

## 1. Policy Statement

John Graham Construction Ltd. (“GRAHAM”) recognises that the maintenance of standards is essential for the business to operate effectively and is particularly necessary for the safety and well-being of its employees and visitors alike. With this aim, GRAHAM will encourage and advise all employees to achieve and maintain certain standards of behaviour, attendance and performance. These standards will be as specified in employees’ contracts of employment, disciplinary rules, and/or as stipulated in policies or procedures.

It is recognised that Managers have the responsibility to ensure that their employees are aware of, and understand, the standards expected of them and where necessary, appropriate counselling is provided to ensure these standards are met. Where an employee consistently falls below the required standard or commits in the first instance a serious breach of discipline, the Company’s disciplinary procedure will be invoked.

The purpose of the disciplinary procedure is to ensure that all employees are treated in a fair and consistent manner, with all disciplinary issues being investigated and dealt with as soon as is reasonably practicable. The procedure should be used to improve employees’ standards of conduct or performance and is not to be used as a form of punishment.

This procedure does not apply during probationary periods nor does it apply to sickness absence.

GRAHAM are committed to being an inclusive workplace where all employees, customers and stakeholders can fully participate and contribute. We strive to ensure accessibility across all facets of our operations, including physical spaces, digital platforms, communication channels and services.

Our People polices are regularly audited against rigorous accessibility standards to ensure compliance and to support every employee.

Anyone who requires additional support or has any questions regarding accessibility can contact the HR team at [HR-JGC@graham.co.uk](mailto:HR-JGC@graham.co.uk)

## 2. Disciplinary Rules

GRAHAM requires you to comply with certain standards of behaviour, attendance and performance at all times. This also includes when in attendance at work related events. If you are unable or unwilling to meet the requirements expected of you, sanctions, including dismissal, can be imposed using the formal disciplinary procedure.

You will be advised of the standards required of you at the earliest opportunity.

They will include but will not be limited to.

- Attendance for specified working hours, including lateness and absence.
- An acceptable level of performance necessary for the efficient conduct of duties.
- Conforming with business or statutory rules or agreements applicable to your work.

- Following the instructions of authorised supervisors and Managers.
- Maintaining a standard of personal behaviour acceptable to both management and fellow employees.
- Failure to meet the requirements expected of you will be regarded as a breach of discipline.

### 3. Gross Misconduct

Examples of gross misconduct may include, but are not limited to the following. Management reserves the right to decide how other misconduct will be categorised.

- Theft, fraud or unauthorised possession of Company property.
- False declaration of any kind in connection with GRAHAM employment.
- Assault in any form or threatening physical violence towards any person on the Company's premises, or whilst behaving in such a way that is liable to injure a person or damage either Company property or that of other employees or visitors, or whilst carrying out work on behalf of GRAHAM.
- Assault in any form or threatening physical violence that is likely to bring the Company into disrepute.
- Being under the influence of alcohol or illegal drugs; or when tested, being found to have concentrations of a substance in excess of the European Workplace Drug Testing Society cut-off.
- Being in possession or dealing illegal drugs or substances.
- Abusive or threatening language or behaviour.
- Refusal to carry out a reasonable management instruction, or follow procedures.
- Disclosure of confidential information to unauthorised persons.
- Discrimination on the grounds of religion, political opinion, race, age, sex, colour, ethnic origin, sexuality, marital status or domestic responsibility or disability, including harassment or bullying.
- Serious negligence which causes or may cause unacceptable loss, damage or injury.
- Wilful misuse of procedures intended to deceive the Company.
- Sleeping during working hours.
- Disregard for Health and Safety regulations and precautions. For site based employees this also includes adherence to the "three and out" policy.
- Smoking in a designated non-smoking area.
- Accumulation of various minor misconduct offences.
- Use of Company property or information for personal gain.
- Falsifying attendance records.
- Driving at excess speed and reckless driving in breach of the Vehicle Policy.
- Any actions that bring the company into disrepute with our clients.
- Breach of anti-bribery policy.

- Breach of IT Acceptable Use policy and/or the Social Media policy.
- Breach of the Intellectual Property policy.
- Covert recording of any meeting or conversation in the workplace.
- An employee may be dismissed for arrest or conviction on a criminal charge, whether the alleged wrong is committed inside or outside of employment, where it makes the employee unsuitable for the work s/he is employed to do, unacceptable to fellow employees or is contrary to the best interests and reputation of the employer.

