


# **RS Diving Contractor Discipline Policy**

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## Document History

Rev.	Date	Summary of Changes	Author	Reviewed / Approved
1	02.04.2014	Creation of Document	Steven Armstrong	Andreas Stutz
2	17.10.2014	Formatting	Anette Münchau	Andreas Stutz
3	06.07.2016	Update Entire Document	Anette Münchau	Jennifer Mielniczek
4	21.11.2016	Update References, Abbreviations, Chapter 8	Anette Münchau	Kurt Rohde
5	05.11.2020	Update Header and Footer, Complete Abbreviations	Anette Münchau	Kurt Rohde

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## References


No.	Document
1	German Civil Code (Bürgerliches Gesetzbuch, BGB)
2	Protection Against Unfair Dismissals Act (Kündigungsschutzgesetz, KSchG)
3	RS Offshore Diving Manual

## Abbreviations

Term	Definition
BGB	Bürgerliches Gesetzbuch (German Civil Code)
IMCA	International Marine Contractors Association
KSchG	Kündigungsschutzgesetz (Protection against Unfair Dismissals Act)
N/A	Not Applicable
PCY	Policy

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## 1 Introduction

Reasonable rules concerning personal conduct of employees are necessary if the facility is to function safely and effectively. RS DIVING CONTRACTOR GmbH believes that employees want to, and will do a good job if they know what is required to perform their jobs properly. Further, it is company policy that employees be given ample opportunity to work in a cooperative, professional environment, and to improve in their job performance.

## 2 Purpose

The purpose of this document is to establish standards pertaining to the conduct, responsibilities, and performance of RS DIVING CONTRACTOR GmbH employees and the likely consequences of continued failure to meet these standards. It is not the intention of this document to restrict the rights of anyone, but rather to help people work together harmoniously according to the standards established for efficient and courteous service for our customers and clients.


## 3 Scope

This policy is applicable to all employees of RS DIVING CONTRACTOR GmbH, to include those employees hired on a freelance, temporary, full time or part-time basis.

## 4 Personal Conduct

Employees must take no action or work in any manner that may cause injury to themselves or their fellow employees, nor in a manner that interferes with other employee's ability to complete their work. Employees must treat other employees with courtesy and respect. They should behave toward others as they would prefer others behave toward them.

- Fighting is absolutely prohibited, as is roughhousing and horseplay, and is subject to disciplinary action.
- Abusive language and threatening gestures toward other employees will not be tolerated.
- Gambling of any kind or bookmaking on company premises is prohibited.
- Posting or showing obscene drawings or photographs, or using sexually oriented language is considered sexual harassment and is prohibited.

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## 5 Conflict of Interest

RS Diving Contractor expects all employees to avoid activities that create conflicts of interest with their responsibilities to this company. Each employee has an obligation to refrain from activities which conflict or interfere with company operations, or with others with whom the company does business.

Conflicts of interest include, but are not limited to:


- Outside employment - such as with a competitor or supplier.
- Outside business interests - such as those under outside employment.
- Gifts and entertainment - employees shall not accept gifts of more than nominal value from individuals or businesses with which the company does or seeks to do business.
- Legal requirements - employees must not do anything in the conduct of business which would violate any local, state or federal law.
- Fair competition - all employees will conduct themselves in a fair and ethical manner when dealing with customers and suppliers.
- Speculation - employees must not speculate in materials, supplies or services produced or purchased by this company.
- Political activities - employees are encouraged to vote. All support of political candidates must be on employee's own time, with no use of company facilities, and the employee must not represent him/herself as acting on the behalf of the company.

## 6 Company Property

No employee will remove company property from an office or work site without written permission from the supervisor responsible for the property in question. This includes, but is not limited to:

- Materials, equipment and tools
- Property owned by the company or other employees
- Confidential literature including technical, sales and quality control documents
- Computer disks, tapes and other storage media
- Information identified as proprietary or trade secret

Removing or attempting to remove company property without written permission can be grounds for disciplinary action.

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## 7 Progressive Discipline

Disciplinary actions are generally progressive and are used to ensure that the employee has the opportunity to correct his or her performance. Generally, the progressive disciplinary actions will occur in the following sequence (if necessary):

- Informal verbal correction or retraining
- Verbal counselling
- Written counselling
- Dismissal

There is no set standard for how many oral warnings must be given prior to a written counselling or how many written counsellings must precede dismissal. In general, dismissal should be preceded by three written counsellings.


