter. The report shall be signed by all panel members in agreement on the recommendations of the hearing. The report may be submitted to the Union for their reference.
- 5.3.2 Once a decision is reached, the decision shall be communicated formally in writing to the employee by HR.
- 5.3.3 An employee has the right of appeal against the outcome of a Disciplinary Hearing within 48 hours from the date the decision is communicated to the employee by SMHL and it shall be in conformity with SMHL's *Appeal Procedure*.

Article 6

DISCIPLINARY SANCTIONS

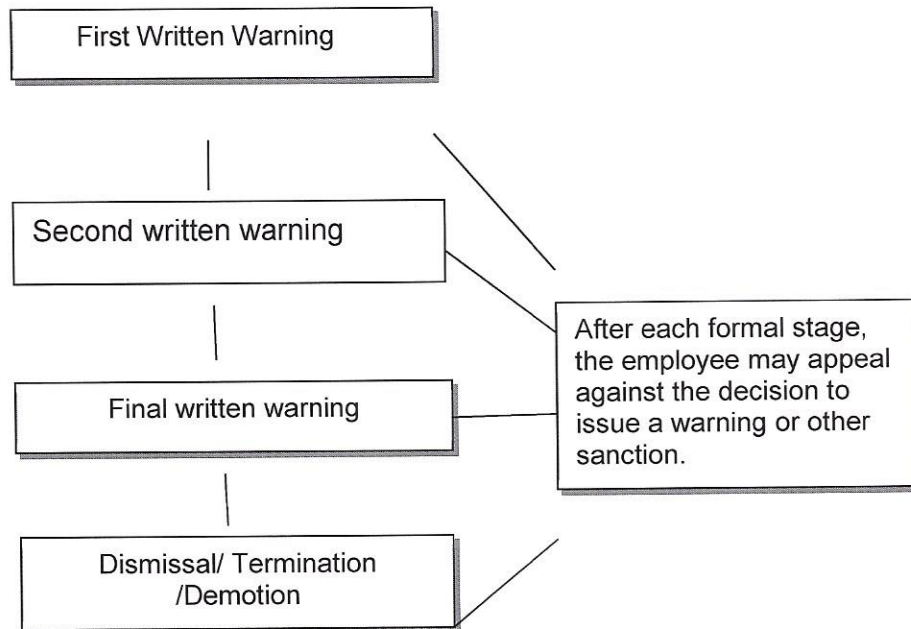
If the Disciplinary Panel decides not to uphold the allegation, no disciplinary sanction will be required, however recommendations may be given. Where the employee is found guilty or admitted his guilt, mitigating circumstances may be so strong that no sanction is imposed. In the event that an employee is found guilty and the Disciplinary Panel considers that a sanction is appropriate, one of the undermentioned disciplinary sanctions may be issued. The prescribed penalty for each misconduct will determine which disciplinary sanction is



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applicable in the circumstance. An employee should see SMHL's *Specific misconducts and Penalties* below to guide him with regards the disciplinary sanction that is applicable in his case. All the sanctions below may be appealed against as provided in the *Appeal Procedure*.

Sanctions for a formal process



6.1 First written warning

This warning shall remain in force for disciplinary purposes for a period of six (6) months. Subject to SMHL's *Specific Misconducts and Penalties*, this penalty is usually appropriate for minor misconducts and shall be imposed only after a disciplinary hearing has been concluded or the employee admitted guilt without contention at the investigation stage or in a case where the employee is caught committing minor misconduct. An employee will receive written confirmation of the disciplinary action taken, along with details of the improvements required and over what period. During the period of the warning, the employee's conduct should improve to a fully satisfactory standard. This written warning will be issued by the head of HR following the decision of a disciplinary panel and shall set out:

- a. Details of the misconduct;
- b. Details of the improvements required and in what time scale;
- c. Confirmation of the decision in relation to disciplinary warning;
- d. Details of what will happen if the required improvements are not made;
- e. Details of the right of appeal against any decision made or target set;
- f. Details of a given time period during which any further unsatisfactory conduct will lead to further disciplinary action.

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Where there is unsatisfactory or no improvement in the employee's conduct, further disciplinary proceedings may result which may lead to a more severe disciplinary sanction being imposed. An employee has the right to appeal against a first written warning as prescribed in the *appeal procedure*.

6.2 Second written warning

If the employee's conduct remains unsatisfactory or fails to meet the required standard prescribed in the first written warning, a second written warning may be issued specifying the improvement required and over what period. This warning shall remain in force for disciplinary purposes for a period of six (6) months. This second written warning will be issued by the head of HR following the decision of a Disciplinary Panel or an Investigating Officer if the employee admitted his guilt fully or in a case where the employee is caught committing minor misconduct and will set out:

- a. Details of the misconduct;
- b. Details of the improvements required and in what time scale;
- c. Confirmation of the decision in relation to disciplinary warning;
- d. Details of what will happen if the required improvements are not made;
- e. Details of the right of appeal against any decision made or target set;
- f. Details of a given time period during which any further unsatisfactory conduct will lead to further disciplinary action.

Where there is unsatisfactory or no improvement, further disciplinary proceedings may result which may lead to a more severe disciplinary sanction being imposed.

6.3 Final Written Warning

A final written warning will remain in force for disciplinary purposes for twelve (12) months and would typically be applied for repeated incidents of misconduct, where there is insufficient or no improvement in conduct during the period of a current written warning or where the matter is deemed to be more serious. Where an employee's conduct remains unsatisfactory in any respect after a written warning, this could result in a final written warning specifying the improvement required and over what period. A Final Written Warning will be issued by the head of HR following the decision of a disciplinary panel or an Investigating Officer after an employee admitted full guilt of the misconduct alleged or in a case where the employee is caught committing certain misconduct and will state:

- a. Details of the misconduct;
- b. Details of the improvements required and in what time scale;
- c. Confirmation of the decision in relation to disciplinary warning;

- d. Details of what will happen if the required improvements are not made;
- e. Details of the right of appeal against any decision made or target set;
- f. Details of a given time period during which any further unsatisfactory conduct will lead to further disciplinary action.