#### 4. Suspension Pending Investigation

- 4.1. In some circumstances it might be deemed necessary to suspend an employee pending an investigation into alleged misconduct. Where this is applied it is not intended to imply any guilt on the part of the person suspended but to give time to allow for a detailed investigation.
- 4.2. This period of suspension will be with pay and should be for the minimum period necessary to conduct the investigation.
- 4.3. The employee should remain contactable by the Company and be available to attend for interview/ consultation at any time within the normal working day.
- 4.4. The suspension should only be applied by supervisors or more senior staff and only following a brief investigation and consultation with a senior HR representative and the Line Manager.

#### 5. Disciplinary Procedure

##### 5.1. Informal Counselling

5.1.1. Minor breaches of discipline will be dealt with informally by counselling from your Line Manager. They will investigate with you all options available to assist you reach the standard required and to give you adequate time to improve. Continued failure to meet specified requirements will, however, lead to formal disciplinary action being taken.

**NB:** This does not form part of the formal disciplinary procedure; however, file notes of discussions may be retained and used at a later time if further breaches of discipline occur.

##### Formal Discipline

5.2. If it is apparent after informal counselling that there has been insufficient or no improvement in your conduct or performance, or a more serious breach of discipline has occurred an Investigating Manager may interview you in order to establish the facts.

This is an investigatory meeting and does not form part of a disciplinary hearing. The investigating manager will be independent to the situation. The investigating Manager may then, at this stage, recommend the instigation of the formal disciplinary procedure.

Your Manager will also be informed if there is a need to invoke the formal disciplinary procedure as a result of any other circumstance, e.g. criminal investigations.

##### 5.3. Representation Rights

At all stages of the formal disciplinary procedure you are entitled to be accompanied by a workplace colleague or Trade Union Representative where appropriate. The Union Representative must be from a Union of which the employee is a member. It is important that involvement of the colleague or Trade Union Representative should not unnecessarily prolong the timescale due to their unavailability. Whilst the workplace colleague or Trade Union representative will be allowed to address the meeting they will not be permitted to answer questions put to you.

A workplace colleague may not be in a direct position of authority over you, as they may be involved in further disciplinary proceedings. You will not be permitted to be represented by, or accompanied by, an external party, other than those mentioned above, including counsel, solicitors or family member/friend.

At each stage of the formal disciplinary procedure you will be advised in writing of the requirement to attend a disciplinary hearing. This letter will also inform you of the alleged breach of discipline being considered and your right to be represented.

A minimum of 48 hours notice or such shorter time, which may be agreed mutually by both parties in any particular case, will be given in order to allow you adequate time to prepare your response and arrange for representation. In exceptional circumstances the disciplinary hearing may be postponed if you have good grounds for requesting more time to gather any relevant facts necessary for your response. Appropriate investigation documentation will be made available to the employee and/or their representative in advance of the hearing.

#### **5.4. Non Attendance at Disciplinary Meeting**

If an employee does not attend a disciplinary meeting without good reason the meeting may proceed in their absence. Normally, however, the meeting will be adjourned to enable contact to be made with the employee to ascertain the cause of their absence, unless the meeting has already been adjourned due to previous absence without good reason.

Where an employee is persistently unable or unwilling to attend a disciplinary meeting without good cause the company will make a decision on the evidence available.

### **6. The Disciplinary Hearing**

**6.1.** At a disciplinary hearing, the Manager chairing the meeting will advise that recording devices are not allowed and will ask that attendees turn off their mobile phones. They will then outline to you:

- The alleged breach of discipline.
- The facts relating to the alleged breach.

They will then invite you to respond and put forward any explanations or mitigating circumstances.

**6.2.** The hearing may then be adjourned at any stage to allow the chairperson further consideration or deliberation before announcing a decision.

**6.3.** In reaching a decision, the chairperson will take into account not only the seriousness of the breach of discipline but also any mitigating circumstances put

forward and your current disciplinary record. The chairperson will not take into account any previous sanctions that have expired, unless there are exceptional circumstances.

**6.4.** In announcing the decision, the chairperson will indicate in general terms the extent to which these factors have determined the disciplinary decision. On reconvening the chairperson will advise you of the following:

- The decision of the disciplinary action and sanction to be taken (if any).
- The improvement required of you and any action necessary to achieve it.
- The length of time specified by which the improvement must be achieved.
- The consequence of your failure to achieve the specified improvement.
- Your right of appeal.

**6.5.** The disciplinary sanction and your right of appeal will be confirmed to you in writing.

## **7. Disciplinary Sanctions**

The disciplinary sanctions are as follows:

### **Stage 1: Verbal Warning**

For minor breaches of discipline, including Health and Safety, or where informal warnings have not resulted in the desired improvement. A record of this sanction will be retained on your staff record but disregarded for disciplinary purposes after 6 months.