The point is to correct a deficiency, and assist the employee in improving his or her performance. How far or whether disciplinary actions progress is at the discretion of RS DIVING CONTRACTOR GmbH, and may depend upon such factors as the time interval between offenses, and the employee's demonstration of a desire to improve. Factors to be considered are:

- How many different offenses are involved
- The seriousness of the offense(s)
- The time interval and employee response to prior disciplinary action(s)
- Previous work history of the employee

For serious offenses, such as fighting, theft, insubordination, threats of violence, intentional damage to company property, the sale, possession, or use of drugs or alcohol on company property, etc., dismissal may be the first and only disciplinary step taken. Any step or steps of the disciplinary process may be skipped at the discretion of RS DIVING CONTRACTOR GmbH after investigation and analysis of the total situation, past practice, and circumstances.

### 7.1 Informal Verbal Correction or Retraining

Substandard performance by an employee is often the result of a misunderstanding of expectations, a lack of sufficient training, or the failure to have a task explained sufficiently. In such cases, a verbal correction of an incorrectly performed procedure, or informal retraining on a task may be sufficient to correct the problem. In these cases, documentation of the correction is rarely necessary, although training should be documented.

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## 7.2 Verbal Counselling

For continued substandard performance or in cases of inappropriate conduct not necessitating more serious disciplinary action, a verbal counselling may be called for. When performing a verbal counselling, arrange a meeting with the employee privately. Never discipline an employee in public or in front of other workers.


Follow these additional steps:

- Take notes of the meeting
- Explain to the employee why you have arranged the meeting
- State specifically the desired performance
- State the problem in specific terms of actual performance
- Review this Progressive Discipline Policy with the employee, explaining what steps have been taken, and what the next step is or may be.
- Give the employee a chance to respond, explain and defend his or her actions.
- Acknowledge the employee's story and be sure to include it in your notes of the session.
- Have the employee repeat back to you or otherwise confirm that he or she understands the problem and is clear on what changes are expected.
- Indicate your confidence in the employee's ability and willingness to change the behavior.
- Reassure the employee that you value his or her work and that you want to work with the employee to make sure that he or she can continue to work at your business.
- Using your notes from the session, write a memo or other documentation that summarizes the conversation.
- Monitor the employee's behavior and performance to make sure that the problem has been corrected.

## 7.3 Written Counselling

A written warning is more serious than a verbal warning and represents a progression in the progressive discipline process. In documenting a written warning, include:

- The employee's name
- The date of the conversation
- The specific offense or rule violation
- References to previous conversations and verbal warnings about the problem
- A specific statement of the expected performance
- Any explanation given by the employee or other information that is significant
- A statement indicating your confidence in the employee's ability to perform properly in the future

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- The employee's signature, if the employee refuses to sign, include a note on the signature line indicating your attempt to get the employee to sign and his/her refusal to do so

## 7.4 Dismissal

A former written counselling can only lead to a dismissal if the employee repeats the same or the same kind of misbehavior. In case of minor incidents, e.g. late arrival at work, several warnings might be necessary before a dismissal is justified. On the other hand, in exceptional cases serious incidents can justify a dismissal without a previous warning.

### 7.4.1 Periods of Notice

German Labor Law differs between ordinary dismissal (with notice), whereby the employment relationship is ended when the period of notice expires (§ 622 BGB), and extraordinary dismissal (without notice). The extraordinary dismissal effects the immediate cancellation of the employment relationship (§ 626 BGB).

Periods of notice are stipulated by para. 622 BGB and depend on the duration of the employment, unless the individual contracts of employment specify longer periods of notice.

Extraordinary dismissals without a period of notice are only possible in few exceptional cases where there is an important reason which makes it unacceptable for the employer to continue employment until the end of the notice period, e.g. after serious offences against colleagues, theft, or unacceptable breach of trust against the employer. In these cases, the dismissal must be made latest within 2 weeks after the employer learns about the facts that are decisive to terminate the employment relationship.

## 8 Applicable Laws

This policy is in accordance with the following German laws:

- Bürgerliches Gesetzbuch, BGB (German Civil Code)
- Kündigungsschutzgesetz, KSchG (Protection Against Unfair Dismissal Act)