



KOMFO ANOKYE TEACHING HOSPITAL



DISCIPLINARY CODE

2014

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1.0: INTRODUCTION

1.01: Mandate of Komfo Anokye Teaching Hospital

The mandate of the Komfo Anokye Teaching Hospital (KATH) as provided by the Ghana Health Service and Teaching Hospitals' Act 525, 1996 is in the following areas:

- Advanced clinical care
- Training of undergraduate and post-graduate medical professionals
- Research

1.02: Vision Statement

To become a centre of excellence in the provision of specialist health care services

1.03: Mission Statement

To provide quality health service to meet the needs and expectations of all clients. This will be achieved through well-motivated and committed staff applying best practices and innovativeness.

1.04: Core Values

- a. Client-focused
- b. Staff Empowerment
- c. Continuous Quality Improvement
- d. Recognition of hard work and innovation
- e. Discipline
- f. Team Work

2.0: PURPOSE OF DOCUMENT

The attainment of the vision of KATH requires discipline and dedicated employees. The conduct and attitude of all employees of KATH should conform to appropriate norms and standards of behavior, which are contained in the Code of Ethics and the Disciplinary Code.

The code has been reviewed to guide managers and employees at the respective levels of supervision in their normal relations and dealings with, clients, fellow employees and the general public.

The implementation of the provisions in this document will accordingly, ensure that discipline is maintained within the hospital and grievances well handled, thereby contributing to the improvement of its corporate image.

In the light of the foregoing all employees are expected to be fully conversant with the provisions in the Disciplinary Code.

3.0: SCOPE

The Code is applicable to the following personnel:

- a. All KATH employees
- b. Personnel on secondment to KATH
- c. Any other person(s) working with KATH under approved terms

4.0: GUIDING PRINCIPLES

The following guiding principles form the basis of this document.

- a. Disciplinary action shall be targeted at the offence and not the offender or person
- b. There shall be fairness in the handling of disciplinary and grievance issues
- c. Disciplinary action shall be progressive except in cases involving major or intolerable offence
- d. Staff shall be given feedback on the outcome of disciplinary or grievance proceedings involving him/her
- e. Staff shall have the opportunity to appeal where they are not satisfied with a disciplinary decision

5.0: PURPOSE OF DISCIPLINE

The basic purpose of disciplinary action shall be to deter employees from committing infractions of rules and to reform them in order to effect improvement in their conduct and make them more productive thereafter.

6.0: DEFINITION OF DISCIPLINE AND INDISCIPLINE

Discipline in this context refers to orderly behavior of employees in KATH and obedience to existing rules and regulations. **Indiscipline** (misconduct) is any act of omission or commission contrary to the above definition which can or is likely to:

- a. Cause failure to perform in a proper manner lawful duty assigned to him/her
- b. Cause financial and/or material loss to the institution
- c. Bring KATH into disrepute. For the avoidance of doubt, the conviction of an employee for any offence involving fraud, dishonesty or moral turpitude, tend to bring the name of KATH into disrepute
- d. Tarnish the corporate image of KATH
- e. Impact negatively on the health outcome of a client's condition
- f. Cause damage to or the loss of property of a client under his care within the confines of KATH
- g. Cause damage to or the loss of property of KATH

7.0: TYPES OF MISCONDUCT (INDISCIPLINE)

The following are some of the acts that amount to misconduct:

- a. Reporting late for duty or closing earlier than the official time
- b. Absenting oneself from duty without approval or reasonable excuse
- c. Insubordination (i.e. refusing to obey instructions or showing disrespect)
- d. Disregarding or willfully defaulting in carrying out any lawful order or instruction by any person having authority to give such order or instruction
- e. Being under the influence of alcohol or narcotic drugs during working hours
- f. Using, without the consent of the prescribed authority, facilities and other resources provided for purposes not connected with the official duties
- g. Engaging in any activity which is likely to result in conflict of interest
- h. Failing to submit report or information or both as prescribed in the course of ones duties or under these regulations
- i. Disclosure of classified or unclassified official information or document to any unauthorized person or institution not entitled to such disclosure
- j. Willfully making false declaration or endorsing forged documents

