

# Disciplinary Rules

Reference: HR\_POL\_002

Version: 6.4

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## 1. Summary

This establishes a common set of disciplinary rules across the Company, breach of which will lead to investigation and potential disciplinary action under the relevant disciplinary procedure.

The Disciplinary Rules comply with all relevant employment legislation and the ACAS Code of Practice on discipline and grievance at work which promotes the defining of clear rules for employees.

## 2. Scope

The Disciplinary Rules apply to all EDF Energy employees other than those working in joint venture companies where local policies may apply.

## 3. References

Legislation, regulation and guidance from external organisations, including:

ACAS Code of Practice on Disciplinary and Grievance Procedures  
Competition Act  
Data Protection Act  
Employment Rights Act  
Employment Act  
Equality Act  
Health and Safety at Work Act

## 4. Disciplinary Rules

### Introduction

This document details the Company's rules and standards. Section A of this document explains the Company's rules and standards. Section B provides examples of misconduct that could lead to dismissal, including summary dismissal. If an employee is accused of misconduct in relation to the Disciplinary Rules, they will be dealt with in accordance with the disciplinary procedure outlined in any collective agreement or personal contract of employment, as appropriate to the individual concerned. The Disciplinary Rules are separate from the disciplinary procedure and are non-contractual.

The Company reserves the right to revise and update the Disciplinary Rules from time to time in order to reflect changes in the law, best practice, or the way in which EDF Energy conducts its business. The Company will consult with the recognised trade unions on any change to approach.

Any phrase in this document introduced by expressions such as "include", "including" or "in particular" are illustrative and do not indicate an exhaustive list.

### Section A

Section A of this document explains the Company's rules and standards. All employees must:

1. Observe their contract of employment in all respects. This includes terms and conditions of employment referred to in their appointment letters and any subsequent variations, and terms and conditions detailed in any collective agreement or personal contract of employment relating to their employment, including hours of work, working patterns, etc;
2. Perform their duties as required or directed by their manager. This does not affect the employee's right and obligation to raise concerns they may have on the grounds of safety;
3. Observe all Company policies, procedures and directions issued by management, including local rules and instructions;

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4. Take all necessary care for the health, safety and welfare of themselves and others, to comply with the Health and Safety at Work Act, and the Company's policies on health and safety. They must follow any appropriate safety procedures and working methods laid down by the Company. This includes wearing approved protective clothing according to the needs of the job, and treating equipment properly;
  5. Obtain the prior approval of their manager for any foreseeable absence from work. Also telephone their manager on their first day of unexpected and unavoidable absence from work to advise of the reason and likely duration of the absence. This call should ideally be made before the beginning of their working day. Ongoing contact should be continued in line with local arrangements;
  6. Provide to the appropriate manager, at the earliest opportunity, medical certificates or self-certificates concerning periods of absence due to sickness in accordance with the requirements of the Company;
  7. Treat their colleagues and any other person with whom they come into contact with respect and dignity;
  8. Be in possession of, carry and clearly display the official identification issued by EDF Energy or its subsidiaries, whilst on duty and/or whilst at any Company location, unless display would breach health and safety rules. This identification must be shown automatically whether or not requested, on access to customers' premises, must be retained securely and must not be defaced;
  9. Maintain an appropriate standard of appearance during working time. The wearing of corporate clothing is compulsory where the contract of employment includes such an obligation.

## Section B

Section B provides examples of misconduct that could lead to dismissal, including summary dismissal. The disciplinary procedure relevant to the employee will always be undertaken to determine the appropriate action to be taken.

1. Theft, attempted theft or unauthorised use of the Company's property (including for this purpose, energy, computer software, data and/or information), or of the property of a fellow employee or third party, while acting or purporting to act on behalf of the Company or at any time whilst attending work or on work-related occasions.
2. Unauthorised use of the Company's property (including for this purpose, data including customer account information, computing and telecommunication facilities), if using it for personal business.
3. A criminal offence with which an employee is charged\*, or any other legally related incident, which renders the employee unsuitable to continue to carry out their duties and where suitable alternative duties cannot reasonably be assigned.

Where a penalty imposed by a court of law for any offence makes it impossible or impracticable for the employee to continue employment, or where the incident involves conduct or behaviour likely to bring the Company into disrepute.

4. Refusal to comply with a reasonable instruction. This does not affect the employee's right and obligation to raise concerns they may have on the grounds of safety.
5. Insulting, indecent or offensive behaviour (including harassment and bullying), or assault or attempted assault, towards a fellow employee or any other person whom an employee may come into contact with either whilst at work, at a work-related event or outside of working hours when the individual is identifiable as an EDF Energy employee through their clothing, equipment or vehicle.
6. Failing to comply with the Company's policy(s) on alcohol and drugs applicable to the employee.
7. Any attempts to commit fraud against the Company. Examples of this include dishonesty in completing time sheets, expense forms, self-certification forms for sickness absence or forms requesting time off, use of Company expense or purchasing cards, amending customer accounts, or in the use of time recording systems.