### **Stage 2: First Written Warning**

For standards of conduct or performance, including Health and Safety that have not reached a satisfactory level following a verbal warning or where there is an accumulation of minor offences, or where the offence is deemed to be more serious. A record of this sanction will be retained on your staff record but disregarded for disciplinary purposes after 12 months.

### **Stage 3: Final Written Warning**

For standards that are not achieved within the desired timescale following a first written warning, or if the offence, including Health and Safety breach, is sufficiently serious to warrant the issuing of a final written warning before dismissal. A record of this sanction will be retained on your staff record but disregarded for disciplinary purposes after 12 months.

### **Stage 4: Dismissal with Notice**

For required standards of conduct or performance which is still unsatisfactory following a final written warning. This will result in dismissal with notice or payment in lieu of notice.

**Or**

### **Summary Dismissal – Gross misconduct**

While it is not normal GRAHAM practice to dismiss an employee without first giving a final warning, it reserves the right to do so where there is a reasonable belief of gross

misconduct. In all gross misconduct cases, dismissal will be without notice, and without payment in lieu of notice. If it is alleged that you have committed an act of gross misconduct you may be suspended on full pay pending an investigation into the matter.

**Or**

### **Transfer to another department and/or demotion**

In exceptional circumstances, transfer to another department and/or demotion may be applied in addition to another penalty noted above where it is deemed necessary by management.

For less serious offences, sanctions will normally begin at Stage 1 with a formal verbal warning. However, the Company reserves the right to enter the procedure at any stage and impose any disciplinary sanction, according to the seriousness of the offence.

## **8. Sanctions during Extended Absence**

Where a warning is issued, if the employee goes on extended absence for more than 4 weeks i.e. long-term sick, maternity, sabbatical etc. their sanctions would be paused and continue on their return.

## **9. Authority Levels**

Managers who have the authority to issue sanctions within the Disciplinary Procedure are as follows:

- Sanctions up to and including first written warning – immediate Line Manager.
- Sanctions up to and including final written warning – Middle Manager or Senior Management within the Business Unit following liaison with the HR Department.
- Sanctions up to and including dismissal – Senior Management within the Business Unit and Human Resources.

## **10. Appeals Procedure**

- 10.1.** Should you wish to appeal against any disciplinary decision your appeal must be in writing to the Head of Human Resources, stating the grounds on which you are making your appeal.
- 10.2.** The Human Resources department will arrange with the appropriate Manager, (up to and including your Business Unit Head) a date and time for the appeal hearing, giving you 48 hours' notice. You are entitled to the same representation rights as in any disciplinary hearing.
- 10.3.** An account of the disciplinary hearing and evidence will be made available to the Manager hearing your appeal. If at this stage new evidence is brought forward, they will consider all evidence and make a decision accordingly.
- 10.4.** The decision of the appeal hearing may be confirmation, increase or reduction or cancellation of the sanction.
- 10.5.** There is no further right of internal appeal.



## **11. Timescales**

Although some timescales are included, it is recognised that it may not always be possible to keep to these. Nevertheless, the principle applies that each stage of the procedure should be completed as quickly as possible and the time limits extended in exceptional circumstances only.

### **11.1. Immediate Suspension from Duty Pending Investigation**

In such cases the disciplinary hearing must be held within seven working days from the time when the employee was suspended.

### **11.2. Disciplinary Hearing**

The employee concerned shall be notified in writing that a disciplinary hearing is to take place. The notification shall include the time and date of the interview which shall take place within three working days from the date of the written notice.

### **11.3. Imposition of Penalty**

As a matter of urgency an employee must be notified in writing of any penalties and the reasons for which they were imposed, ideally after conclusion of the hearing on that day (for less serious offences) but in any case no later than within five working days.

### **11.4. Appeal**

11.4.1. An appeal, stating the grounds for such appeal, must be submitted, in writing, to the Head of HR, within five working days of receipt of notification of the outcome of the disciplinary hearing.

11.4.2. The appeal hearing shall be heard normally within seven working days of receipt of the notice of appeal and in any event as soon as is reasonably practicable.

11.4.3. The result of the appeal shall be confirmed in writing to the employee within 5 working days.

## **12. Recordings**

**12.1.** Notes may be taken at any meeting held under this policy, however no one is permitted to make any electronic recording of the meeting, for example, on a mobile phone, Dictaphone or other recording device. Any breach of this rule will be treated seriously and will be dealt with under the Company's Disciplinary Procedure.