- k. Receiving or giving gifts either in cash or in kind for the purpose of securing advantage
- l. Engaging in money lending or trading in KATH (while on duty) at an interest to others or acting as an agent to a money lender/trader
- m. Failure to hand over when proceeding on leave, transfer, promotion or leaving the service of KATH in proper manner duties together with all documents, etc. to the employee who is taking over
- n. Failure to report or take disciplinary action against an employee found to have misconducted him/herself
- o. Professional malpractice, incompetence, negligence or misconduct
- p. Contravening provisions in the Code of Ethics of the hospital and respective Professional Regulatory Bodies
- q. Any other act of misconduct not expressly mentioned in this document

8.0: DISCIPLINARY AUTHORITIES

The Disciplinary Authorities at the various levels of supervision are as follows:

a. KATH Board

The Board of KATH shall be the **ultimate disciplinary authority** and shall be directly responsible for the disciplining of employees.

b. Disciplinary Committee

The KATH Board shall **appoint** Disciplinary Committee as prescribed under Act 525 of 1996 section 46, to investigate and report (recommending appropriate penalty or review necessary) to the Board such disciplinary matters as may be referred to it by the Board or Chief Executive.

c. Management

The Management of KATH shall directly discipline staff in offences which are clear breaches and do not warrant dismissal.

d. **Managers / Supervisors**

Managers/Supervisors, where applicable, shall take disciplinary actions against their respective staff in minor offences which demand verbal warning or first and second written warnings.

9.0: DISCIPLINARY PROCEDURES

9.1 Disciplinary Committee of the Board *(ref. Fig.1 on formal proceedings below)*

- i. A report on the case shall be forwarded by the Board or Chief Executive to the Disciplinary Committee
- ii. The Disciplinary Committee shall take into consideration any representation which the employee may wish to make, including the evidence of witnesses, which may be relevant to the case. Where the employee intends to have legal representation, the Disciplinary committee shall be notified by the employee and the committee may also request Attorney-General's Department for same.
- iii. The Disciplinary Committee shall send a written report to the KATH Board of its findings and recommendations.
- iv. If KATH Board is satisfied that the offence has been committed, the employee shall be informed in writing to that effect, and of the penalty, which has been imposed. However, if no misconduct is established the employee shall be informed in writing to that effect.
- v. The Board may accept, reject or review the decisions of the Disciplinary Committee and Management submitted to it

Quorum of the Disciplinary Committee: Half (1/2) of total number of members of the committee present and sitting plus the Chairperson shall form a quorum.

