

NMT Gross Misconduct and Disciplinary Policy

1. Introduction

NMT Crane hire Ltd is committed to providing a productive and respectful work environment for all employees. This policy sets out the procedures and guidelines for addressing instances of gross misconduct and other disciplinary matters, ensuring fair treatment, transparency, and consistency. This policy applies to all employees of [Company Name], and it is intended to protect both the employee and the organization by ensuring that any disciplinary issues are dealt with promptly and fairly.

2. Purpose of the Policy

The purpose of this policy is to:

- Outline the types of behaviour that may be considered gross misconduct.
- Provide a fair, consistent, and transparent process for dealing with gross misconduct and other disciplinary matters.
- Ensure that employees are aware of the standards of behaviour expected in the workplace.
- Promote a positive work environment where employees can express concerns or complaints without fear of discrimination or retaliation.

3. Scope

This policy applies to all employees of NMT Crane Hire Ltd including full-time, part-time, temporary, and contract staff. The policy covers both minor and serious breaches of conduct, including gross misconduct, and includes guidance on the steps to be taken in disciplinary proceedings.

4. Definition of Gross Misconduct

Gross misconduct refers to behaviour that is so serious that it undermines the relationship of trust and confidence between the employee and the employer. It is typically behaviour that is deemed to be fundamentally incompatible with continued employment at NMT Crane Hire Ltd

Examples of gross misconduct may include, but are not limited to:

- Theft or dishonesty
- Physical violence, threats, or bullying
- Harassment or discrimination
- Serious insubordination or refusal to follow lawful and reasonable instructions
- Serious damage to company property or theft of company assets
- Alcohol or drug abuse at work
- Dangerous behaviour or neglecting safety procedures
- Breach of confidentiality or misuse of confidential information
- Serious misconduct that causes significant harm to the reputation of the company
- Criminal activity, especially if it affects the employee's ability to perform their duties

This list is not exhaustive, and the company reserves the right to classify other actions or behaviour as gross misconduct based on the circumstances.

5. Disciplinary Procedure

The disciplinary procedure is designed to ensure fairness and consistency in dealing with allegations of misconduct. The procedure includes several stages, which may vary depending on the severity of the misconduct.

5.1 Informal Discussions

In cases of minor misconduct or first-time issues, an informal discussion may be held between the employee and their manager. The objective of this discussion is to address concerns and provide an opportunity for improvement.

5.2 Formal Disciplinary Procedure

If the issue is more serious, or if informal discussions do not resolve the matter, the formal disciplinary procedure will be followed. This procedure involves several stages:

1. Investigation

- The company will conduct a thorough investigation to determine the facts surrounding the alleged misconduct.
- The employee will be informed of the nature of the allegations and given an opportunity to provide their side of the story.
- The employee may be suspended with pay, if necessary, during the investigation process.

2. Disciplinary Hearing

- If the investigation indicates that there is a case to answer, a formal disciplinary hearing will be scheduled.
- The employee will be informed in writing of the date, time, and location of the hearing, along with the details of the allegations.
- The employee has the right to be accompanied by a colleague or union representative during the hearing.
- The hearing will be conducted by a senior manager or a person designated to hear the case, who will be impartial.
- Both the company and the employee will have the opportunity to present evidence, question witnesses, and make representations.

3. Decision

- After the hearing, the decision will be made based on the facts presented.
- If the misconduct is confirmed, disciplinary action will be taken, which may range from a formal warning to dismissal, depending on the severity of the misconduct.
- The employee will be informed of the decision in writing, including the reasons for the decision and the disciplinary action, if any, taken.

4. Right to Appeal

- The employee has the right to appeal any decision made following a disciplinary hearing.
- Appeals must be submitted in writing, outlining the grounds for appeal, within [5] working days of receiving the disciplinary outcome.
- The appeal will be heard by a different, impartial manager or panel, and a final decision will be made.

6. Types of Disciplinary Action

The following disciplinary actions may be taken, depending on the severity of the misconduct:

1. Verbal Warning

A verbal warning may be issued for minor infractions. The warning will be noted but not recorded in the employee's formal file.

2. Written Warning

If the behaviour continues or if the misconduct is more serious, a written warning may be issued. The warning will remain on the employee's file for a specified period (6 months).

3. Final Written Warning

If the employee's behaviour does not improve after a written warning, or if the misconduct is serious enough, a final written warning may be issued. This is the last step before dismissal.

4. Dismissal

In cases of gross misconduct, or if the employee has previously received warnings without improvement, dismissal may be the appropriate outcome. Dismissal may be immediate, depending on the nature of the misconduct.

7. Factors Considered in Disciplinary Decisions

In determining the appropriate disciplinary action, the following factors will be considered:

- The severity and nature of the misconduct.
- Whether the employee has committed similar acts of misconduct in the past.
- The employee's previous disciplinary record.
- Any mitigating circumstances (e.g., personal issues or health conditions).
- The employee's length of service and overall conduct.
- The impact of the misconduct on the company, colleagues, or customers.

8. Confidentiality

All disciplinary matters will be treated confidentially. Information related to the disciplinary process will only be shared with those who need to be involved in the process. Employees should also maintain confidentiality regarding disciplinary issues.

9. Summary of Employee Rights

- Employees have the right to be informed of the allegations against them and have the opportunity to respond.
 - Employees have the right to be accompanied by a colleague or union representative at any formal disciplinary hearing.
 - Employees have the right to appeal any decision made following a disciplinary hearing.
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10. Conclusion

This policy is designed to ensure that all employees are treated fairly and consistently in the event of disciplinary action. NMT Crane hire Ltd strives to foster a work environment that encourages positive behaviour, mutual respect, and high standards of conduct. By adhering to this policy, we aim to resolve misconduct issues fairly and promptly, while ensuring that both the rights of the employee and the needs of the business are respected.

Date: 09.12.2024

Signed: *GWhite*

Director on behalf of NMT Crane Hire Ltd.

Review date 08.12.2025

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