



### **Equal Employment Opportunity;**

SUENG is an equal opportunity employer and does not discriminate on the basis of race, color, national origin, religion, sex, age, disability, marital status, and creed.

Employment in SUENG is based on personal capabilities, skills and experience required to satisfactorily perform in respective positions.

SUENG is equal partner when it comes to staff hire

### **Accountability and Transparency**

SUENG is committed to promoting a culture of accountability and transparency.

Staff are expected to conduct the business of SUENG in an open manner while management shall keep staff informed of changes taking place within the organization to enable them appreciate the reasons for the changes. This is likely to enable staff work better, co-operate, and contribute more effectively towards the organization fulfilling its visions and mission.

All staff are expected to handle resources entrusted to the organization in a manner that ensures good stewardship, transparency and accountability. This shall be demonstrated by ensuring that adequate records are kept, reports are submitted in a timely manner and promises and commitments are honored.

### **DISCIPLINARY PROCESS**

☑ Where an employee fails to adhere to SUENG policy, any established rules and regulations, or fails to meet performance requirements, the department head or immediate supervisor shall take the necessary disciplinary measures to rectify the situation.

☑ **The following will be considered an indiscipline: -**

a) **Minor misconduct:** Idling or loitering during working hours; habitual lateness or early departure from place of work without approval of the supervisor; failure to account for advance monies within the specified time limit; poor performance due to lack of conscientiousness, carelessness or unreliability and a betting misconduct.

b) **Insubordination:** Repeated failure to follow a supervisor's lawful and legitimate directives or to adhere to stated policies and procedures of SUENG.

c) **Incompetence:** Consistent failure by staff to perform at the required standards for the particular position despite possessing the required skills and competencies and the failure to respond to any remedial mechanisms and/or plans put in place by SUENG.

d) **Gross Misconduct:** Following are grounds that constitute gross misconduct and are justifiable and lawful grounds for summary dismissal of an employee:

- (i) If, without leave or other lawful cause, an employee absents themselves from the appointed workplace for a period of three (3) days without permission.
- (ii) If an employee commits any willful breach of any of his/her obligation in the contract of employment.
- (iii) If an employee defrauds the organization of any monies or property.
- (iv) If an employee is party to any fraud or dishonorable act.
- (v) If, during working hours, by becoming or being intoxicated, an employee renders himself/herself unwilling or incapable of properly performing his work.
- (vi) If an employee willfully neglects to perform any work which it was his/her duty to have performed, or if he/she carelessly and improperly performs any work which from its nature it was his/her duty or under his/her contract, to have performed carefully and properly.
- (vii) If an employee uses abusive or insulting language, or behaves in a manner insulting, to the employer or to a person placed in authority over him/her by the employer.
- (viii) If an employee knowingly fails, or refuses to obey a lawful and proper command which is within the scope of his/her duty to obey, issued by the employer or a person placed in authority over him/her by the employer.
- (ix) If, in the lawful exercise of any power of arrest under any written law, an employee is arrested for a recognizable offence punishable by imprisonment and is not within fourteen (14) days either released on bail or on bond or otherwise set at liberty.
- (x) If an employee commits, or on reasonable and sufficient grounds is suspected of having committed a criminal offence against or to the substantial detriment of the employer or the employer's property. This will include taking bribes, forgery, and misappropriation of funds or intentionally damaging SUENGs's property.
- (xi) Sexual and other forms of harassment including threatening or physically assaulting other employees, clients or visitors
- (xii) Defamation of SUENG and/or its employees.
- (xiii) Breach of confidentiality entrusted to the employee through official authority
- (xiv) If an employee is guilty of any other gross misconduct or on reasonable and sufficient grounds is suspected of having committed a criminal offence against or to the substantial detriment of SUENG or its property.
- (xv) Refer also to the provisions of the Employment Act No. 11 of 2007 Section



44 under the Laws of Kenya.

☐ The following steps will be taken in dealing with disciplinary cases: -

### **Step1: Formal Summon and Counseling**

- a. This step only applies to minor misconduct.
- b. The immediate supervisor communicates verbally with the employee the area/s of conduct or performance in which the employee is not meeting expectations. The supervisor may provide the employee with guidance on how improvements can be made. After meeting with the employee, the supervisor may prepare a memorandum addressed to the employee stating the areas covered and actions to be taken.
- c. In cases where the disciplinary issue is not related to performance and a counsel is required, the case shall be referred to the HR officer and or external counselor to make counsel

