

# UK Disciplinary Procedure

The Disciplinary Procedure provides safeguards for both you and your manager. It provides a method of investigating and dealing with any proven shortcomings in conduct. By dealing with potential conduct issues at an early stage and at a local level, it can help you to become effective again as quickly as possible.

Zurich's procedure is in line with the Employment Act 2008 effective from 6 April 2009 and the ACAS Code of Practice.

It is recognised that managers may use coaching and performance management in the every day management of their people.

## Summary

- Zurich reserves the right to start the Disciplinary Procedure at any stage if your conduct warrants such action.
- No disciplinary action will be taken against you until the case has been fully investigated.
- Zurich reserves the right to suspend you, on full pay, while any investigation takes place.
- You have the right to be accompanied at any stage in the formal disciplinary procedure by a companion.
- You will be advised in writing of the alleged misconduct, complaint against you or other circumstances which have led Zurich to contemplate dismissing or taking disciplinary action against you
- You will be allowed to state your case in response to claims against you.
- You can appeal against any disciplinary action taken against you i.e. a warning or a dismissal.

## Zurich Basics and Treating Customers Fairly

Our employment policies and procedures have been reviewed to ensure that they align and support Treating Customers Fairly. In all our employment policies and procedures we seek to demonstrate the values outlined in Zurich Basics.

Zurich Basics provides a strong foundation for our work on ensuring that we treat our customers fairly. In particular with regards to the disciplinary procedure we aim to act with:

<b>Integrity</b>	<ul style="list-style-type: none"> <li>• We treat everyone in a fair and honest manner.</li> <li>• We comply with all applicable laws, regulations and internal policies.</li> </ul>
<b>Excellence</b>	<ul style="list-style-type: none"> <li>• We aim for the highest quality and strive for continuous improvement in all that we do.</li> <li>• We test what we do and how we do it for fairness, diversity, trust and mutual respect.</li> </ul>

You are expected to be able to do your job effectively at all times and to maintain an acceptable standard of conduct and work in areas such as:

- Honesty
- Confidentiality of information
- Quality and quantity of work
- Positive relationships and behaviour that affect work
- Time keeping and attendance
- Following Zurich policies

If you are unable to maintain an acceptable standard of conduct and/or work the person you report to will address the situation with you through discussions and/or counselling and/or training. If the matter remains unresolved the formal disciplinary procedure will be started. However, in situations where the issues are more serious the formal disciplinary procedure will be started without informal action being taken.

The disciplinary procedure aims to treat you fairly and consistently and applies to all situations where disciplinary action is necessary including cases of gross misconduct and dismissal. It is in line with the ACAS Code of Practice and statutory requirements.

In cases of gross misconduct you may be dismissed without notice or pay in lieu of notice. In all other cases we may use the following system of warnings. The number and nature of warnings given will depend on the circumstances of each case.

Zurich has the right to start the Disciplinary Procedure at any stage if your conduct warrants such action. Before any disciplinary action is taken the following procedure will be followed.

### **Investigation**

It is important to carry out investigations of potential disciplinary matters to establish the facts of the case. In some cases this will require an investigatory meeting to be held with you.

The purpose of an investigatory meeting is to establish the facts of the case. Any investigation will be completed without unreasonable delay. You don't have the right to be accompanied during any investigation meeting.

If, after the investigation, there is a case to be heard, you will be invited to attend a formal disciplinary meeting in accordance with the disciplinary procedure.

### **Suspension**

If there are reasonable suspicions or allegations of serious misconduct you may be suspended on full pay pending the completion of the investigation. We will endeavour to keep this period of suspension as short as possible and it will be kept under review. The person you report to or another manager of the same or a higher grade will advise you of the reasons for the suspension. This will then be confirmed in writing. Suspension is not a disciplinary action.

### **Notification of a Disciplinary Meeting**

If it is decided that there is a disciplinary case to answer you will be notified, of this in writing and be invited to attend a meeting to discuss the matter. The notification will contain information on the alleged misconduct, complaint against you or other evidence which have led Zurich to contemplate dismissing or taking disciplinary action against you.

At the meeting you have the right to be accompanied. A companion can be either a colleague, a trade union representative or an official employed by a trade union if you make a reasonable request. (see details below)

You and your companion (if you have chosen to be accompanied) should make every effort to attend this meeting. If you are persistently unable or unwilling to attend this meeting, Zurich will continue with the disciplinary procedure in your absence and make a decision on the evidence available.

### **The Meeting**

At the meeting you will be advised of the complaint against you and the evidence that has been gathered. You will be able to explain your case and answer any allegations that have been made. You will also be able to ask questions, present any evidence and call relevant witnesses. It may be necessary to call an adjournment for the person conducting the meeting to get further information, advice or make further investigation.

After the meeting you will be notified in writing of the decision and your right of appeal. If this is a dismissal you will be advised of your termination date.

### **The Appeal**

If you wish to appeal against the disciplinary action taken i.e. a warning or a dismissal you must inform the person whose decision you are appealing, within 10 working days of being notified of the decision. Your appeal should be in writing and should clearly specify the grounds for your appeal.

A meeting to discuss your appeal will be arranged without unreasonable delay (ideally within 10 working days) of being notified of your appeal, at a time and place that are reasonable to you and your companion.

