

Commercial Contract

DISCIPLINARY RULES AND PROCEDURES



*Empowered lives.
Resilient nations.*



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Ministry of Industries & Production

Government of Pakistan

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Disciplinary Rules and Procedures

Pro-Gole (Right to do Business)

Legal Services, B&SDS

LEGAL SERVICES, SMEDA

The Legal Services (LS) department is a part of Business & Sector Development Services Division of the Small Medium Enterprises Development Authority and plays a key role in providing an overall facilitation and support to the small businesses. The LS believes that information dissemination among the small businesses on the existing legal & regulatory environment and business to business and business to client contracting is of paramount importance and plays a pivotal role in their sustainable development.

In order to facilitate small businesses, the LS, under the Pro-GOLE (Right to do business) project, a joint SMEDA-UNDP initiative for supporting the small businesses, has developed user-friendly contract templates.

Pro-GOLE, (Right to do Business)

The UNDP has partnered with the Small and Medium Enterprises Development Authority to initiate and execute the Pillar 4 (Right to do business) component of the UNDP PRO-GOLE project which seeks to enhance the legal awareness and mobility of marginalized/ informal businesses. Under the project legal services outreach shall be extended to small businesses including home based enterprises, small shopkeepers, growers, women entrepreneurs, hawking vendors etc. In addition, small business shall be mobilized to access legal services.

The Need for Commercial Contracts Templates

In an increasingly complex and competitive industry, it is vital that suppliers and purchasers are fully protected against legal and commercial risks. To counter such risks, a viable solution; available as- of the shelf commercial contract templates- will provide the users with first class ready to use support. With obligations properly set out and liabilities accurately defined, the users will be in a far better position to look after their rights and interests and move forward from their marginalized positions to being active players of the economy. The Legal Service Providers can equally take benefit of these templates for their professional and business development.

Disclaimer

The information contained in this template is meant to facilitate the businesses in documenting transactions with reference to employment matters. However, SMEDA, UNDP or any of their employees or representatives accept no responsibility and expressly disclaim any and all liabilities for any and all losses/shortfalls caused by or motivated by recommendations from the information contained within this document. Although SMEDA's ambition is to provide accurate and reliable information; yet, the document is not an alternative to expert legal advice and should ideally be used in conjunction with the same. Any person using this document and or benefiting from the information contained herein shall do so at his/her own risk and costs and be deemed to have accepted this disclaimer.

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14. DISCIPLINARY RULES AND PROCEDURE

1. The Business requires good standards of discipline from its employees together with satisfactory standards of work. The disciplinary procedures apply to any misconduct and failure to meet standards of performance or attendance.
2. The purpose of the procedure is to be corrective rather than punitive and it should be recognized that the existence of procedures such as these is to help and encourage you to achieve and maintain standards of conduct, attendance and job performance and to ensure consistent and fair treatment for all employees.
3. If your standard of work and conduct falls under and, after warnings, remain below the level which is acceptable, you may be dismissed.
4. Summary dismissal, without notice, will take place if an act of gross misconduct is committed. Gross misconduct is any deliberate act of an employee that is detrimental to the good conduct of the interest of the Business. Examples of misconduct and gross misconduct are listed below.
5. The following is a non-exhaustive list of examples of offences which amount to misconduct falling short of gross misconduct:
 - 5.1 Unauthorized Absence from Work
 - 5.2 Late Attendance
 - 5.3 Sleeping During Working Hours
 - 5.4 Unacceptable Performance
 - 5.5 Time Wasting
 - 5.6 Contravention of Minor Safety Regulations
 - 5.7 Disruptive Behavior
 - 5.8 Unauthorized Use of Communications, (Telephone, Computer, Printer, Fax, etc.)
 - 5.9 Minor Damage to the Business' Property
 - 5.10 Minor Breach of the Business' Rules
6. The following is a non-exhaustive list of examples of offences which amount to gross misconduct:
 - 6.1 Dishonesty
 - 6.2 Falsification of the Business' Records or Reports
 - 6.3 Failure to comply with Relevant Statutory or Regulatory Requirements

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- 6.4 Serious Insubordination
 - 6.5 Violent, Abusive or Intimidating Conduct
 - 6.6 Reckless or Misuse of or Deliberate Damage to the Business' Property
 - 6.7 Sexual, Racial or other Harassment
 - 6.8 Unauthorized Use or Disclosure of Confidential Information
 - 6.9 Attending Work under the influence of Alcohol or Non-Medically Prescribed Drugs
 - 6.10 Rudeness to Clients
 - 6.11 Any Action likely to bring Disrepute to Business
 - 6.12 Unauthorized Acceptance of a Gift
 - 6.13 Breach of Health and Safety Rules which Endanger the Health and Safety of others
 - 6.14 Refusing to allow a Search to be carried out in accordance with the Business' Rules
 - 6.15 Failure to Disclose Correct Information on your Application Form
 - 6.16 Conviction for any Serious Criminal Offence while an Employee of the Business
7. No disciplinary action will be taken until the case has been fully investigated. You may be suspended while your case is being investigated.
8. At all stages, you will be advised of the nature of the complaint and will be given the opportunity to state your case before a decision is made and you may, if you wish, be accompanied by a working colleague who may not make representations on your behalf.
9. Except for acts of gross misconduct, the following procedure will normally be adopted:
- 9.1 For minor breaches of discipline, or failure to achieve satisfactory standards, a formal verbal warning will be given normally by your Manager. This will be removed from your personal file after [six] months in the absence of further offences.
 - 9.2 For more serious offences, or in the event of further minor transgressions, a warning will be given in writing. This warning will normally be given by your Manager. This will be removed from your personal file after [number] years in the absence of further offences.
 - 9.3 In the event of further repetition of the misconduct or a failure to comply with a requested improvement, or in the absence of failure to comply with standards which do not amount to gross

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misconduct but which warrant a first and final warning, a final written warning will be issued by your Manager or by another Manager of the Business. This warning will specify that the consequences of a failure to comply will normally be dismissal. This will be removed from your personal file after [number] years in the absence of further offences.

10. In cases of gross misconduct, you will normally be dismissed without notice or pay in lieu of notice or of accrued holiday pay. In exceptional circumstances, or if there are any genuine mitigating circumstances, alternative disciplinary action may be taken.
11. Suspension will be against full pay. You will be informed in writing of this at the time and such suspension will not normally be for more than [number] working days.
12. Any appeal must be put in writing, stating the grounds for appeal. The appeal will be heard by the [officers/directors] of the Business who have not been involved in the initial proceedings. The appeal will review but cannot increase a disciplinary penalty.
13. The decision of an appeal hearing is final. There is no further right of internal appeal.