9.2 Management

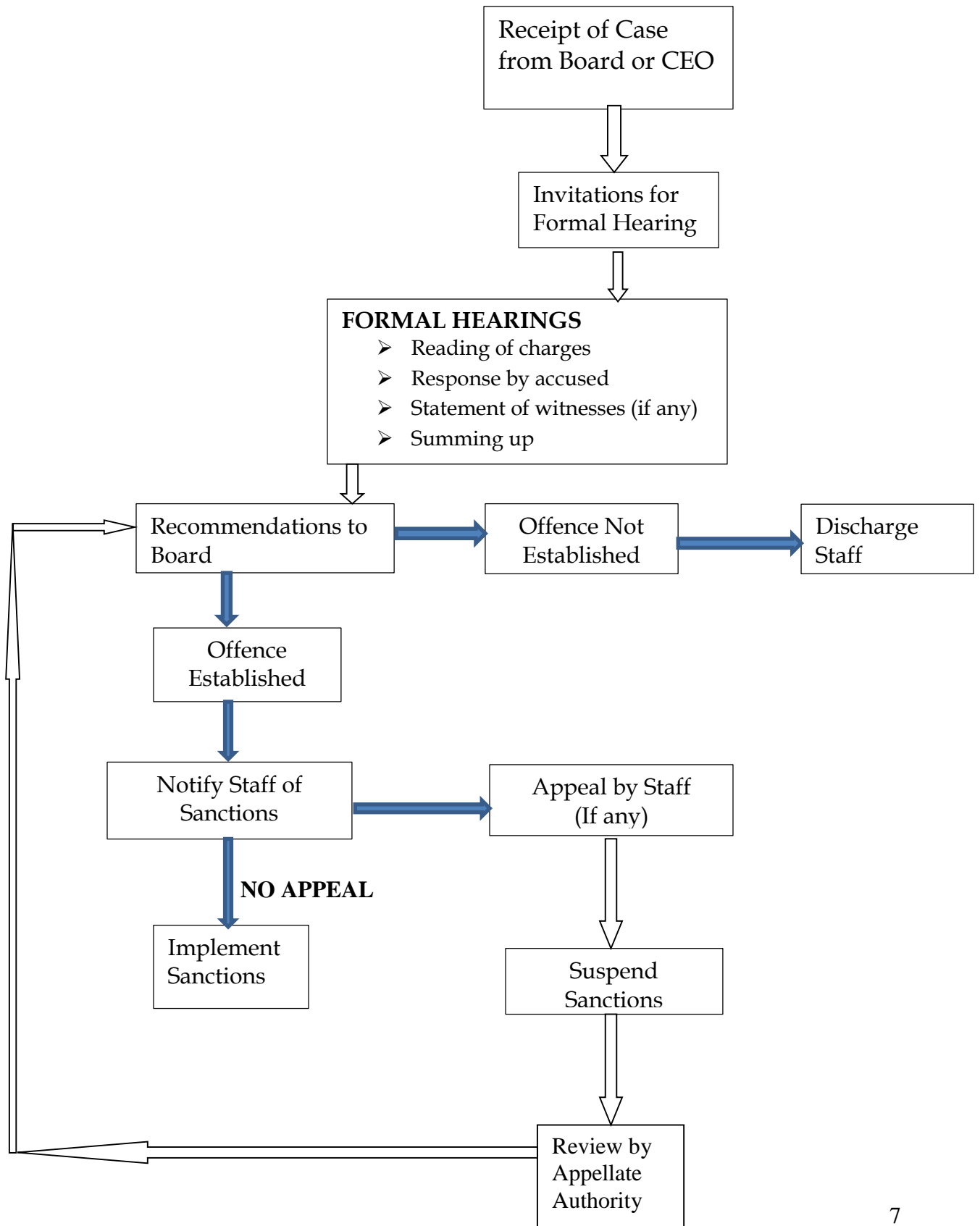
Management may take the necessary disciplinary action against the staff based on the provisions in this disciplinary code. Management may set up an adhoc investigative committee as and when appropriate to investigate the alleged misconduct. The committee

shall submit a report to Management recommending penalty or otherwise after its investigations. Cases that seem straight forward (*from the investigations*) which can result in dismissals may be brought directly to the Board for deliberation without going through the Disciplinary Committee. However, where the issues seem complicated necessitating further investigations, Management through the Board shall refer the matter to the Disciplinary Committee.

9.3 Manager/Supervisor

The Manager/Supervisor shall give audience to the staff to be disciplined by first giving a query (in writing) demanding answer to the query (in writing) within 48hrs. After receipt of the answer to the query, the Manager/Supervisor may issue a verbal warning or written warning for the first and second offence of similar nature OR if in the opinion of the Manager/Supervisor, the offence demands stiffer punitive actions more than warning, he/she shall refer the matter to Management through the next higher level of Management for further investigation and determination.

