

DISCIPLINARY CODE

纪律守则

FOR

GENERAL PAYROLL EMPLOYEES

适用于普通雇员

NFC AFRICA MINING PLC

中色非洲矿业有限公司

DISCIPLINARY CODE

纪律守则

SECTION 1 – INTRODUCTION

第一部分：引言

Discipline: A Definition

纪律的定义

Discipline is defined as a system of rules designed to promote orderly conduct.

纪律是一个规则体系，用于促进有序的管理。

1.1 In any organization, disciplined behaviour is essential for the well being of the Individual and the successful achievement of the organization's objectives. This requires a framework of rules so that all members of the organization know what is expected of them: such rules are generally known as a Disciplinary Code. Such a Code of Discipline must be both just and uniformly administered to ensure that all individuals are treated in a fair and consistent manner.

在任何组织，受纪律约束的行为是保障个人利益和实现组织目标的根本要素。这就需要为组织中的所有成员制定一个规则框架，让他们知道自己应该做什么：这些规则统称为纪律守则。这样的纪律守则必须既公正又要被统一执行，以此来确保每个人都被公正且一致地对待。

1.2 When an employee breaks the rules he must be disciplined in the way described in this Code. This means:

当雇员违反了规则，他必将受到本守则中相应的处罚，就是说：

(a) Thorough investigation into each alleged offence

对每一件所谓的违规进行彻底调查。

(b) Clear evidence of guilt or any compelling circumstantial evidence.

确凿的违规证据或任何有说服力的旁证

(c) Careful consideration into circumstances of each case before disciplinary action is taken.

在采取处罚措施之前，要仔细思考每一个违规事件的具体情况

Such action should always be prompt, fair and firm.

处罚措施要即时、公正且明确。

1.3 Since a Code of this nature cannot cover every specific case that will occur, officials must use their discretion within the framework and in accordance with the spirit of the code.

因为这样的守则不能涵盖每一个即将出现的情况，因此，管理者可以在守则规定的范围内，并根据守则的原则做出判定。

1.4 It should be remembered that the success of any disciplinary system depends entirely on the good judgment, understanding and consistent treatment by officials and their advisers. Success also depends on applying justice as swiftly as possible; unnecessary delay in hearing or disposing of cases breeds resentment.

请记住，任何纪律体系的成功完全在于管理者和其顾问的好的判断、理解及照章办事，此外还取决于能否迅速公正处理。在听证或处理过程中不必要的延缓会引起怨恨。

The Disciplinary Code: Basic principles

纪律守则的基本原则

1.5 This Disciplinary Code is based on the following principles:

该纪律守则基于以下原则：

(a) Disciplinary action should first be educational, then corrective. Only if these steps are ineffectual should other punitive action be taken;

纪律处罚首重教育，次在纠错。只有这些步骤无效时，方可采取其他惩罚措施。

- (b) The Penalty should not be given lightly. The more severe penalties may be given only by more senior officials; 不可轻率给以处罚。越重的处罚需要被级别越高的管理者执行。
- (c) To ensure equity, similar Penalties are prescribed for similar offences committed in similar circumstances. This is intended to ensure that, as far as is humanly possible, the Code is administered uniformly throughout the Company;
为确保公平，相似情况下发生的违规行为应受到相似的处罚。在人力可控范围内，尽可能在全公司内按同一标准执行该守则。
- (d) Human beings are fallible and errors may occur: an appeal system is therefore provided for;
人性有缺，错在难免。因此，需要设立上诉制度。
- (e) The overall objective of the code is to protect the Organization against indiscipline and the employee against arbitrary judgment and punishment.
纪律守则的总体目标是保护公司不因违纪而受损，保护员工不因任意判定和处罚而受害。

1.6 This Document is not intended as a substitute for good management: It is an expression of the company's policy on discipline and a guide to line officials and their advisors.

该守则不取代良好的管理。它是公司政策在纪律方面的体现，并对管理者及其顾问提供指导。

1.7 Coverage

覆盖范围

This code is intended to be used for all disciplinary offences by employees within general payroll.

该守则适用于普通雇员的违规行为。

SECTION 2 – PROCEDURE AND DOCUMENTATION

第二部分：程序和文件

2.1 Action by Supervisor when an offence is Committed or Reported.

当违规事件发生或被上报时，主管采取的措施

- 2.1.1 When an offence is alleged to have been committed or comes to light the immediate official concerned will initiate investigations and ;
当出现违规行为时，直接管理者应着手调查，并且
 - (a) either dismiss the case: or
销案，或
 - (b) give an unrecorded warning: or
给予不记档警告，或
 - (c) lay a formal disciplinary complaint in writing
给予书面形式的违纪指控
- 2.1.2 Employees accused of committing offences should be charged as soon as possible, preferably during the shift in which the offence occurred or came to light but in any event not later than the working day immediately following.
被指控违规的雇员应该尽快得到处理，最好是在违规行为发生或发现的上班时间内，但无论如何都不能晚于下一个工作日。
- 2.1.3 If a formal complaint appears warranted, but it is not practical to prepare and present the complaint form during the shift in which the alleged offence was committed, then the employee must be told of the charge at the time the complaint form is being made out.
如果违规已被证实，但无法在指控违规的当班期间准备并提交指控单，那么，在指控单准备好之后应立即通知违规雇员。
He should also be told to report to Industrial Relations Section who will arrange for the necessary

statements to be made or taken, and arrange the case hearing.

