



SATYARTHI

KAILASH SATYARTHI CHILDREN'S FOUNDATION

Progressive Corrective Discipline Policy



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1 Introduction

This Progressive Corrective Discipline Policy (“**this Policy**”) aims that all associates are expected to meet performance standards and behave appropriately at Kailash Satyarthi Children’s Foundation (“**KSCF**” or the “**Organization**”). Corrective action is a process of communicating with the associate to improve behavior or performance.

2 Purpose

Progressive discipline is the process of gradually enhancing measures when an Associate fails to improve performance and address the issues of misconduct, after being given a reasonable opportunity to do so.

The underlying principle of sound progressive discipline is to use the least severe action that Organization believe is necessary to correct the undesirable situation. This Policy outlines the steps Organization will initiate to address an Associate’s misconduct or improve performance. The corrective actions will be progressive, beginning with the lowest severe action, before deploying actions of enhanced severity.

3 Scope

This Policy is applicable to all associates/staff, volunteers, consultants, and members of any of the committees (“**Associates**”)

The progressive discipline process shall be invoked in the following scenarios (illustrative):

- Absenteeism
- Performance issues
- Disregarding deadlines
- Minor offences (one-time) like on-the-job minor mistakes
- Serious misconduct/repeating an offense for which this Policy was already invoked

The following suggested instances/illegal behaviors are not subject to this Policy and the Organization shall, immediately resort to legal remedies available, initiate disciplinary actions, up to and including immediate termination/dismissal:

- possessing or consuming non-prescribed narcotics on company property
- reporting to work intoxicated/impaired

- instigating a fight on company property
- carrying a weapon without a purpose in organization property
- theft
- intentional harassment, including sexual harassment
- destruction of property
- misrepresentation of important facts in seeking employment
- violation of confidentiality obligations
- gambling on Organization's facility

4 Definitions

Progressive Corrective discipline is defined as a process or method that attempts to address and correct an associate's work performance or inappropriate workplace behavior by providing clear and constructive feedback through a series of increasingly formal steps.

Misconduct Organization's is wrongful, improper, or unlawful conduct motivated by premeditated or intentional purpose or by obstinate indifference to the consequences of one's acts. It refers to a behaviour or action that is not in line with Organization's policies or against the interest of Organization or applicable laws.

5 Policy Implementation

This Policy of Organization's entails the following steps initiated by reporting manager in partnership with Human Resources Department.

5.1 Step 1: Verbal Counselling

Verbal counseling is generally the first step of progressive discipline. A verbal counseling is intended to be used by the reporting manager to notify an Associate that improvement is needed in the Associate's work performance against defined goals and/or behavior. This step is generally used for minor issues (e.g. disregarding timelines once or twice).

The reporting manager to meet the Associate in-person in order to discuss the issue along with the Human Resource (HR) representative. The reporting manager to determine if the Associate was aware of the issue and allow the Associate to explain. As appropriate, the manager should be prepared to guide the Associate to use available external resources that may assist him/her in resolving the issue.

The manager should maintain written documentation regarding the issue, date on which the issue occurred, and the corrective action requested. At the

manager's/supervisor's discretion and depending on the nature of the issue, a second verbal counseling may be given prior to a written warning.

The reporting manager and HR representative should:

- Set a time and place to ensure privacy;
- Make notes about what they want to say in advance;
- Remember that the associate has a right to choose representation;
- Be specific in describing the unacceptable performance or behavior;
- Remind the associate of the acceptable standards or rules. If they are available in writing, they should be provided to the associate; and
- State the consequences of failure to demonstrate immediate and sustained improvement, or further disciplinary action may be warranted.

5.2 Step 2: Written Warning

A written warning is generally the second step of progressive discipline. It provides notice to an Associate regarding continued work performance issues and/or inappropriate workplace behavior that have not been resolved despite the verbal warning. This action may be used more than once, however, if the problem still persists, letters/emails may not be the solution. A written warning should:

- State clearly that it is a written warning citing appropriate Policy of the Organization or the contract provision;
- Describe the performance problem(s) or work rule violation(s) specifically and attach documents which support the supervisor's conclusions;
- Outline previous steps taken to acquaint the Associate with the issue and attach copies of the documents that are referred to;
- Describe the impact of the problem and the expectations regarding behavior and/or performance;
- Note the Associate's explanation or that the Associate declined to offer one;
- Clarify that if the Associate does not demonstrate immediate and sustained improvement, the consequence may be further disciplinary action, up to and including dismissal.

