

1. General principles

ethero will always deal with alleged instances of unacceptable conduct or performance fairly, and consider the facts through any appropriate investigation prior to making an informed decision regarding any action taken against a temporary worker.

This procedure is non contractual and will only apply to temporary workers who are not on Contract for Services agreements, but will apply where relevant employment law may supersede. The procedure is a guide, not a rule and ethero reserve the right to amend or not follow specific steps where it appropriate to do so. Workers will be notified when and how this procedure will be used.

Workers who are on Contract for Services arrangements, should refer to any associated clauses in their written terms.

2. Application

Each step and action will be taken without unreasonable delay. Please be aware that timelines may vary to those set out in this policy.

Whenever you are invited by the company to attend a meeting, you must take all reasonable steps to attend.

3. Procedure

3.1 Informal Stage

In some instances ethero may consider that there is no need to take formal disciplinary action, and that it is sufficient to counsel you where conduct or capability are considered to be unsatisfactory. Such counselling will still be documented in your HR records.

3.2 Formal Stage

When disciplinary matters require a hearing to be held 48 hours' notice of the hearing will be given wherever practicable and those concerned will be informed in advance of the matter to be discussed. At any formal disciplinary hearing, you have the right to be accompanied by an ethero employee or Trade Union representative. You will be entitled to hear details of any complaint made, and to examine any relevant documents prior to the disciplinary hearing. You will be given an opportunity to respond to the matters raised prior to a final decision being made. At the conclusion of each stage, you will be given a letter recording the outcome of the hearing and the means of appeal.

You may be suspended pending the conclusion of the investigation and/or disciplinary procedure, without prejudice.

The penalty for gross misconduct may be dismissal without notice and without payment in lieu of notice.

Your ethero branch manager or an appropriate ethero representative will conduct the disciplinary hearing.

Your ethero branch manager will then make the decision on the level of disciplinary action to be taken.

All cases of disciplinary action under this procedure will be recorded and placed in ethero's records.

The following procedural stages apply to offences other than gross misconduct. ethero, however, reserves the right to enter this process at any stage.

3.2.1 Stage 1 - Formal verbal warning

If conduct or performance (in terms of output or quality) does not meet acceptable standards, you will normally be given a formal verbal warning in the first instance. The warning will remain on your file for 6 months with details of the action(s) required to rectify the misconduct or poor performance and that it constitutes the first formal stage of the disciplinary procedure. A letter informing you of the verbal warning and the reasons for it being issued will be sent to you and kept on your HR file.

3.2.2 Stage 2 - First written warning

If the offence is a serious one, or if there is a further occurrence of a minor offence, then a first written warning will be given to you. A first written warning can also be given for an accumulation of minor offences for which a verbal warning may not have already been issued. Warnings may run concurrently if for different reasons, e.g. one for misconduct and another for poor performance. Such a warning will set out the precise details of the offence and the improvement in conduct or performance required and the time scale if applicable. It will also set out the likely consequences of further offences and what action will be considered if there is no satisfactory improvement. A letter informing you of the first written warning will be sent to you. The written warning will remain on your HR file for 12 months.

3.2.3 Stage 3 - Final written warning

If there is still a failure to improve conduct and/or performance and these remain unsatisfactory, or alternatively if the misconduct is sufficiently serious to warrant only one final written warning (but insufficient to justify dismissal) then a final written warning will be issued to you. The warning will, if appropriate, refer to any previous disciplinary action and will state the consequences of failure to improve as required. The warning will remain on your HR file for 12 months. A letter informing you of the final written warning will be sent to you and a copy kept on your HR file at ethero.

3.2.4 Dismissal

If conduct and/or performance remains unsatisfactory and you still fail to reach the prescribed standards then dismissal will normally result. This stage of the disciplinary procedure will normally be carried out by an ethero General Manager. The reason(s) for dismissal will be specified and communicated to you and where appropriate, reference will be made to any previous disciplinary

action taken. The dismissal notice will indicate the effective date of termination of employment together with the right of appeal. Dismissal at this stage will normally be with notice or pay in lieu of notice. A letter informing you of the termination of employment will be sent to you and kept on your HR file at ethero.

3.3 Demotion

ethero may use demotion as part of the disciplinary procedure. This may be instead of or as well as any of stages 1-4 as listed above.

3.4 Gross Misconduct

The following list provides examples of offences, which are normally regarded as gross misconduct. This list indicates the type of offences that constitute gross misconduct but is not exhaustive. An act of gross misconduct will normally warrant summary dismissal without a period of notice or payment in lieu of notice.

- Falsification of records including; timesheets, tachographs and digital tachograph data or any other document relating to the timekeeping of any workers.
- Fighting or acts of violence or intimidation. Refusal to comply with or deliberate disregard of Health and Safety regulations.
- Persistent refusal to obey reasonable instructions given by a line manager.
- Wilfully endangering others.
- Serious misrepresentation on your employment application.
- Unauthorised possession of ethero/Client property or property of third parties.
- Serious negligence which causes unacceptable loss, damage or injury.
- Conduct which could bring ethero/Client into disrepute.
- Theft. Attempted theft or wilful damage to ethero/Client property or property belonging to any individual.
- Being drunk and disorderly or under the influence of alcohol and/or drugs on ethero/ Client premises.
- Being in possession of illegal substances whilst on ethero/Client premises.
- Unauthorised disclosure of any thero/Client information.
- Harassment or discrimination or bullying whether sexual, racial or otherwise.
- Serious act of insubordination or insulting abusive or indecent behaviour.
- Convictions for any offence affecting staff or external relations which amount to a breach of trust.
- The abuse or misuse of ethero/Client internet or email systems.
- Unauthorised absence.
- Refusal of a suitable Assignment.
- Failing to keep ethero properly informed of your availability or non-availability.

- Posting material onto social network sites such as but not limited to Facebook, Twitter or Instagram which could be considered to be inappropriate and /or which could be found to lower the reputation of the organisation, staff or customers and/ or contravene the company's equal opportunity policy.

3.5 Appeal procedure

If you have been given a formal warning or have been dismissed with or without notice you will be entitled to appeal to the next level of management.

Appeals must be lodged with ethero within five working days of receipt of any formal warning or notice of dismissal. Reasons for the appeal must be stated. Mere disagreement with the disciplinary action taken will not be considered as a suitable basis for an appeal.

All appeals will be considered as quickly as possible. The decision made on appeal will be final and, where possible, will be given in writing within 5 days of the appeal hearing.

3.6 Performance and capability

With reference to performance and capability, standards in terms of quality and quantity of work will be discussed and set down between you and the Client line manager. Incapability by you may be regarded as justification for dismissal without formal warnings.