Fig. 1: DIAGRAM ON FORMAL DISCIPLINARY PROCEDURE AT DISCIPLINARY COMMITTEE



10.0: PETITION AGAINST DISCIPLINARY ACTION

- a. All petitions shall be addressed to the KATH Board
- b. Where the petition is intended to be against a decision, the employee shall within ten (10) working days upon receipt of the decision submit his petition to the Board through the Director of the Class indicating the grounds on which the petition is being made and forwarding to his Head of Directorate a copy of the petition.
- c. An appellate committee may be appointed by the Board and shall be adhoc as and when the need arises. An appellate authority shall not be a member of the disciplinary committee. Thus; no person shall sit on both the disciplinary committee and appellate body involving same case.
- d. After the Board has reviewed the petition, the employee shall be informed in writing as to whether the petition has been allowed, or dismissed as the case may be.

11.0: GENERAL PROVISIONS

11.01 Legal/Criminal Proceedings

1. An employee against whom legal proceedings are instituted in the course of discharging his official duties shall refer the matter immediately to his supervisor for the information of the Chief Executive for appropriate action.
2. An employee against whom a civil suit has been instituted or who is arrested on a criminal charge shall report the act immediately to his supervisor for the information of the Chief Executive.
3. The fact that criminal proceedings have been instituted against an employee shall not preclude the Board from taking disciplinary action against the employee for the same offence.
4. An employee of KATH, who has been **acquitted** of a criminal charge by a court of competent jurisdiction, shall not be punished by KATH for the same offence.

11.02 Prohibition of Benefits Due To Disciplinary Proceedings

No employee shall be released/posted, promoted or given study leave/fellowship, or leave without pay when disciplinary proceedings are pending against him/her

11.03 Private Earnings

1. Appointments by the Board are full-time and no employee is permitted to engage in activities for purposes of earning additional remuneration during working hours or in areas where any possibility of conflict of interest may exist/arise except that an employee may be allowed to take up public appointments.
2. Employees are prohibited from either receiving or giving gifts either in cash or in kind for the purpose of securing advantage with the hospital.

11.04 Permission Before Leaving Location

It is an offence for an employee to leave his location or duty post without having first informed his/her supervisor.

11.05 Financial Embarrassment

Embarrassment shall be regarded as a circumstance impairing the efficiency of an employee and may result in disciplinary action being taken against him. An example is staff who fails to pay back a loan he/she has contracted with his/her debtors pursuing him/her at the workplace resulting in inefficiency of the employee

11.06 Money Lending/Trading in The Hospital

An employee who is found either engaging in money lending/trading activities (while on duty) at an interest to others or acting as an agent to a money lender/trader shall be liable to disciplinary action.

11.07 Official Secrecy

An employee who without express permission of the Chief Executive publishes or discloses to any person otherwise than in the proper exercise of his official duties the contents of any document, communication or information whatsoever which has come to his/her notice in the course of his/her duties shall be liable to disciplinary action.

11.08 Handing Over

An employee who is proceeding on leave, transfer, promotion or leaving the service of the Hospital is required to hand over in proper manner his duties together with all documents, etc. to the employee who is to take over from him.

11.09 Alcoholism

An employee who is proven drunk at work shall be liable to disciplinary action.

11.10 Smoking

No employee shall smoke within the hospital premises. Any employee found violating this regulation shall be liable to disciplinary action.

11.11 Conflict Of Interest

Conflict of interest is defined as any situation which has the potential of interfering with the sound managerial, professional and administrative decision of an employee and which could lead to the compromising and bending of laid down rules, regulations and procedures of KATH, which may result in an unfair advantage to the employee or loss of money or property to KATH.

Declaration of Interest: Any employee of KATH who has an interest in a case or transaction, which in his perception may result in a conflict of interest with KATH must declare that interest in writing and in confidence to his immediate superior officer prior to the proceeding or transaction. After declaration the employee must not take part in the proceeding or transaction.

12.0 INTERDICTION

This is the suspension or exclusion from duty of an employee who is alleged to be involved in a case of major misconduct. Traffic accidents or alleged theft are typical examples. A letter giving full details should be given to the employee in every case and his acknowledgement obtained by having him/her sign a copy.