Where there is unsatisfactory or no improvement, further disciplinary proceedings may result which may lead to a more severe disciplinary sanction being imposed.

6.4 Termination

Termination is a penalty used to end subsisting employment between the employee and SMHL. Termination can be with or without notice (payment in lieu of notice) depending on the employment contract of the employee involved. In any case, termination shall be accompanied by payment of all terminal benefits accruing to the employee. Once Disciplinary Proceedings have commenced or the employee has been notified of disciplinary proceedings against him, mutual termination becomes impossible. A terminated employee may appeal against this sanction as prescribed in SMHL's *Appeal Procedure* before accepting any payment of accrued terminal benefit.

6.5 Demotion

Except where SMHL is facing business difficulty warranting a downsize of the workforce, this sanction is associated with incompetence, poor satisfactory performance at work where the *Capability Performance Improvement Plan* has proved unworkable or unsatisfactory performance causing liability for SMHL which if the employee continues to hold such designation there is the likelihood that the loss or liability will reoccur, but at the same time, SMHL finds the employee relevant in its operations. Demotion cannot be effected without the employee having gone through a Disciplinary Hearing and decision of same reached by a Disciplinary Panel or an Investigating Officer where guilt is admitted fully.

For demotion to take effect, two requirement must be met: SMHL shall first terminate the old employment agreement as prescribed by the subsisting agreement (and all accrued benefits paid therein). Secondly, issue a new employment offer containing the new designation and terms. Demotion may go with or without reduction of pay. SMHL reserves the right to transfer the employee to another department at the time of demotion. A demoted employee may appeal against this decision as prescribed in SMHL's *Appeal Procedure*.

6.6 Dismissal/Summary Dismissal

This disciplinary sanction would typically be applied for a first breach of gross misconduct, repeated incidents of misconduct for which written warnings had been given or where there is insufficient or no improvement during the period of a current final written warning. An employee may be summarily dismissed when caught committing a dismissible offence without being subject to a disciplinary process. An employee dismissed for

gross misconduct will be dismissed without notice and shall not be entitled to any benefits except for days already worked for. A dismissed employee may appeal against this decision as prescribed in the SMHL's *Appeal Procedure*.

Article 7

MISCONDUCT AND GROSS MISCONDUCT

What is Misconduct?

Misconduct is an unacceptable act or omission or a behavior that does not undermine the employment relationship, but is reasonably treated by SMHL as misconduct and which, if repeated, may become sufficiently serious to undermine the employment relationship to a point that will justify dismissal. All SMHL employees are expected to follow any reasonable and lawful instructions, policies and standards set out in SMHL's Employee Handbook or any other relevant SMHL document. Failure to do so can be a misconduct warranting discipline. Examples of misconduct include, but are not limited to poor timekeeping, poor attendance, and misuse of telephones or SMHL's equipment stationery.

What is Gross Misconduct?

Gross misconduct generally refers to severe negligence or willful conduct that is violent, unlawful or has the potential to severely harm SMHL's business. Gross misconduct includes misconducts that are so serious that they fundamentally undermine the employment relationship between SMHL and the employee. Repeatedly violating SMHL's policies may also be considered gross misconduct. Examples of Gross Misconduct includes but not limited to: gross insubordination, deliberate or serious negligent breach of safety or security regulations, discrimination and harassment.

ARTICLE 8

SPECIFIC MISCONDUCTS AND PENALTIES

This list is by way of example only and is not exhaustive as SMHL considers all misconducts stated in the Labour laws of Sierra Leone. These offences are a reflection of the offences contained in Annexure A of the CBA as well as supplemented offences unique to SMHL operations. These offences are applicable to every employee bound by this Disciplinary Policy.

Note: The disciplinary actions contained within this schedule of offences shall be applied depending on the nature and severity of the offence committed, and the disciplinary actions may not necessarily follow the schedules as indicated.



| WORD KEY: | | | | | | | |
|--|---|--|-----------------|-----------------|----------------------|-----------------|-----------------|
| VW/C | - | Verbal Warning/Counselling | | | | | |
| WW | - | Written Warning | | | | | |
| FWW | - | Final Written Warning | | | | | |
| T | - | Termination | | | | | |
| D | - | Dismissal | | | | | |
| SD | - | Summary Dismissal | | | | | |
| SWP | - | Suspension without pay | | | | | |
| Dm | - | Demotion | | | | | |
| DEFINITION | CHARGES | OFFENC ES | 1 st | 2 nd | 3 ^{r d} | 4 th | 5 th |
| 1.1. ABSENTEEISM AND TIME KEEPING OFFENCES | | | | | | | |
| 1.1.1. Unauthorised Absenteeism/leave | | | | | | | |
| Refers to being absent from work without permission, and without a reasonable excuse, or a medical certificate | Unauthorized absence in that between <u>(date)</u> and <u>(date)</u> you were absent from work without permission or reasonable cause | Absent for 1-2 continuous working days | VW/C | WW | W W | F W W | T |
| | Note 1: Refers to failure to follow company policy and procedure for possible additional charge | Absent for 3 – 5 continuous working days | WW | WW | F W W | | T |
| | Note 2: Refer to desertion/ act of absconding for alternative charge for absence longer than five working days | Absent for 6 – 9 continuous working days | FWW | T | | | |
| | | Absent for 10 continuous working days | T | | | | |
| 1.1.2. Timekeeping | | | | | | | |
| Refers to the failure of an employee to comply with his/her obligations in terms of stipulated work hours. | Time keeping in that on the <u>(date)</u> you arrived late for work; or Timekeeping in that on the <u>(date)</u> you were late arriving back from lunch; OR Continuous poor time keeping in that on the <u>(various dates)</u> , you were late for work etc. | Poor time keeping, failure to adhere to stipulated starting and end times including but not limited to starting times and break periods, reporting late for work, leaving work early, taking excessive breaks or breaks that are longer than | VW/C | WW | W W | F W W | T |



