

- 6.7 Should the parties commence negotiations within the said forty-five (45) days or within such further time agreed as aforesaid, but failed to arrive at a settlement of the terms of the amendment(s) within sixty (60) days from the commencement of the said negotiations, either party may thereafter report a trade dispute to the Minister pursuant to Section 68 of the Act.

ARTICLE 7

DISCIPLINE AND DISCHARGE

- 7.1 Without discipline the Employer cannot effectively perform the public service for which it has been established. When discipline is warranted, it must be prompt, exact and wholly defensible.

Grounds for discipline should be such that they will stand critical examination if reviewed. When an employee is warned in writing, suspended, or dismissed a notice of such warning, suspension, or dismissal shall be given to the employee and to the Union.

- 7.2 Arbitrary rules cannot be laid down for discipline. Each case must be weighed on its own merit, but the decision must always be on reasonable and just grounds.

- 7.3 An employee failing to return to work, without reasonable excuse, within seven (7) days after completion of any leave of absence is deemed to have resigned from the Employer unless he has previously applied for and has been granted an extension of leave.

- 7.4 Employees absent from work for period of five (5) consecutive working days, without reasonable excuse, will have been deemed to have terminated his services.

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- 7.5 Breaches of discipline are classified as either major or minor.

- 7.6 The penalties that may be imposed for infractions of the Employer's Rules or accepted standards of performance, except in cases of major breaches, should be in the following order:

- (a) Verbal Reprimand
- (b) Written Reprimand
- (c) Deferral of increment
- (d) Withholding of Increment
- (e) Demotion
- (f) Suspension with pay (for investigative purposes)
- (g) Suspension without pay
- (h) Dismissal

7.7 Although fixed penalties are not established, major breaches may call for dismissal. Major breaches are, but not limited to the following:-

1. Theft
2. Fighting or physical violence
3. Possession and/or use of narcotics or conviction for dangerous drugs as defined in the Dangerous Drug Act
4. Malicious/ major damage to Employer's property
5. Sexual harassment as defined in the Sexual Harassment Act
6. Unauthorized use of the Employer's property including vehicles
7. Unethical and unprofessional behaviour with regard to customers and staff (acts of discourtesy and rudeness)
8. Deliberate refusal to carry out a reasonable job related instruction
9. Altercate, falsification of personnel, medical or other records or the intentional omission of pertinent facts or perjury.
10. Breach of confidentiality
11. Fraud
12. Bribery and other acts of dishonesty
13. Gross Insubordination
14. Gross Misconduct

7.8 In cases where major breaches are alleged, the Employer may suspend with full pay the employee from duties for investigative purposes for a period of not more than ten (10) working days and where the charges have been proven to the Employer's satisfaction, the Employer shall inform the Union before implementing one of the following:

- (a) Dismiss the employee immediately if in the Employer's view the circumstances justify such action;
- (b) Suspend the employee without pay for a period not exceeding fifteen (15) working days;
- (c) Provided that where a decision is made to dismiss it shall be communicated in writing to the Ministry of The Public Service and the Union within three (3) working days.