Interdiction shall not be punitive.

a. An employee may be interdicted under any of these circumstances:

- i) Where disciplinary proceedings which may result in his/her dismissal are being taken or about to be taken and the employee is likely to interfere with the process
- ii) Where criminal proceedings are being instituted against him/her

b. the interdiction shall remain in force until an investigation has been concluded and the decision of the disciplinary authority conveyed to the employee.

c. An interdicted employee shall receive half of his/her salary for the period of interdiction. No allowances shall be paid during the period.

d. A written notice of interdiction shall be given to the employee concerned. Such notice shall state the date from which the interdiction takes effect and the reasons for the interdiction

e. The employee shall make him/herself available to the investigating authority when requested to do so.

f. If the disciplinary proceedings do not result in the employee's dismissal, the salary withheld from him/her shall be restored to him/her when the final decision is made.

g. Investigations or disciplinary proceedings for an offence for which the employee has been interdicted shall not be more than six (6) months from the date of commencement of interdiction

13.0: CATEGORIES OF OFFENCES AND PENALTIES

Offences shall be categorized as minor, major or intolerable and shall be dealt with and managed under the various provisions of this code and shall attract corresponding degrees of punitive actions.

13.01 Minor Offences

The following shall be classified as minor offences:

- a. Reporting late for work or leaving or closing earlier than normal without permission.
- b. Unauthorized absence from duty within scheduled working hours without reasonable cause
- c. Any attitude, acts or signs of rudeness and insubordination to superiors, colleagues or clients at the work place
- d. Inappropriate and unauthorized use of office, medical and other equipment being the property of KATH for unofficial/personal jobs
- e. The use of materials, stationery, medication and other supplies belonging to KATH without authority
- f. Sleeping while on duty when not supposed to do so
- g. Coercion, intimidation or threatening of fellow employees
- h. Use of abusive language
- i. Loafing or malingering
- j. Interfering with other peoples jobs
- k. Non-compliance with official dress code
- l. Taking part in illegal demonstration(s)
- m. Unnecessary noise making
- n. Failure to handover administrative duties and official properties properly.
- o. Quarreling within official premises
- p. Failure to answer queries within the stipulated period
- q. Failure to submit requisite data and reports within stipulated time
- r. Absent for less than 10 working days without permission or approval
- s. Failure to inform competent authority when leaving location or duty post
- t. Money lending/trading in KATH while on duty

- u. Indecent exposure of the body while on duty

Penalties for Minor Offences

The under-listed are a range of penalties that could be selectively used as disciplinary measures for minor offences.

- i. Verbal warning in the first instance (must be documented)
- ii. Warning in writing
- iii. Suspension from duty without pay and allowances for not more than one (1) month
- iv. Reduction in annual leave entitlement
- v. Forfeiture of off duty
- vi. Temporary change of work schedule to a less responsible one
- vii. Surcharge

13.02 Major Offences

The under-listed offences shall constitute major offences:

- a. Embezzlement
- b. Going to the press without following laid down procedures
- c. Negligence of duty leading to financial loss to KATH, injury or loss of life
- d. Being under the influence of alcohol during working hours
- e. Trafficking in and use of narcotics
- f. Providing false information or withholding vital information with the intention of misleading management or pre-empting clinical and other decisions or actions
- g. Illegal or unauthorized demand or collection of fees from clients/relatives
- h. Criminal conviction by a court of competent jurisdiction.
- i. Gross insubordination - refusal to perform authorized duty
- j. Negligence and misuse of equipment, vehicles, buildings and furniture
- k. Divulging confidential information without lawful authority to other officers, client or any member of the general public
- l. Persistent/habitual absence from duty without permission or reasonable cause
- m. Refusal to attend or responding late to emergency duty/call without reasonable excuse in the case of the lateness

- n. Unauthorized absence whilst on emergency duty
- o. Professional misconduct, malpractice, negligence and incompetence.
- p. Breaching policies and procedures
- q. Willful destruction of official document/property
- r. Seduction of client or their relations while under the care of the institution.
- s. Refusal to handover properly
- t. Failure to appear before a Disciplinary Committee without prior permission in writing
- u. Refusal to comply with disciplinary penalties/awards
- v. Persistent failure to answer queries despite reminders/warning
- w. Taking money from patients on behalf of KATH and failing to pay to the hospital within 24 hours
- x. Threatening to invoke curses on fellow employees/client

Penalties For Major Offence

The following are punitive measures that may be applied singly or in combination in the case of established major offences.