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| | Note 1: Refer to failure to follow company policy and procedure for possible additional charge | permitted, unauthorised breaks, not proceeding to the workplace or workstation | | | | | |
| 1.1.3. Desertion of post | | | | | | | |
| Absence from workstation without permission and or a valid reason with intention of not returning until the next allocated shift or workday. Refers to a longer period than merely absence from workstation | Desertion of post in that on the (date), at approximately (insert time) you deserted your workstation without permission and or a valid reason. | An employee leaves his/her allocated post/workstation without permission | WW | WW | F W W | | T |
| 1.1.4. Desertion and or the act of absconding from work | | | | | | | |
| Unauthorised absence from work <u>without the intention</u> to return. Normally refers to the absence for a period in excess of 10 days and the employee, despite being requested to do so, failed to inform the company of the reason for absence. | Absconding alternatively unauthorised absence from work, in that you have been absent from work from the (date) and despite being requested to do so have failed to make contact with the company to explain the reason for your absence or your whereabouts. | Factors that play a role in determining the intention of the employee are length of absence, communication or lack thereof with employee concerned and the employee's failure to respond to requests to contact the company. In such cases, the employer should have taken reasonable steps to establish the whereabouts of the employee. Termination here shall be with notice and the employee shall only earn his/her salary during the notice period if he/she works during such notice. | | T | | | |
| 1.1.5. Wilful clocking or recording incorrect work time | | | | | | | |
| Refers to wilful clocking or recording time in time sheet or attendance register and | Clocking incorrect time in that on the (date) you wilfully recorded an | An employee either by himself or his fellow work colleague records | FWW | T | | | |



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| <p>not reporting for work or not representing the correct time with the intention to gain an advantage.</p> <p>Also refers to wilful clocking or recording incorrect time for other employee to not representing the correct time so as to assist the other employee gain an advantage.</p> <p>Allowing the incorrect clocking or recording of own by another employee not representing the correct time so as to gain an advantage.</p> | <p>incorrect work time so as to (explain benefit).</p> <p>Note Any incorrect time recorded that is not worked for by the employee found culpable shall not be paid for or if same has already been paid, such money shall be deducted from subsequent pay or entitlement.</p> | <p>for himself or for another employee or allows another employee records on his behalf an incorrect time so as to attract pay or overtime pay.</p> | | | | | |
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1.2. WORK STANDARD OFFENCES

1.2.1. Negligence

| | | | | | | | |
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| <p>Any failure by an employee to comply with a standard of care that the employee would reasonably be expected to provide in the completion and fulfilment of his/her duties and or task.</p> <p>Gross negligence is distinguished from negligence in respect of the seriousness of the offence and the quantum (value) of loss or damage.</p> <p>Distinguished from dereliction of duty please refer to 1.3.3 in this regard</p> | <p>Negligence in that on (date) you failed, without proper cause to perform your duties with the proper care required in that you (describe the event).</p> <p>Note 1: Refer to damage to company property for possible additional charge</p> <p>Note 2: This applies to breach of company safety standards.</p> | <ul style="list-style-type: none"> If the work done is of a poor quality and/or quantity without any reason being given. Failure to exercise proper care and attention in regard to the manner in which a task should be performed to the extent that the task has to be repeated or that equipment is at risk of being damaged. Failing to perform duties to the required standard without any acceptable reason. | <p>VW/C Or WW</p> | <p>WW</p> | <p>F W W</p> | <p>T</p> | |
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| | | <ul style="list-style-type: none"> • Displaying unreliability, poor co-operation and a lack of interest in work. | | | | | |
| 1.2.2. Gross Negligence | | | | | | | |
| A serious failure by an employee to comply with a standard of care that the employee would reasonably be expected to provide in the completion and fulfilment of his/her duties and or tasks. Generally has to result in incurring substantial (including financial) losses on the company or causing death or serious injury to another. | Gross negligence in that on <u>(date)</u> you failed, without proper cause to perform your duties with the proper care required in that you <u>(describe the event)</u> . Note 1: Refer to damage to company property for possible additional charge Note 2: This may apply to breach of safety standards resulting in workplace injury. | <ul style="list-style-type: none"> • Please note that these are sample offences and may need to be adapted or varied according to the specific company requirements • Any act or omission which has the potential to give rise to serious consequences to the company or its clients. | T/D | | | | |
| 1.2.3. Dereliction of Duty | | | | | | | |
| Failure to comply with a duty to perform a task or job function in terms of allocated tasks and or your job description and or general and recurring duties assigned to the employee (not involving abnormal physical risk and also not in conflict with any other instruction given). | Dereliction of duty in that on <u>(date)</u> you failed to complete <u>(describe task or function)</u> , a task assigned to you Note 1: Refer to insubordination for alternative charges. Note 2: Refer to insubordination for alternative charges | Failing to complete a task allocated to the employee | FWW | T | | | |
| 1.2.4. Loafing/ Idleness | | | | | | | |
| Refers to standing, laying, sleeping or sitting about idly or saunter lazily or aimlessly and thereby neglecting one's work, failing to work when there is work to be completed | Loafing/ Idleness in that on the <u>(date)</u> you failed to devote all of your time to the furtherance of your duties in that you <u>(describe the event)</u> | Where an employee is found doing non work related acts instead of concentrating on his/her work. | VW/C | WW | W W | F W W | T |
| 1.2.5. Poor Supervisory skills / incompetence | | | | | | | |
| Refers to poor supervisory or managerial skills after | Poor supervisory skills in that on the <u>(date)</u> you <u>(state the problem)</u> being a | To be guilty of such offence, the manager or | WW | FWW | T/ D m | | |

