





**MARSHALL  
CONSTRUCTION**

# Disciplinary and Grievance Procedure

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	<b>DISCIPLINE AND GRIEVANCE PROCEDURES</b>	

## 1. Discipline

Any conduct, which adversely affects good administration and efficiency, such as negligence, absenteeism, breaches of work rules or unsafe practices is likely to lead to disciplinary action. Breaches of discipline may result in dismissal.



## 2 Disciplinary & Dismissal Procedures

The following procedure will be observed as appropriate in all cases of disciplinary action or dismissal:

**2.1 Investigations:** No action will be taken before a proper investigation has been undertaken by the Company relating to the circumstances of the matter complained of. If appropriate, the Company may by written notice suspend the operative during which time such an investigation will be undertaken. If the operative is so suspended his contract of employment will be deemed to continue together with all his rights under his contract including payment of salary, but during the period of suspension, he will not be entitled to access to any of the Company's premises, except at the prior request or, with the prior consent, of the Company and subject to such conditions as the Company may impose. The decision to suspend the operative will be notified to him by either a Director or the SHEQ Manager.

**2.2 Disciplinary hearings:** If the Company decides to hold a disciplinary hearing relating to the matter complained of, the employee will be given details of the complaint against him in a written statement, normally at least 3 working days, before any such disciplinary hearing. The written statement will set out the alleged conduct, capability or other circumstances, which could lead to disciplinary action. He will be advised of the basis of the complaint and be provided with any supporting documentation or other evidence. At any disciplinary hearing, the employee will be given a full opportunity to state his case and to respond to the allegations. He may also be accompanied by a fellow employee of his choice or by a representative of any recognised Trade Union of which he is a member. No disciplinary penalty will be imposed without a disciplinary hearing. The employee has a duty to take all reasonable steps to attend the hearing. Following the disciplinary hearing, a decision will be taken as to what, if any, disciplinary action is to be taken. The employee will be notified of the outcome in writing and advised of the right to appeal.

**2.3 Appeals:** The operative has a right of appeal at any stage of the disciplinary procedures to a Director. Any appeal should be made in writing within 10 working days of the decision. The appropriate Director will then meet with the employee to discuss the appeal. The employee may be accompanied by a fellow employee of his choice or by a representative of any recognised Trade Union of which he is a member. The employee shall be notified of any decision in writing, which will be final and binding.

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- 2.4 If action is required over any failing by an employee with regard to conduct capability or workmanship, the procedure above will usually be followed and the employee will be given a **verbal warning** by his immediate manager.
- 2.5 If a further warning is necessary, it shall be in the form of a **written warning**. Where a Union Representative is involved a copy of the written warning will be provided by the Company to the appropriate full time official of the Union concerned if requested.
- 2.6 If a further warning is necessary, it shall be in the form of a **final written warning**. Where a Union Representative is involved a copy of the written warning will be provided by the Company to the appropriate full time official of the Union concerned if requested.
- 2.7 If the employee fails to comply with any warning this may result in dismissal. The Company shall provide him with a written statement providing the reason for his dismissal.
- 2.8 Although the disciplinary procedure will normally follow the above routine, the employer reserves the right to enter the procedure at any stage. This will depend upon the seriousness of the complaint.
- 2.9 Any grievances arising out of the foregoing procedure must be processed in accordance with Clause 5 hereof.

### 3. Termination of Employment and Gross Misconduct

Notwithstanding the provisions as to warnings and as to Notice of Termination of Employment, the Company shall be entitled to terminate the employment of the employee without notice and without payment in lieu of notice if the employee is guilty of **gross misconduct**. Prior to taking any decision to dismiss for gross misconduct, the Company will normally follow its Disciplinary Procedure.

Examples of gross misconduct are listed below. This list is intended to give examples only and it does not limit the types of conduct, which may in appropriate circumstances amount to **gross misconduct**.

- (a) Dishonesty, including theft or any fraudulent act or omission.
- (b) Assault or any violent or abusive conduct, including verbal abuse.
- (c) Consumption of alcohol during working hours, including any meal breaks and overtime periods. Drinking is strictly prohibited whether or not it results in intoxication.
- (d) **Intoxication** - Intoxication either through drink or drugs during working hours including any meal breaks and overtime periods.