### **Step 2: Verbal Warning**

- a. If after an informal counselling, an employee's conduct or performance continues to be below acceptable standards, the supervisor will hold a formal disciplinary meeting with the employee after which he/she will be given a formal verbal warning.
- b. A record of this warning indicating the date, reasons for the warning and what is expected of the employee will be kept in the employee's personnel file. The record must be signed by the employee to acknowledge the verbal warning.
- c. The record will be disregarded for disciplinary purposes after a period of six months, subject to satisfactory conduct and performance, although the copy will be kept in file

### **Step 3: First Written Warning**

☐ This is applied in cases of repeated misconduct after verbal warning, insubordination and incompetence. Such cases shall be handled by the disciplinary committee comprising of: -

- a) The Administration Officer (Chair)
- b) The Immediate supervisor
- c) An external counsellor (where applicable)
- d) The Director

☐ The employee will be informed in writing and will be invited to attend a formal disciplinary interview.

☐ Following this a first written warning, giving details of the complaint, the improvement required and the time scale may be issued. A copy of the warning letter, signed by the employee to acknowledge receipt will be kept in the employee's personnel file.

☐ The first warning shall remain valid for a period of 12 months from the date of issue but will be disregarded for disciplinary purposes after that period subject to satisfactory conduct and performance. A copy of the First Warning letter will however be kept in file.

#### **Step 4: Second Written and Final Warning**

a. If within twelve months of the first written warning the conduct or performance of the employee is still unsatisfactory, or the employee commits an offence that does not warrant summary dismissal, the employee will be issued with a written invitation to attend a second formal interview with the disciplinary committee.

b. A final written warning will be issued documenting the case and steps to correct with a time frame. It will include a warning of dismissal if the desired result is not achieved and or the employee commits another offence.

c. A copy of this warning, signed by the employee to acknowledge receipt will be kept in the employee's personnel file.

d. The two warning letters shall remain valid for a period of twelve months from the date of the second warning, but shall be disregarded for disciplinary purposes subject to satisfactory conduct and performance.

#### **Step 5: Dismissal**

a. After the second and final warning and if the conduct or performance is still unsatisfactory within the given timeframe, or the employee commits an offence that warrants disciplinary action within this period, the services of the employee shall be terminated.

b. Employees whose indiscipline falls under gross misconduct shall be subject to dismissal without going through the above steps (=Summary Dismissal).

c. An employee whose services are terminated under this procedure shall be entitled to the notice period or termination as stated in the contract of employment. SUENG may opt to release the employee immediately by making payment in lieu of notice.

#### **SUSPENSION;**

a. An employee may be suspended for a maximum of three calendar months if necessary for SUENG to investigate a matter. Investigations shall be carried out and a recommendation made to the Management or Board (in case of management staff).



b. During suspension, the employee will be entitled to half (1/2) of the basic salary. Where an employee who is under suspension is exonerated and reinstated, the terms before the suspension will apply and will be paid all arrears due together with the balance of the half pays and allowances withheld during the suspension period.

#### **4. APPEAL AND GRIEVANCE HANDLING PRINCIPLES AND PROCEDURES**

- a. An employee may appeal to the Human Resource Committee against any disciplinary penalty imposed at any stage of this process. The discussion on the disciplinary matter shall be final and binding at this stage of appeal.
- b. SUENG grievance procedure is purposed to address problems that employees encounter in the course of their work and have them resolved as quickly and as efficiently as possible.
- c. SUENG encourages individuals to resolve disputes, matters concerning the job and working conditions arising in the workplace by first seeking understanding between themselves. If a resolution cannot be reached, the affected individual should then take up the matter with their immediate supervisor.
- d. The supervisor should use available resources and knowledge to resolve the matter. Where not able, he/she should refer the matter to a higher relevant level. If satisfaction is not gained, the complainant should make the matter in writing to the HR Officer who will investigate the grievance and based on the findings and sensitivity discuss with the supervisor.
- e. The HR Officer is mandated to use available resources (including use of arbitrator and counsel both who can be external parties) to solve the matter.

Where not able, he/she should take the matter to the disciplinary committee for deliberation and resolution. The committee will decide on the best mode of resolution depending on the matter raised.

f. All resolutions under these processes must be mutually agreed with the complainant and all involved and any disciplinary issues handled as provided for in this manual.

g. SUENG aims to resolve grievances speedily, although it is understood that senior staff are frequently engaged in other matters and that time may be needed for fact-finding and further investigations. This notwithstanding, matters will be dealt with as quickly as possible. At all stages of the procedure, the employee with the grievance will be allowed to invite another staff to act as an observer, representative and/or assist in representing the issue.

h. All issues to be handled under this procedure must be reported and the processes initiated within 30 days from the time when they occur.

i. All resolutions to grievances made in writing should be documented, signed by the parties and filed in the grievances file



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