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| <p>being trained or after having gone through coaching to supervise employees.</p> <p>Incompatibility, not getting along with co-workers or supervised employees</p> <p>Also refers to incompetence and unsatisfactory work performance after being trained to improve.</p> | <p>supervisor or manager of (state employee/department) with the responsibility to (state the failed responsibility) there by causing (state the consequence)</p> <p>Note An offence for incompetence will not be successful until it is shown that the company has made considerable effort to improve on the unsatisfactory work performance of the employee either by way of trainings, coaching etc. This is not the case for employees on probation.</p> <p>See below guide for improving on employees' unsatisfactory work performance.</p> | <p>supervisor must have show-cased poor supervisory skills in supervising his employees by failing to do or doing act(s) which are reasonably not ought to be done by a person charged with supervising responsibility. A one off event is not sufficient to establish this offence - it should be continuous or events done on various occasions and the supervisor/manager must have exhausted his chances of improving his unsatisfactory work performance to constitute this offence.</p> | | | | |
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NOTE: Attention must be paid to the differences between incapacity (cannot) and misconduct (will not). The disciplinary steps provided for in the policy should be applied for "will not". If the unsatisfactory work performance is due to incapacity (cannot), the following must be adhered to:

- A formal evaluation must be made of the employee's performance.
- Substandard performance as well as ways to correct such performance must be discussed with the employee. The employee must also be informed as to the action that can be taken against him if his/her performance does not improve.
- Time should be allowed for the employee to improve his/her performance. The company must assist the employee as far as possible and retrain if necessary.
- The employee's performance must be re-evaluated.

1.3. CONDUCT RELATED OFFENCES

1.3.1. Abusive Language

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| <p>Language that is inappropriate, abusive to an employee, client or contractor on site or groups of employees and may or may not be derogatory in nature.</p> | <p>Use of abusive language in that on the (date) you used abusive language while addressing (victims name)</p> | <p>Use of abusive language. Swearing at fellow employees.</p> | <p>VW/C Or WW</p> | <p>WW</p> | <p>F W W</p> | <p>T</p> |
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1.3.2. Sexual harassment

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| <p>Sexual harassment is attention of a sexual nature that is offensive and unwanted. The</p> | <p>Sexual harassment in that on the (date) you (describe incident)</p> | <p>The sending of unsolicited email and or messages of a sexual nature.</p> | <p>D/SD</p> | | | |
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| <p>unwanted attention distinguishes it from behaviour that is welcomed and mutual. It requires continuous action by the employee particularly after the other person has communicated disinterest or unwillingness.</p> | | <p>The making of comments and or suggestive remarks and or actions that have a sexual connotation or meaning.</p> | | | | |
| 1.3.3. Threatening behaviour | | | | | | |
| <p>Behaviour that constitutes a threat of harm on another person and or property. Could be verbal or physical actions.</p> | <p>Threatening behaviour in that on <u>(date)</u> you threatened <u>(person threatened)</u> by <u>(describe incident)</u></p> | <p>Threatening another employee verbally or by actions</p> | <p>T/D</p> | | | |
| 1.3.4. Bullying | | | | | | |
| <p>Behaviour that constitutes threat of harm, intimidation, embarrassment, pressure by force, taunt, or derision either in person or virtually.</p> | <p>Bullying in that on the <u>(date)</u> you assaulted <u>(victim)</u> by <u>(describe incident)</u></p> | <p>Bully can be either between or amongst employees of the same level or by an employee of a higher level. It may involve multiple people in collusion.</p> | <p>FFW</p> | <p>T/D</p> | | |
| 1.3.5 Assault /Minor Assault | | | | | | |
| <p>The physical harming of a work colleague through physical contact and or violence.</p> <p>Wilful act(s) conduct causing injury or severe pain to another employee, contractor or visitor.</p> | <p>Assault in that on the <u>(date)</u> you assaulted <u>(victim)</u> by <u>(describe incident)</u></p> | <p>The pushing of someone.</p> <p>The act of striking a person in any way or form.</p> <p>Assault carries different punishment and the seriousness or the consequence of the act(s) on the person assaulted distinguishes an Assault from a minor assault.</p> <p>This is distinguished with minor assault which does not result to injury or severe pain but includes unwelcomed or repeated touching, tapping, kicking</p> | <p>D</p> | | | |
| | | | <p>FWW</p> | <p>T/D</p> | | |

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| | | whether the employee had been warned not to do so or not. | | | | | |
| 1.3.6 Intimidation and or incitement | | | | | | | |
| A threat using words or conduct or a combination of both with the intention to influence a person or group of people to act in a certain way. This is aimed at actions that are detrimental to the company, its staff and or clients. | Intimidation in that on <u>(date)</u> and at <u>(venue)</u> you threatened other employees by <u>(describe incident or behaviour)</u> . Note 1: Refer to conduct detrimental to the maintenance of good order within the workplace as a possible additional charge Note 2: Refer to abusive language as a possible additional charge | To incite or intimidate other employees to: i. Use violence; ii. Damage Company property; iii. Partake in unlawful industrial action, or indulge in any other disorderly behaviour | D | | | | |
| 1.3.7. Conspiracy | | | | | | | |
| Steps taken in agreement by two or more employees or an employee to commit a workplace misconduct or act contrary to this schedule of offences and the company's policy. | Conspiracy in that you together with <u>(names or description of co-conspirators)</u> on <u>(date)</u> took steps in agreement to <u>(describe incident)</u> in breach of <u>(misconduct)</u> | Where there is a joint enterprise and an employee may not be subject to the substantive allegation but had some role to play in the action. This includes conspiracy with non-employees. | T /D | | | | |
| 1.3.8. Aiding and Abetting | | | | | | | |
| Where an employee conceals or assist the commission of a workplace misconduct or such action contrary to this Schedule of offences and the Company's policies | Aiding and abetting in that on <u>(date)</u> you aided the <u>(describe misconduct)</u> by <u>(describe action)</u> | To assist or facilitate the commission of an act contrary to this schedule of offence or to promote its accomplishment. This can occur during and after the incident or event. | T /D | | | | |
| 1.3.9. Sabotage | | | | | | | |



