

Samchem HR Misconduct & Discipline Policy

It is the policy of Samchem Group of Companies ("Samchem") to set guidelines and procedures for the administration and resolution of misconduct so as to encourage, promote and regulate discipline in the organization.

1. Definitions

- a. Misconduct – improper behavior or an act or conduct at work which is inconsistent with the due performance of obligations to Samchem and includes a breach of discipline or violation of the rules and regulations as set out in the Company's handbook, policies or procedure statements or in any documentation of Samchem. If found guilty of misconduct, the employee may be dismissed after due inquiry.
- b. Examples of misconduct may include but not limited to the following:
 - i. Absent without leave for two or less working days.
 - ii. Ceasing work before the stipulated end of finishing time without permission
 - iii. Improper use of tools and equipment
 - iv. Leaving the workplace without permission
 - v. Habitual late coming/absence from work
 - vi. Insubordination
 - vii. Fraud
 - viii. Theft
 - ix. Damaging property belonging to the company, its employees and clients
 - x. Sabotage – undermining the interests of the company
 - xi. Corruption – requesting and/or receiving gratification of any kind to carry out one's duties
 - xii. Conflict of interest – acting in a manner contrary to the interests of the company
 - xiii. Fighting with other employees/company's clients
 - xiv. Quarrelling in the company premises
 - xv. Indecent behavior – use of foul language, indecent attire, immoral act, etc
 - xvi. Sexual harassment
 - xvii. Gambling at the workplace
 - xviii. Sleeping while at work
 - xix. Under the influence of alcohol/drugs
 - xx. Causing discord/hatred for the company
 - xxi. Threatening superiors and others
 - xxii. Assault/ causing harm to others
 - xxiii. Disregard for safety and health issues
 - xxiv. Breach of confidentiality

2. Disciplinary Procedure

- a. When an alleged misconduct is committed the immediate supervisor of the alleged perpetrator should file a misconduct report through the Employee Misconduct Incident Report Form and send to Human Resource Department.

- b. The HR Department must analyze the incident report and decide whether the allegations merit an investigation/ inquiry into the alleged acts of misconduct committed by the employee. Any conduct of any such investigation/ inquiry must be with the prior approval of the Management.
- c. As part of the investigation/ inquiry the HR Department may issue a show cause letter requesting the employee to explain or justify the alleged misconduct. The employee may be suspended pending investigation.
 - i. If the reply is satisfactory, the HR department will close the matter upon management approval.
 - ii. If the employee replies admitting the offence, the employee may be allowed to mitigate and the Management may after further due inquiry (if necessary) impose any or a combination of the following punishments against the employee:
 - a) caution;
 - b) written warning;
 - c) suspension without pay;
 - d) demotion in rank and pay;
 - e) dismissal; and
 - f) any other types of punishment as the Management deems fit.
 - iii. If the reply is unsatisfactory or the employee does not admit the offence or no reply, a domestic inquiry may be conducted in accordance with standard procedure. The HR department will inform the Management and upon the approval of the Management prepare and issue a charge letter to the employee setting out clearly the charges against the employee and the date of domestic inquiry.
- d. During the Domestic Inquiry (subject to Chairman's directions): -
 - i. The Chairman will introduce himself and his panel of members.
 - ii. Read and explain the charges to the accused employee ("Accused").
 - iii. Ask the Accused if he understands the charges and his plea to the charges (whether guilty or not guilty).
 - iv. If Accused pleads guilty then there is no need to produce witnesses.
 - v. Record the plea and get the Accused to sign.
 - vi. The Chairman shall then ask the Prosecuting Officer to set out the facts leading to the charges against the Accused.
 - vii. Accused may be allowed to mitigate.
 - viii. The Management shall then proceed to make their findings and impose the punishment deemed fit.
 - ix. If Accused pleads not guilty, the Chairman should tell the Prosecuting Officer to adduce evidence in support of the allegations as set out in the charges.
 - x. The Prosecuting Officer will produce their witnesses and lead as follows:
 - a) Examination-in-chief (by Prosecuting Officer)
 - b) Cross-examination (by Accused)
 - c) Re-examination (by Prosecuting Officer)
 - xi. The above process will follow with the other witnesses.

- xii. The Prosecuting Officer will then close the Case.
 - xiii. The Chairman will direct the Accused to make his defense.
 - xiv. The Accused may adduce evidence by producing his own witness and lead as follows:
 - a) Examination-in-chief (by Accused)
 - b) Cross Examination (by Prosecuting Officer)
 - c) Re-examination (by Accused)
 - xv. The Chairman or Panel Members may ask questions at anytime for clarification purposes.
 - xvi. The Accused closes his case.
 - xvii. The Chairman may direct submission, in which case :
 - a) Accused submits.
 - b) The Prosecutor Officer submits.
 - c) Accused replies.
 - xviii. Before ending the inquiry session, the Accused is allowed to make his last statement.
 - xix. Close of Inquiry.
The Chairman will advise parties that the decision will be given at a later date.
 - xx. The Chairman will guide the proceeding and to record the evidence in writing.
 - xxi. All parties present i.e. Chairman, Panel Members, Prosecuting Officer and Accused are to initial / sign every page of the inquiry notes at the end of the day or the domestic inquiry.
 - xxii. The Board of Inquiry shall decide on the verdict.
- e. Depending on the Board of Inquiry's decision and recommendation, the Management will decide on the appropriate action and punishment.
- f. The Accused if found not guilty, there will be no punishment meted out to him and no further action will be taken.
- g. The Management hereby acknowledges that any employee subjected to the domestic inquiry will be treated fairly in strict adherence to the rules of natural justice.