- a. Suspension of salary immediately the disciplinary report is received and employee notified.
- b. Deferment of due promotion for 1 to 3 years according to the gravity of the offence
- c. Dismissal and subsequent forfeiture of end of service benefits with exception of social security contributions.
- d. Removal from office (termination of engagement without loss of end of service benefits)
- e. Reduction in rank (immediate demotion in grade and accompanying salary reduction which is deemed never to have been in the grade from which he/she has been reduced)
- f. Suspension from duty without salary for not more than one (1) month
- g. Change of work schedule or place
- h. Postponement or cancellation of training and any awards
- i. Refund of monies lost by KATH
- j. Withholding of salary increment for one year

13.03 Intolerable Offence

The following offences shall constitute intolerable offences:

- a. Theft
- b. Rape and sexual harassment of co-workers, clients or their relations
- c. Aggravated assault and battery of co-workers, supervisor, client or their relations
- d. Falsification of official records
- e. Invoking curses on fellow employees/client
- f. Vacation of post (absence for 10 working days or more without permission or reasonable excuse)
- g. Impersonation

Penalties For Intolerable Offence

- a. Termination
- b. Summary Dismissal

14.0: GRIEVANCE PROCEDURES

Any dispute or differences over, or dissatisfaction with the interpretation or application or administration of any policy or any allegation that an employee has been subjected to unfair treatment shall be considered a grievance and shall be processed through the following procedures in the sequence indicated.

1. a) An employee with a grievance shall in the first instance report to his immediate supervisor with copies to the Head of Directorate, in writing by stating in full the reasons for the grievance and any evidence in support of his case. The immediate supervisor shall investigate the matter and advise the employee concerned of his decision within 72 hours after receiving it.
- b) When the supervisor is not the Head of Directorate, he shall if he is unable to give decision, refer the grievance to the Head of Directorate and inform the employee accordingly within 72 hours after the investigations.

- c) If the employee is not satisfied that the grievance has been answered to and disposed off in (b) above, he may elect to have the grievance referred to the Chief Executive for his/her determination.
 - d) If the employee is not satisfied in (c) the employee shall appeal to the Board
 - e) If the employee is not satisfied in (d), the employee shall appeal to the Minister of Health for assistance
 - f) Employees are required to fully exhaust the grievance procedure before resorting to any external assistance
2. During the processing of the grievance, the employee or group of employees involved and all other employees shall carry out work in a normal manner and shall not resort to any other action to disrupt normal work.
3. All processes of the above grievance procedure shall be in writing and carefully recorded in reports and routed through the appropriate channel.

Note:

1. Any combination of four (4) disciplinary actions in a minor group in a twelve-month period will result in the termination of the employee's appointment.
2. Penalty for any other act of misconduct not specified here shall be at the discretion of the Board
3. The disciplinary authority will in all cases exercise its discretion in the award of penalties

1. Warning

If any employee commits an offence which does not constitute a gross or serious misconduct, negligence or dereliction of duty justifying termination or summary dismissal he will be given warning. After second warning a third offence may call for a severer disciplinary action. Warning slips will remain in effect for 12 months.

2. Withholding/Deferring of Annual Salary Increment:

Where an employee has failed to meet the requirement of the job or has committed specific acts of misconduct his normal salary increment or promotion may be stopped or deferred for a period not exceeding 12 months subject to overall satisfactory performance. An employee whose increment is deferred for a specified period suffers corresponding deferment in subsequent years. Where the increment is stopped, the employee suffers only non-payment for a specified period of an increment otherwise due in which case he continues to maintain seniority