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| <p>Any act by an employee to interfere with the normal operations of the Company by damaging machinery or equipment or by interrupting any supplies of power, fuel, materials or services necessary to the operations; and bomb threats, whether intended seriously or as a joke.</p> | <p>Sabotage in that on <u>(date)</u> you wilfully damage property of the company by <u>(describe event)</u></p> <p>Note 1: Refer to damage to company property as a possible additional charge.</p> | <p>Incidents were employees deliberately sabotage company property.</p> | <p>D</p> | | | | |
| 1.3.10. Unlawful strike action | | | | | | | |
| <p>Refers to employees partaking in unlawful strike action.</p> <p>An essential service employee partaking in a strike action</p> | <p>Participation in unprotected strike action in that on the <u>(date)</u>, you participated in strike action that was unlawful and unprotected.</p> | <p>Work stoppages that occur without following dispute resolution procedures.</p> | <p>T/D</p> | | | | |
| 1.3.11. Criminal Conviction | | | | | | | |
| <p>Refers to any criminal conviction or sentence by a court of competent jurisdiction for offences against the person and/or dishonesty offences either within Sierra Leone or outside Sierra Leone</p> | <p>Criminal Conviction in that on the <u>(date)</u> you were convicted/ sentence of a criminal offence by <u>(name of court)</u> the offence being an offence of dishonesty/ against the person.</p> | <p>Criminal conviction or sentence under the criminal laws of any country irrespective of the duration or nature of the sentence in as much as the offence is against the person or dishonesty offences.</p> | <p>T</p> | | | | |
| 1.3.12. Discrimination | | | | | | | |
| <p>Discrimination or discriminatory practices or conduct calculated to constitute discrimination against another employee(s).</p> | <p>Discrimination in that on <u>(date)</u> you <u>(describe the act)</u> <u>(name of victim)</u> because the victim is a <u>(describe reasons for discrimination)</u>.</p> | <p>To constitute discrimination, the discriminatory practice must be done without any excusable justification. Conduct amounting to discriminatory practice includes depriving the victim of a deserved opportunity because of his sex, colour etc.</p> | <p>FWW/ T</p> | | | | |
| 1.3.13. Dangerous Driving | | | | | | | |



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| <p>Refers dangerous driving including over-speeding which may constitute a Road traffic offence but does not include dangerous driving resulting death or damage to company's property.</p> | <p>Dangerous driving in that on the <u>(date)</u> you drove recklessly/over-speeded on <u>(name of location)</u> a driving that may have caused casualty and offence under the laws of Sierra Leone.</p> | <p>For the driver to be guilty of Dangerous driving here, he must have been reckless or driving without regard for traffic rules, over-speeding, packing on the road a way that can lead or cause fatal accident or damage to the vehicle.</p> | <p>WW</p> | <p>FWW</p> | <p>T</p> | | |
| <p>Driving without company's driving permit</p> | <p>Driving without company's driving permit in that on the <u>(date)</u> at around <u>(time)</u> you drove <u>(vehicle number)</u> from <u>(location)</u> to <u>(destination)</u> without having been issued the Company's driving permit Note 1: For minor scratches or damage, warning letter may apply or the employee pays the full cost of the repairs. Note2: For major damages, the employee will be terminated.</p> | | <p>T</p> | | | | |
| <p>1.4. ALCOHOL AND OR DRUG RELATED OFFENCES</p> | | | | | | | |
| <p>1.4.1. Under the influence of alcohol and or narcotics</p> | | | | | | | |
| <p>Under the influence of alcohol and or any other mind altering substance including but not limited to any prohibited drug and or prescription drugs. Includes arriving at the workplace unfit to commence duty due to alcohol consumption</p> | <p>Under the influence of alcohol and or narcotics in that on the <u>(date)</u> you <u>(describe incident)</u> Note 1 Being or found in possession of narcotics, alcohol or illegal drug as an additional or separate charge.</p> | <p>Reporting for work in an unfit condition whilst under the influence of alcohol and/or drugs.</p> | <p>4 weeks SWP &C</p> | <p>T/D</p> | | | |
| <p>1.4.2. Unauthorised consumption of alcohol and or narcotics</p> | | | | | | | |
| <p>The consumption of alcohol, drugs or related substance whilst on duty</p> | <p>Unauthorised consumption of alcohol in that on the <u>(date)</u>, you were seen consuming alcohol/drugs etc. whilst on duty.</p> | <p>Consumption of alcohol and or drugs whilst on duty.</p> | <p>4 weeks SWP &C</p> | <p>T/D</p> | | | |
| <p>1.4.3. Unauthorised possession of alcohol or narcotics</p> | | | | | | | |
| <p>Refers to the possession of alcohol or drugs on the company premises</p> | <p>Unauthorised possession of alcohol and or narcotics in that on the <u>(date)</u>, you were found in possession</p> | <p>Found in possession of alcohol and or drugs</p> | <p>4 weeks SWP &C</p> | <p>T/D</p> | | | |

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| | of (describe substance found) | | | | | | |
| 1.4.4. Smoking in non-smoking area | | | | | | | |
| Smoking or inducing fire in a “non-smoking” or flammable gas area within company’s premises | Smoking or inducing fire in that on the (date) you were caught or seen smoking or inducing fire in a “non-smoking” area or a flammable gas area. <u>Note</u> This offence is not meant for situations where the actions of the employee actually caused fire or damage to company’s property. Consider other offences instead. | Smoking or inducing fire here must have been done in an area not that is not designated for smoking or an area where inducing fire will cause flames. | WW | FWW | T | | |
| 1.4.5. Possession or use of explosive materials or dangerous weapons | | | | | | | |
| Refers to being found in possession of or using a dangerous weapon in company’s premises without lawful authority. Also refers to possession of materials of explosive nature. Also refers to being in possession of dangerous animals of lethal nature such as reptiles etc. | Being in possession of dangerous weapon in that on the (date) you were caught with a (state the weapon) at (place) without any lawful permission to do same. Being in possession of a dangerous animal in that on the (date) you were found in possession of (name animal) at (place) such animal being of a lethal nature and without lawful permission to do same. | The employee here must be seen to hold, keep or in custody of the dangerous weapon, explosive materials or dangerous animal at workplace or any of the company’s premises or operational areas or transportation means. It is not necessary that the material exploded, the dangerous animal caused any harm or the weapon caused any harm to any person. The mere possession of same is sufficient. | FWW/ T | T | | | |
| 1.5. DISOBEDIENCE AND OFFENCES OF A DISRESPECTFUL NATURE | | | | | | | |
| 1.5.1. Insolence | | | | | | | |
| Action by an employee that constitutes and shows disrespect to his/her employer. A direct (verbal) or indirect (through | Insolence in that on (date) you showed disrespect to your manager by (describe incident) | Being belligerent in the acceptance of an instruction. Accepting an instruction but then voicing | WW | FWW | | | |



