

DISCIPLINARY COMMITTEE

Terms of Reference

Purpose

Purpose of the Disciplinary Committee is to take disciplinary action against workers for gross misconduct or fraud or poor performance or other related matters of discipline.

Responsibilities of Disciplinary Committee

1. To review the Disciplinary Regulations and Disciplinary Procedure Rules and make recommendations for changes, as and when necessary, to the Board.
2. To review the disciplinary process regularly and ensure that hearings are fair and objective.
3. Upon report of gross misconduct or fraud against a worker, take the following steps :
 - (1) Within, 10 days of the day on which it becomes aware of the misconduct, notify the worker of the charge made against him/her, which shall be done either by
 - (a) Causing the notification or notice to be handed over to the worker in person; or
 - (b) sending the notification or notice by registered post to the usual or last known place of residence of the worker
 - (c) In the event that the alleged misconduct is the subject of criminal proceeding, within 10 days of the day on which it becomes aware of the conviction of the worker by the Court of first instance, notified the worker of the charge made against him/her;
 - (2) Give the worker an opportunity to answer any charge made against him in relation to his misconduct;
 - (3) Give the worker at least 7 days' notice to answer any charge made against him/her and informed him that he may be accompanied by a lawyer or a representative of the Ministry of Labour.
 - (4) On receipt of explanations or in the absence thereof, to convene a disciplinary committee within the next seven days. ;
 - (5) Set up a Disciplinary Committee to be chaired by an independent and impartial person (preferably a legally qualified one) and another member ;
 - (6) May suspend the worker with pay until the disciplinary hearing is completed, provided the worker is informed of the reasons for the suspension.
 - (7) The worker and the employer (the Disciplinary Committee) may, during the negotiate for the payment of compensation with a view to promoting a settlement
 - (8) The Disciplinary Committee shall terminate not later than 7 days after the worker has answered the charge made against him, or where the charge is subject of an oral hearing, after the completion of such hearing.
 - (9) After the disciplinary hearing, the Company through its Disciplinary Committee, shall within 7 days of the decision of the Disciplinary Committee, inform the worker of the deliberations of the committee and the actions to be taken against him by the Company.
 - (10) The Company shall not dismiss the employee misconduct unless it cannot in good faith take any other course of action.

(11) Other responsibilities as delegated by the Board Chair.

Composition of Disciplinary Committee

1. The Disciplinary Committee shall consist of
 - (i) Chair (Managing Director)
 - (ii) Any member appointed by the Chairperson
 - (iii) Human Resource Officer.
2. The quorum for the meeting shall be two-thirds of its members including the Chairperson.
3. The meeting may be held as and when required.