At the meeting you have the right to be accompanied by a companion. You and your companion (if you have chosen to be accompanied) should make every effort to attend the appeal meeting. The appeal meeting need not take place before the dismissal or disciplinary action takes effect.

The appeal will be dealt with impartially by either a manager of the same grade or a more senior manager who has not previously been involved. Where appropriate a member of HR may also be present.

Where the decision to dismiss or withhold remuneration has been taken the appeal meeting will be heard by a manager (at Grade 5 and above) who has not previously been involved. Where appropriate a member of HR will also be present.

The decision at this step marks the final stage of the internal Disciplinary Procedure. You will be notified of the final decision in writing.

## Companions/Trade Union Representatives

You have a statutory right to be accompanied to a disciplinary hearing. A companion can be either a:

- work colleague, or
- trade union representative or an official employed by a trade union (the latter must have been certified by their union as being competent to accompany you).

To exercise your right to be accompanied you must first make a reasonable request. What is reasonable will depend on the circumstances of each individual case. However it would not normally be reasonable for you to insist on being accompanied by a companion whose presence would prejudice the hearing nor would it be reasonable for you to ask to be accompanied by a companion from a remote geographical location if someone suitable and willing was available locally.

Companions can address the hearing in order to:

- put forward and sum up your case,
- respond on your behalf to any view expressed at the hearing,
- confer with you during the meeting,
- ask for an adjournment to consult with you.

Companions can't:

- answer questions on your behalf,
- address the hearing if you don't want them to,
- prevent the person conducting the meeting from explaining their case.

Union representatives are trained to perform the companion role and accredited representatives can provide advice on the process and options.

External representation e.g. a solicitor, relative or non employee (except a Trade Union Representative) will not be permitted.

## Disciplinary Actions

### First Written Warning

For acts of misconduct, you will receive a first written warning. The warning will set out the reasons for disciplinary action. A copy of the warning together with the reasons for it will be current on your personal file for a period of 6 months from the date of issue.

### Final Written Warning

A final written warning will be issued for:

- serious misconduct or incompetence (where the decision has been taken not to dismiss),
- repeated offences for which a first written warning has already been given and/or there has been insufficient improvement,
- misconduct sufficiently serious enough to warrant only one warning.

Reference will be made to any previous warnings if appropriate. A copy of the warning together with the reasons for it will be current on your personal file for a period of 12 months from the date of issue.

Warnings will become spent after the relevant number of months subject to satisfactory conduct and performance. However, they will remain on your file indefinitely as a matter of record.

### Transfer/Demotion

In cases of proven gross misconduct, as an alternative to dismissal, we may demote and/or transfer you. If you are transferred or demoted you are entitled to salary and other terms and conditions appropriate to the position to which you have been demoted and/or transferred. This may result in a change to your responsibilities and/or loss of status and/or earnings. An example of where this may happen is where the individual employment relationship has broken down to such an extent that an alternative role needs to be identified.

### Loss of Pay

Zurich reserves the right to withhold pay from anyone not prepared to fulfil the terms of their contract of employment e.g. if you do not attend any disciplinary meetings (including investigatory meetings) without good reason.

## Dismissal

When the appropriate stages of the disciplinary procedure have been carried out and

- there has been no or insufficient improvement; or the offence has been repeated; or
- the seriousness of the offence warrants immediate action

you may be dismissed or some other disciplinary action may be imposed e.g. demotion, transfer.

### **Gross Misconduct Dismissal (i.e. dismissal without notice or pay in lieu of notice also known as summary dismissal)**

The list below specifies examples of offences which Zurich regards as Gross Misconduct and would, if proven during the course of an investigation result in summary dismissal without any notice. You may be suspended on full pay during the investigation.

- Theft or unauthorised possession of Zurich property.
- Unauthorised use of Zurich equipment/property or name.
- Assault and/or fighting.
- Harassment.
- Bullying.
- Dishonesty.
- Fraud.
- Falsifying documents.
- Wilful damage.
- Gross negligence.
- Disclosure of confidential information or breach of rules for dealing in investments.
- Unauthorised access to confidential information.
- Breach of the Alcohol, Drugs and Substance Abuse policy.
- Refusal to obey a reasonable order and/or serious insubordination.

- Wilful breach of data processing or security arrangements.
- Breach of the IT Security policies.
- Abuse of the e-mail or Internet systems.
- Major breach of requirements under the Financial Services and Markets Act 2000.
- Serious contravention of Health & Safety regulations including fire regulations.
- Breach of Data Protection legislation.
- Bringing Zurich's name/reputation into disrepute e.g. inappropriate entries on social networking sites.
- Significant abuse of a corporate credit card (e.g. American Express).
- Significant breach of the Group Policy on Anti Bribery and Anti Corruption.
- Damaging Zurich's commercial interests e.g. actions which have caused a loss of business.

This is not an exhaustive or exclusive list.

### **Notice**

Notice will be given in accordance with your contract except where the severity of the offence warrants a dismissal without notice or pay in lieu of notice e.g. a summary dismissal.

Where Zurich has the right to ask you to stop coming to work during your notice period you will receive your salary and benefits as normal this is commonly known as 'garden leave'.

### **Important Considerations**

Notes of the meetings you attend will be provided to you. In certain circumstances e.g. to protect a witness some information may be withheld. We will not permit any other recording of meetings e.g. audio/video recordings.

At any stage in the disciplinary procedure your manager may require the presence of a third party e.g. another manager, a member of HR or a note taker.