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| actions) challenge to the authority of the employer and or his designated representative. | | dissatisfaction to colleagues. Openly refusing to accept an instruction from a superior | | | | | |
| 1.5.2. Gross Insolence | | | | | | | |
| A serious act of insolence that has as its elements wilful contempt of the employer's authority. A challenge by an employee | Gross insolence in that on <u>(date)</u> you showed disrespect to your manager by <u>(describe incident)</u> | Public refusal of an instruction. Swearing at a manager when refusing follow an instruction | T | | | | |
| 1.5.3. Insubordination | | | | | | | |
| The intentional disobeying of a reasonable and lawful instruction given by management. Any act or conduct of disobedience that has the effect of challenging the authority. This includes refusal to undergo medical examination having been instructed or required to do so. | Insubordination in that on the <u>(date)</u> it is alleged that you engaged in misconduct by challenging the authority of the employer/superior and/or failing or refusing to obey a reasonable and lawful instruction relating to <u>(details of instruction/incident)</u> | An employee directly or indirectly confronts his supervisor by e.g. refusing verbally and/or making no effort to carry out the work when instructed to do so. | WW | FWW | T | | |
| 1.5.4. Gross insubordination | | | | | | | |
| A serious act of refusing to comply with a reasonable and lawful instruction | Gross insubordination in that on the <u>(date)</u> , you engaged in gross misconduct by refusing to obey a reasonable and lawful instruction relating to <u>(details of instruction/incident)</u> | When an employee is given an instruction and fails to carry out the instruction resulting in damage to the company. | FWW | T | | | |
| 1.5.5. Breach of company policy and procedure | | | | | | | |
| A negligent or intentional failure to follow a company policy that has been implemented. The breach may be done to confer an advantage on the employee himself, a colleague or an outsider. Includes failure to wear personal protective | Breach of company <u>(name of policy)</u> policy and procedure in that on the <u>(date)</u> you failed to abide to the policy by <u>(describe event or conduct)</u> | An instance where there is an implemented company policy, procedure or standard of operation and the employee fails and or refuses to follow it. | WW | FWW | T | | |



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| <p>equipment where necessary after being provided or supplied PPE. Failure to wear appropriate clothing or uniform to work.</p> <p>Includes failure to observe security regulations.</p> <p>Being found in an out-of-bounds area without permission.</p> | | | | | | | |
| 1.5.6. Wilfully concealing from Company Infectious or contagious disease | | | | | | | |
| <p>Knowingly and deliberately concealing from the company or Company's approved medical doctor infectious or contagious disease whether asked or not by the company or the doctor.</p> | <p>Concealing infectious /contagious disease in that you wilfully conceal from the Company or Company's approved medical doctor that you have <u>(name of disease)</u> knowing fully well that the said disease is contagious or infectious.</p> | <p>The infectious or contagious disease must be one that is deadly or one that if spread to other employees such employees will be required to stay at home or kept away from work thereby causing administrative inconvenience in the workforce. Example Ebola, TB etc.</p> | FWW | T | | | |
| 1.6. DISHONESTY OFFENCES | | | | | | | |
| 1.6.1. Making a false statement | | | | | | | |
| <p>The intentional making of a statement with the intent to deceive or conceal the truth</p> | <p>Gross dishonesty in that you on the <u>(date)</u> made a false statement by <u>(describe incident)</u></p> | <p>An employee makes a false statement or submission to the company and includes statements made during disciplinary investigations and hearings.</p> | VW/C or WW | FWW | T /D | | |
| 1.6.2. Fraud | | | | | | | |
| <p>The intentional making of a false statement either in writing or verbally with the intention to obtain some form of benefit and or unjustified enrichment.</p> | <p>Gross dishonesty in that you committed fraud in that on the <u>(date)</u> you presented a false <u>(describe document and or conduct)</u></p> | <p>The creation of a false document with the intent to mislead (defraud), resulting or calculated to result in some prejudice, harm or loss to another or</p> | D | | | | |



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| | | undue benefit to the employee, e.g. altering/removal/ mutilating or destroying a medical certificate, travel claim, accommodation claim, personal details etc. | | | | | |
| 1.6.3. Gambling on company's premises | | | | | | | |
| Gambling constitutes a criminal offence in Sierra Leone and such practices cannot be tolerated in the company's premises. | Gambling in that on the <u>(date)</u> you were found betting at workplace or in the company's premises | Gambling here must involve more than one person whether the other person(s) are employees or not and the gambling must have been done within any of the company's premises or at workplace. The gambling must have been done for an accrued benefit. | FWW | T | | | |
| 1.6.4. Corruption | | | | | | | |
| Refers to soliciting, offering or accepting bribes or other acts of dishonesty that is tantamount to corruption. | Corruption in that on the <u>(date)</u> you offered/ solicited/accepted a bribe from <u>(name of person)</u> so that <u>(explain the reason)</u> a conduct which constitutes corruption. Note Both the giver and the receiver of the bribe may be investigated depending on the circumstance. | Corruption here includes the demanding for a bribe, offering a bribe and/or accepting a bribe by an employee from another employee, client, customer, contractor or any other person or institution to confer an advantage on the person offering the bribe. | T/D/S D | | | | |
| 1.7. OFFENCES DETRIMENTAL TO THE COMPANY | | | | | | | |
| 1.7.1. Breach of confidentiality | | | | | | | |
| Refers the unauthorised disclosure of confidential information including but not limited to company's trade | Gross dishonesty - in that on the <u>(date)</u> , you disclosed <u>(describe information disclosed)</u> being confidential information of the | Any disclosure of company information without permission and authorisation | D | | | | |