Prior to the end of the meeting, the Associate should be asked to sign the written warning indicating that he/she has read and understands the warning. Alternatively, the warning letter should be delivered to the Associate and a copy to be placed in his/her personal file. At the manager's discretion and depending on the nature of the issue, a second written warning may be given prior to implementing a Performance Improvement Plan (PIP). (Refer to Annual Performance Evaluation & Career Development Policy for details on PIP).

5.3 Step 3: Suspension Without Pay

A suspension may be the next step in progressive corrective action after written warning(s).

Suspension is not a punishment per-se. Typically, suspensions will prohibit an Associate to attend work and requires him/her to leave without pay for one to ten working days, as specified in the letter. An Associate may be placed under suspension in case he/she is alleged to have committed a misconduct which, if established may lead to his/her dismissal from service.

The letter should:

- State that the action is a suspension without pay;
- Inform the associate of the number of days they will be suspended with the beginning and ending dates;
- Describe the problem, the previous corrective measures, and the impact of the continued behavior or performance;
- State the supervisor's expectations and the consequences of failure to improve.

Depending upon the contract or personnel program the associate is covered by, a letter of intent to suspend may be required, which provides the associate with the right to appeal the intended action to the next higher management level before the action is implemented.

5.4 Step 4: Demotion to a Lower Job Grade

This action involves demotion of an Associate to a lower-level position, and may be temporary or permanent. Demotion may be appropriate in cases of inadequate performance of responsibilities at a particular level, rather than violation of work rules. It should be based upon a reasonable expectation that the Associate will perform successfully in the lower classified position.

5.5 Step 5: Recommendation for termination of Employment/Dismissal

Termination of employment is generally the last step of progressive discipline after an associate has failed to meet the requirements of a Performance Improvement Plan or a serious incident has occurred during the PIP period.

Termination of employment can also occur when an associate, who is not on a Performance Improvement Plan (PIP), is involved in a serious offense that warrants immediate termination (for example, an associate is caught stealing at the workplace). Generally, Organization's will try to exercise the progressive nature of this Policy by first providing warnings, issuing a final written warning or suspending the associate

from the workplace before proceeding to a recommendation to terminate employment. However, Organization reserves the right to combine and skip steps depending on the circumstances of each situation and the nature of the offense. Furthermore, associates may be terminated without prior notice or disciplinary action.

Recommendation to terminate employment must be unanimously approved by human resources (HR), reporting manager and Function head. Final approval is required from the Managing Trustee.

6 General Guidelines

When implementing this Policy, managers should consider the following general guidelines:

- **Discuss/Investigate the issue:** Thoroughly investigate all issues that require investigation prior to implementing any step(s) of progressive discipline. This may include interviewing other associates or witnesses who may know about an issue/incident. Investigation should be led by HR and reporting manager
- **Natural Justice:** Principles of Natural justice, including but not limited to, fairness, equity, equality, reasoned order and reasonableness should be followed while implementing and invoking this Policy.
- **Document:** When documenting each step of progressive discipline, include key information about the issue, dates on which issues/incidents occurred, and any corrective action that must be taken by the Associate.
- **Be consistent and fair:** When deciding on the level of discipline that is appropriate to the issue(s), be consistent and fair (e.g., implement the same step(s) of progressive discipline for the same violation).
- **Implement the discipline promptly:** Once an issue has been discovered or an incident has occurred, promptly implement any necessary progressive discipline.
- **Monitor for improvement:** Once progressive discipline has been implemented, continuously monitor an Associate's performance and/or behavior for improvement.
- **Maintain records:** The Associate will be provided copies of all progressive discipline documentation. The Associate will be asked to sign copies of this documentation attesting to his or her receipt and understanding of the corrective action outlined in these documents. Copies of these documents will be placed in the Associate's official personnel file.
- **Right of being heard:** If an Associate presents information in her/his defense, the same should be duly considered. Not only that the order passed in the matter must show that this information had been duly considered i.e., it should be a speaking order. If the Associate does not present this information during any of

the step meetings, he/she will have five working days after each of those meetings to present such information.

7 Violations of this Policy

An Associate who violates the Policy, may receive appropriate disciplinary action up to, and including termination. This shall be in addition to other legal and remedial actions available to the Organization under applicable law.

8 Exceptions and Review of Policy

- 8.1** Any deviations from this Policy require approval from the Management Committee;
- 8.2** The Organization reserves the right to modify and/or review the provisions of this Policy from time to time, in order to comply with applicable legal requirements or internal policies, to the extent necessary.