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- (e) Refusal or wilful failure to use or wear Personal Protective Equipment provided by the employer.
- (f) Gross neglect of any of the employee's duties.
- (g) Refusal, or wilful failure, to comply with a lawful instruction.
- (h) Significant breach of company or legislative safety rules.

#### 4. Termination of Employment

##### 4.1 Notice by employer

The notice required to be given by the Employer to terminate the Employee's employment shall be one week for each year of continuous employment subject to a minimum of four weeks and a maximum of twelve weeks. (This is after completion of 3 months service, during this initial period the notice period will be one week from employee or employer)

##### 4.2 Notice by Employee



The notice required to be given by the Employee to Employer is four weeks for monthly paid staff (This is after completion of 3 months service, during this initial period the notice period will be one week from employee or employer) and one week for weekly paid operatives.

4.3 The employment may be terminated at any time by mutual consent, which should preferably be expressed in writing.

4.4 All outstanding wages are to be paid at the expiration of the period of notice and the employee advised of his/her entitlement to holiday pay and PAYE certificates or, in lieu thereof, a written statement that they will be forwarded as soon as possible.

4.5 Where gross misconduct is alleged which may result in dismissal without previous warning, the case shall be investigated, the employee will be given details of the complaint against him in a written statement which sets out the alleged conduct and will be provided with any supporting documentation or other evidence. A hearing shall be arranged at which the employee will have the opportunity to state his case and to respond to the allegations. The employee may be accompanied by a fellow employee or by a steward or representative of any recognised Trade Union of which he is a member. A decision will be taken by the employer as quickly as practicable and the operative will be notified of this in writing and advised of his right to appeal.

Any appeal should be made in writing to the Nominated Director within 10 working days of the decision. The Nominated Director will then meet with the

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employee to discuss his appeal. He may be accompanied by a fellow employee of his choice or by a representative of any recognised Trade Union of which the operative is a member. You shall be notified of the Nominated Director's decision in writing which will be final and binding.

## 5. Grievance Procedure

### Procedure for Dealing with Grievances

Any issue, which may give rise to or has given rise to a grievance (including issues relating to any form of discrimination) affecting the employer's workplace and employees employed by that employer at that workplace shall be dealt with in accordance with the following procedure.

Every effort should be made by all concerned to resolve any issue at the earliest stage.

A written record shall be kept of meetings held and conclusions reached or decisions taken. The appropriate management or union representative should indicate at each stage of the procedure when an answer to questions arising is likely to be given.

#### Stage 1



Any employee who has a grievance concerning his employment shall raise the matter in writing, with his Line Manager. Having enquired into the grievance, his Line Manager will invite the employee to a meeting to discuss it with him. The employee may be accompanied at this meeting by a fellow employee of his choice or by a representative of any recognised Trade Union of which he is a member. The employee has a duty to attend this meeting. He will be notified of his Line Managers decision and his right to appeal against this decision to the Department Head.

#### Stage 2

If the employee appeals the decision, the Department Head shall, having enquired into the grievance, invite the employee to a meeting to discuss it with him. The employee may be accompanied at this meeting by a fellow employee of his choice or representative of any recognised Trade Union of which he is a member. The employee has a duty to attend this meeting. He will be notified of the Department Heads decision and his right to appeal against this decision to the Managing Director.

#### Stage 3

Failing resolution of the issue at Stage 2, the Managing Director, having enquired into the grievance, will invite the employee to a meeting to discuss it with him. The employee may be accompanied at this meeting by a fellow

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employee of his choice or representative of any recognised Trade Union of which he is a member. The employee has a duty to attend this meeting. He will be notified of the final decision by the Managing Director.

Any ex-employee of the Company who wishes to raise a grievance should follow the procedure outlined above. However, where an ex-operative raises a grievance, in certain circumstances the Company may deviate from the procedure outlined above. In such circumstances, the ex-employee will receive a written response only to the points raised in his grievance letter.



B McDermott  
Managing Director  
22/05/2023  
(Review May 2024)