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| secrets, confidential documentation. | company without authorisation | | | | | | |
| 1.7.2. Bringing the company name into disrepute | | | | | | | |
| Any conduct that is detrimental to the image and or good standing of the company within the perception of the public thereby creating a negative image of the company | Bringing the company name into disrepute in that on the <u>(date)</u> you <u>(describe incident)</u> thereby bringing the company name into disrepute | A complaint received from a member of the public or a client | FWW | T | | | |
| 1.7.3. Competing with the employer and or conflict of interest | | | | | | | |
| Acting contrary to the best interest of the employer in disclosing confidential information to a competitor of the company and or conducting business in competition to the company and or failing to disclose an interest in a competing business to the company. | Competing with the employer and or conflict of interest in that on <u>(dates)</u> you worked/made/conducted the business of/gave information concerning <u>(describe content)</u> to <u>(competitors name)</u> in competition with the company and in breach of your contract of employment/duty as an employee. Note 1: Refer to confidentiality obligations for further charge | | | T | | | |
| 1.7.4. Conduct detrimental to the maintenance of good order within the workplace / Riotous conduct | | | | | | | |
| Conduct that has the effect of being detrimental to the moral of the company and its employees. Normally associated with continuous behaviour of the kind that leads to disharmony within the workplace and behaviour that is aimed at challenging the authority of the company Riotous conduct varies from other disorderly behaviour in that it has the tendency of inciting other employees to go on the rampage. | Conduct detrimental to the maintenance of good order within the workplace in that on the <u>(date)</u> , you <u>(describe conduct)</u> . | Normally as a result of small acts of the employee that treated separately do not constitute a serious offence but treated together add up to a serious challenge to the authority of the company. | WW | FWW | T | | |
| | | This is distinguished from other disorderly behaviour or conduct in that a Riotous conduct involves more than one employee disorderly | FWW | T | | | |

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| | | misconducting themselves and not being a strike action so as to disturb the maintenance of good order in the workplace. | | | | | |
| 1.7.5. Unauthorised use of Company's seal | | | | | | | |
| Unauthorised use of company's seal, name, stamp, logo, or letterhead or any property or facilities provided by the company for some purpose not connected with official duties. | That on the (date) you used the company's (state <u>the thing used</u>) for your private advantage unconnected to your official duties without any lawful authority to use same. Note Consider other offences like conflict of interest, acts that can lead the company to distrust the employee. | This offence can be committed by both holders of such items of the company or employees who are not holders of same. The item must be used for a purpose unconnected to company's work and for a private advantage of the employee. The seriousness of the consequence of the unauthorised use of the item will determine the punishment. | T/D/S D | | | | |
| 1.8. PROPERTY RELATED OFFENCES | | | | | | | |
| 1.8.1. Wilful damage to company property | | | | | | | |
| The intentional or negligent causing of harm/damage to company property or property of a co-employee. Includes wastage of company's materials, | Damage to company property in that on (date) you caused damage to a (describe the property damaged), being the property of the company or co- employee. Note 1: Refer to negligence for possible additional charge | The breaking of a tool or machine of the company. Wilful act or negligent causing serious damage to company's property leading to huge financial loss | WW T | FWW | T | | |
| 1.8.2. Theft | | | | | | | |

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| <p>Being in the possession of company and or client and or a fellow colleague property with the intention to permanently deprive the affected party of the item.</p> | <p>Theft, in that on the <u>(date)</u>, you were found in possession of <u>(describe the item)</u> being the property of the company/client/colleague without authorisation and or permission</p> <p>Note1: Company Property may be defined to include property belonging to the company's contractors on site.</p> | <p>The unauthorized removal or taking of property other than the employee's own including fellow employee property.</p> | <p>T/D/S D</p> | | | | |
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1.8.3 Fuel theft Detected by Fuel Monitoring Device/ Unreasonable drops of fuel from equipment in the custody of an employee

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| <p>Refers to an unreasonable or unexplained shortage or loss of fuel detected by the company's fuel monitoring device on equipment while under the care, custody and possession of the employee.</p> <p>Assisting, conspiring or concealing either by way of altering or falsifying fuel related document or records or by whatever means to assist the theft of company's fuel for an advantage.</p> | <p>Fuel theft in that on the <u>(date)</u> SMHL fuel monitoring device showed that there was shortage of fuel or the level of fuel unjustifiably dropped in <u>(name equipment)</u> which was under your custody, care and/or possession at the time the fuel dropped..</p> <p>Conspiring or assisting or concealing theft/fuel theft in that on <u>(date)</u> you altered or falsified documents so as to cover up the theft of fuel or any item of the company knowing fully well that such records are incorrect.</p> <p>Note Consider additional charge of falsification of document.</p> | <p>It is immaterial here that the employee claims not to be aware of the causes of the fuel drop down. Except for technical reasons or a fault of the fuel monitoring device which must be technically proven, fuel drop detected by fuel monitoring device will be the exclusive liability of the employee in custody or possession of the equipment such as operators, drivers, fuel clerk etc. under whose care the equipment was placed at the time the theft or fuel drop down occurred.</p> <p>The employee need not be caught on the act of syphoning fuel, and evidence of a factual witness need not</p> | <p>T/D</p> | | | | |
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| | | <p>mandatory. The recordings of the fuel monitoring device is sufficient to prove a fuel theft case.</p> <p>Defence of a seal not broken is not tenable.</p> | | | | | |
| 1.8.4. Attempted theft | | | | | | | |
| <p>Refers to the attempted removal of property of the company and or client and or fellow employee without authorisation</p> | <p>Attempted theft/removal of property in that on the <u>(date)</u>, you were found in possession of <u>(describe the item)</u> being the property of the company/client/ colleague without authorisation and or permission</p> <p>Note1: Company Property may be defined to include property belonging to the company's contractors on site.</p> | <p>Incidents where an employee is caught by security being in possession of property not belonging to them prior to vacating the company premises</p> | T/D/S D | | | | |
| 1.8.5 Unauthorised possession of company property | | | | | | | |
| <p>Being in possession of company property without the necessary permission and or authority.</p> | <p>Unauthorised possession of company property in that on the <u>(date)</u> you were found in possession of <u>(describe item)</u> without authorisation</p> <p>Note 1: Refer to breach of company policy and procedure for a possible further charge</p> <p>Note2: Company property may be defined to include property belonging to the company's contractors on site.</p> | <p>Incidents where an employee is found in possession of company property that although the intention to steal the item is not there, he/she has no authority to have the item in their possession</p> | T/D/S D | | | | |
| 1.8.6. Charging in a prohibited area | | | | | | | |