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8. Deliberate falsification of documents, information or computer based records, intended to mislead the Company, whether or not with the intent to defraud.
  9. Unauthorised absence without due cause or persistent bad timekeeping.
  10. Serious culpable negligence, e.g. wilful neglect of duties.
  11. Deliberate misuse of, negligence towards, interference with or the unauthorised removal of the Company's equipment or property (including motor vehicles and all computing equipment and data) whether or not resulting in damage or injury. Circumvention of, interference with, negligence towards, or unauthorised access to security and safety measures designed to protect such equipment and information.
  12. Deliberate misuse of, negligence towards or interference with the Company's IT communications systems, such as email and the internet, including downloading or transmitting of inappropriate information or material.
  13. Unauthorised disclosure or misuse of information or data which the Company considers confidential, or which is covered by the Data Protection Act, such as, but not exclusively, power load curve information, employee or worker's information, customer information, metering information, supplier information and information generally received from other energy suppliers in the course of the operation of the Company's distribution business. This information must only be used for the purpose for which it was provided and must not be used to obtain a commercial advantage for the Company.
  14. Unauthorised discussion with competitors regarding prices or any business strategy, serious breach of the Competition Act, inappropriate discrimination between any suppliers to the Company or within the market in which the Company operates.
  15. Undertaking work which the Company considers detrimental to its interests.
  16. Breach of the Company's policies on acceptance of gifts or other benefits from those with whom the Company does business or from an outside organisation or individual hoping to further their interests with the Company or on the offering of gifts or other benefits to such parties.
  17. Holding and failing to declare to the appropriate officers of the Company a pecuniary, personal or family interest in matters of official business (including any transaction, contract or appointment) or in any other companies or organisations which might affect or might reasonably be interpreted by the Company as having affected an individual's impartiality of judgement in carrying out their responsibilities to the Company. Such situations would include personal business relationships or financial interest with a supplier, contractor or competitor of the Company. The only exception is as the holder of shares, stock or debentures in any other Company.
  18. Failure to comply with health, safety and environment requirements relevant to the employee's duties and responsibilities including conduct likely to result, or actually resulting, in damage to property or injury to persons, or neglect of personal safety, or refusal to wear protective equipment or clothing provided by the Company.
  19. Unfair or unlawful discrimination against existing, prospective or past employees, workers, customers, suppliers or other members of the public which constitutes a breach of current legislation whilst at work, at a work-related event or outside of working hours when the individual is identifiable as an EDF Energy employee through their clothing, equipment or vehicle.
  20. Bringing the Company, its officers or employees into serious disrepute.
  21. Failure to divulge information which could be material to the employee's employment with the Company.
  22. Any other serious breach of the Company's Code of Conduct.
  23. Any other misconduct judged by the Company to be of similar gravity to the examples quoted above.

\* In such situations, the penalty of dismissal will not be awarded without discussion with the Head of Employee Relations or their delegate, and the Full Time Officer of the relevant trade union, where applicable.

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## 5. Responsibilities

<b>Role</b>	<b>Responsibility</b>
Chief People Officer	Owns the Disciplinary Rules and is responsible for obtaining agreement to them from the Business Unit Human Resources Directors and those in equivalent roles in Corporate Functions and seeking approval from the Chief Executive.
Industrial Relations & Reward Director	Responsible for maintaining the Disciplinary Rules, ensuring that they are regularly reviewed and proposing any changes.
Business Unit Human Resources Directors and those in equivalent roles in Corporate Functions	Responsible for ensuring the Disciplinary Rules are implemented and communicated appropriately within their respective business areas.
Executive Members	Have been delegated authority to make decisions within their business areas in operating these Disciplinary Rules. Further delegation of authority within business areas will be captured in local governance documentation.
Employee Services	Responsible for distributing the Disciplinary Rules to new employees.
Managers	Responsible for enforcing the Disciplinary Rules and consistently instigating the appropriate Disciplinary Procedure where it is alleged that employees have breached the rules.
Employees	Responsible for familiarising themselves with the rules and raising any questions or concerns.

## 6. Records

None recorded.

## 7. Document history

Version	Date	Author	Comments
Version 1.0	01/06/04	Maggie West	EDF Energy – Employment Policy Review
Version 2.0	01/10/04	Maggie West	Updated: Executive Member responsibilities
Version 3.0	14/03/05	Maggie West	Updated

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Version 4.0	01/07/06	Maggie West	Updated: Organisational changes
Version 5.0	14/07/07	Maggie West	Updated: Human Resources Director
Version 6.0	05/04/11	Helen Whiteman	EDF Energy – Employment Policy Review Replaces British Energy Disciplinary Rules (BE/POL/018)
Version 6.1	22/05/12	Helen Whiteman	Updated: Organisational changes
Version 6.2	09/10/12	Helen Whiteman	Updated: Organisational changes and template
Version 6.3	01/07/2015	Helen Whiteman	Updated: Organisational changes
Version 6.4	25/03/2019	Helen Whiteman	Updated: Organisational changes