违规雇员应向劳资部门报告，以便于为他准备所需资料，安排案件听证。

2.2 Lay Off

停职

- 2.2.1 In certain circumstances the official will ensure that the accused is removed from the work place pending investigation of the case. He will take immediate steps to report the matter to the immediate supervisor who will decide whether the accused may return to work or should be laid off work pending the outcome of the investigation and the hearing.

某些情况下，管理者有权要求被告离开工作现场，以便于开展调查。但他需要立即把情况向直接主管汇报，然后，由直接主管决定是否让被告回到工作岗位或继续停职，直到调查和听证结果出来。

- 2.2.2 Generally an employee will be laid off work when his continued presence is likely to lead to a disturbance or it is necessary to avoid injury to himself or others or damage to company property or his presence is likely to hamper smooth investigations. If an employee is exonerated in the outcome, he will be paid for the shifts during which he was laid off work and re-instated in his employment.

The Industrial Relations Official should be informed of a lay off as soon as possible.

一般情况下，如果违规雇员的出勤可能引起干扰或妨碍案件调查，或对他自身或他人的引起伤害以及对公司造成损害，他将继续被停职。如果雇员经调查确定无辜，应恢复他的工作并补偿停职期间的工资。

2.3 Mandatory Lay Off

强制停职

An employee shall be laid off work immediately and removed from his place of work if he is alleged to have committed or has been involved in any of the following offence:

如果雇员被指控违规或牵连到以下违规行为，他将立即被停职并离开工作场所：

- (a) Assault;
攻击行为。
- (b) Consuming intoxicating liquor or drugs at work or reporting for work under the influence intoxicating liquor.
工作中喝酒或吸毒或者是在酒醉状态下报到。
- (c) Being, in the opinion of his Supervisor, unfit to carry out his duties, e.g. being under the influence of drink or drugs. The supervisor shall take immediate steps to confirm the condition of the employee.
主管认为他因醉酒或吸毒不能开展工作的情况下，主管将立即采取措施证实雇员的情况。
- (d) Fighting or disorderly riotous behaviour;
打架或者有暴力行为；
- (e) Threatening violence or acting violently;
使用暴力胁迫或行为粗暴；
- (f) Any act or omission which endangers the health or safety of others, or is likely to cause damage to company property;
任何危及他人健康或安全，或可能出现损害公司财产的行为；
- (g) Being found in unauthorized possession of explosives or explosive material.
被发现在未经允许的情况下携带炸药或易爆材料。
- (h) Refusing to work or to be alcohol tested.
拒绝工作或被检查发现醉酒工作。
- (I) Any other serious conduct offence, which in the opinion of Management warrants a lay off.

经理层认为需要被停职的任何其他类型的严重的行为违规。

2.4 Lay Off Advisable

建议处以停职

2.4.1 An employee may be laid off and removed from his place of work if he is alleged to have committed or have been involved in any of the following offences;

如果雇员被指控违规或有以下违规行为，可将其停职并离开工作场所：

- (a) Abusive or provocative language (when it is likely to cause a disturbance);
辱骂或煽动的言语（可能引起骚乱）
- (b) Insubordination (if the situation shows signs of getting out of control);
不服从（如果出现情况失去控制的迹象）
- (c) Persistent refusal to obey instructions
顽固地拒绝遵守指令
- (d) Suspected to have removed company property without authority, or appropriation of company funds.
被怀疑在未经允许的情况下转移或占有公司财产
- (e) Being found without reasonable excuse in an area other than his his/her usual work area.
被发现没有合理的理由出现在非正常工作区

2.4.2 An employee may be laid off if the offence with which he is charged is likely to lead to summary dismissal.

如果雇员被指控的违规行为将导致开除，则先予以停职。

2.5 Formal Charge

正式指控

2.5.2 Where an unrecorded warning is inappropriate, a formal disciplinary complaint in writing will be made on the approved form and the accused informed of the same and the details read out to him. This formal disciplinary complaint must be made where practicable during the shift in which the offence was committed or came to light.

If it is not possible to make the formal complaint during the shift, it must be done during the next working day.