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| <p>Being found charging in a prohibited area in the workplace outside the designated charging facility.</p> <p>Found employees electrical gadget connected for charge in any prohibited area.</p> | <p>Charging in a prohibited area in that on the (date) you were found charging/connecting a (describe item) or you connected a (describe item) for charge at (name place) which is a prohibited area.</p> <p>Note 1: Penalty here may be deducted from the employee's pay or be paid by the employee to the finance department.</p> | <p>Junior employees are prohibited from charging personal electrical gadgets including mobile phones outside the designated area - junior staff canteen. Hence, charging mobile phones, lap tops and any other electrical gadgets is prohibited in all areas at the workplace.</p> | <p>Payme nt of Le50</p> | <p>Payme nt of Le50</p> | <p>Pa y m en t of Le 50</p> | <p>Pay me nt of LE 50</p> | <p>Pay me nt of Le5 0</p> |
| <p>1.8.7. Breach of Trust and Confidence</p> | | | | | | | |
| <p>The Employer loses confidence in an employee in such a way that the employer no longer considers it appropriate for the employee to render their services in the relevant capacity within the company</p> | <p>Loss of trust and confidence in that on (date) you (describe incident) which caused the employer to lose confidence in your services</p> | <p>Where there is an incident involving the employee, which may not amount to other offences but bears serious elements of dishonesty or where the employee is found guilty of a criminal offence.</p> | <p>T</p> | | | | |

**ARTICLE 9
APPEAL PROCEDURE**

A Delinquent Employee has the right to formally appeal against the decision of a disciplinary hearing. In all cases, the Disciplinary Sanction will remain in force throughout an appeal process.

9.1 Timing

A Delinquent Employee may appeal against the decision of a disciplinary hearing within 48 hours of being notified of the decision by HR Department. The appeal should be made in writing to the HR Director (if they were not part of the previous hearing) or to an appointed Appeal Officer. The appeal will be acknowledged and heard within 5 (five) working days from the date of receipt of the appeal.

9.2 Grounds

An appeal shall be in the form of a letter, clearly stating the grounds for the appeal. An appeal is not a re-hearing except where the grounds of appeal is based on procedural flaws of the disciplinary hearing. There are four (4) grounds of appeal:

- a. New evidence coming to light which was not previously available at the time the decision was made or which was unreasonably withheld (other than by the employee) and which could have materially affected the outcome;

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5/4/2023



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- b. A flaw in the procedure which could have influenced the final outcome;
- c. Unfairness of the decision – this must state further particulars;
- d. Severity of the penalty which is not prescribed in the Disciplinary Policy/Procedure or the CBA.

9.3 Appeal Officer

An Appeal Officer(s) will be more senior to the appointed Disciplinary Officer who presided over the disciplinary hearing. He must not have had any prior involvement in the disciplinary matter. In misconduct cases, 1 (one) Appeal Officer will be appointed to hear the appeal. In gross misconduct cases, two (2) Appeal Officers will be appointed to hear the appeal. The Appeal Officer shall notify the Delinquent Employee of the date of the hearing at least two (2) days before the appeal hearing.

9.4 Appeal Hearing

At the appeal hearing, the Delinquent Employee will be given an opportunity to state his appeal. A Delinquent Employee has all the rights in an appeal hearing as those set out in the disciplinary hearing except for witnesses being called. Where appropriate, the Disciplinary Officer or the Investigating Officer as the case maybe will be in attendance to explain the reasons for his decision. The Appeal Officer's mandate is to review all documents and facts presented during the disciplinary hearing or investigation (if the decision came from the investigation stage) and the Delinquent Employee's appeal document, if any. The Appeal Officer may adjourn the hearing to make further investigations or seek advice/further information if necessary ensuring that he informs the employee of any additional information that is considered.

No witnesses will be called at the appeal hearing except where there is a need to do a re-hearing if the appeal is based on procedural flaws of the disciplinary hearing or investigation or new evidence comes up which was not available during the disciplinary hearing. Hence, a Delinquent Employee must ensure that all documents to be relied on are submitted with the appeal. The Appeal Officer(s) will make a final decision and HR Department will notify the delinquent employee of the decision not later than 2 (two) working days from the date of the decision.

9.5 Potential Appeal Outcomes

The following are potential outcomes of an Appeal Officer(s) at the end of an appeal hearing:

- a. Uphold the decision of the Disciplinary Officer/ Investigating Officer;
- b. Impose a lesser disciplinary sanction;
- c. Overturn the disciplinary decision; or
- d. Uphold or partially uphold the appeal.

9.6 Further action

There is only one level of appeal within SMHL. Therefore the decision taken following the appeal is final.

RELATED POLICIES

Grievance Handling Procedure
Capability (Performance Improvement) Policy.
Attendance, leave and time off Policy



STATEMENT OF ATTESTATION

This Document was submitted to the Ministry of Labour and Social Security for vetting and attestation in accordance with the Employer and Employed Act CAP 212 of 1960.

ATTESTED BY:

Representatives of the Company

Name: Alusine Conteh

Designation: Human Resource and Corporate Affairs Manager

Signature: 

Date: 5th April 2023

Official Stamp: _____

Name: Aleksandr Ivanov

Designation: General Manager

Signature: 

Date: 05/04/2023

Official Stamp: _____

Ministry of Labour and Social Security Official

Name: John Ballon

Designation: Commissioner of Labour

Signature: 

Date: 5/4/2023

Official Stamp: _____