若不记档警告不适用案情，则应根据批准格式做出一正式的书面纪律指控，并将详情告诉被告。在可能的情况下，此正式纪律指控表需在违规行为发生或发现的当班期准备好。如正式指控当班不能完成，则必须在第二个工作日内完成。

2.6 Preparation of Documents

文件准备

The Official making the complaint must ensure that the relevant section of the Complaint form is promptly and correctly completed. The complaint form should then be passed without delay to the appropriate official who should decide whether to:

提出指控的管理者必须确保迅速且准确地完成指控表的填写。然后，立即转交给相关的管理者，作出决定是否：

- (a) deal with it himself when the case falls within his authority; or
如果此案在他的权限之内，他将亲自处理；
- (b) lay off the accused pending full investigation of the complaint, (if this has not already been done);
and
将被告停职，并对指控做出全面调查（如果还没有开展调查）

- (c) refer the complaint to the appropriate Industrial Relations Official
将指控提交给劳资官
- (d) All complaint forms must be authenticated by a Sectional officer before passing them on to the Industrial Relations Official.
所有指控表在提交给劳资官之前，需先经部门管理者证明。

2.7 Investigation By Industrial Relations Section

劳资关系部门开展的调查

- 2.7.2 When investigating a case the Industrial Relations Official will take written statements from the complainant, the accused employee and any witness on the official statement form. The accused employee must be given the opportunity of naming all those witnesses who he thinks are necessary to ensure a fair hearing of the case. A maximum of four working days will normally be allowed for case investigation. Statements recorded by Mine Police should be supplemented by those recorded by Industrial Relations Official.
进行案情调查时，劳资官将从原告、被告和目击者那里获取填写在正式陈词表上的书面陈述。为确保案情听证的公正性，必须给予被告机会，让他提名几个必要的证人。案件的调查最长不超过四个工作日。矿警记录的陈述应作为劳资官记录的补充部分。
- 2.7.3 If the accused refuses to give a statement, this fact should be recorded on a statement form, which he should sign and witnessed by a Shop Steward. Should he persist in his refusal to sign any statement, the case will be heard and decided on the strength of the available evidence.
如果被告拒绝陈述，这一事实将被记录在陈述表上，被告需要上面签字，并且有工会代表见证。如果被告一再拒绝在任何陈词上签字，在有证据的情况下，将听审决案。
- 2.7.4 When the investigations have been completed by the Industrial Relations Official, all relevant documents will be handed to the appropriate Administering Official who will be advised when to dispose off the case in line with prescribed time limits. The Industrial Relation Official shall advise the accused employee on the date of the case hearing.
当劳资官完成调查后，所有的相关文件需递交给指定的管理者，他将根据时间限定对案件做出处理。劳资官将通知被告听审日期。
- 2.7.5 It is important that case documents are kept properly and secured.
妥善安全地保管好案件资料很重要。

2.8 The Hearing

听证

- 2.8.2 The Official concerned will wherever possible hear the case within two working days after completion of investigations, unless there are exceptional and valid circumstances that make this not possible.
在案件调查结束后的两个工作日内，只要有可能，相关的管理者都需参与听证，除非另有其他意外且合理的情况而不能听审。
- 2.8.3 The accused has the right to be accompanied by his Shop Steward who will not participate in the proceedings but will be invited to comment before a final decision is made.
被告有权要求他的工会代表陪同，工会代表不参与审案，但在决案之前将邀请他去发表意见。
- 2.8.4 Should the accused refuse to attend a case hearing within ten days after being instructed he will be liable to summary dismissal.
如果被告在接到通知后的 10 天内拒绝参加案件听证，他将立即被解雇。
- 2.8.5 The procedure to be adopted at the hearing will be as outlined below:
听证程序如下：
 - (a) Having ascertained that the particulars on the complaint form are correct, the administering

official should inform the accused employee of the charge against him, and ensure that it is fully understood in the language he understands.

确认指控表内情节属实后，管理者需通知被告关于他的指控，并确保在语言方面被告可以完全理解。

- (b) The accused employee is then asked to answer the charge and is permitted to make any further pertinent comment he may wish, notwithstanding the fact that he may have already made a recorded statement.

然后要求被告对他的指控做出回答，并允许他进一步陈述他希望表述的意见，尽管他已有声明在案。

- (c) If during the course of the hearing the administering official finds it necessary to obtain further information, the case should be adjourned to allow investigation to be undertaken. This investigation should be carried out as soon as possible.

如果在听审过程中，管理者发现有必要收集更多信息，则应暂停审理，尽快开展调查。

- (d) If the accused employee wishes further evidence to be submitted, this should also be allowed, provided that the administering official is of the opinion that such further evidence could be relevant.

如果被告希望提供更多证据，这也是允许的，只要管理者认为这些证据与案件有关。

- (e) Having satisfied himself that he has all the facts, the administering official will invite the Shop Steward (if present) to comment. He will then advise the accused employee whether or not he has been found guilty.

管理者认为案情清楚，他将邀请工会代表（如若在场）发表意见，并通知被告有罪与否。

- 2.8.6 If the findings are that the accused is innocent, he will be so informed and the finding ‘Case Dismissed’ entered on the Complaint Form. The employee’s Disciplinary Record will be cleared of all reference to the case.

如果调查发现被告是无辜的，将通知被告，并在指控表上注明“此案已取消”。雇员纪律档案上所有有关此案的记录将被清除。

- 2.8.7 Where an employee is found guilty and informed, the official will take note of:

当雇员被控告或被发现有违纪，管理者需做如下记录：

- (a) disciplinary record/纪律记录
- (b) the offender’s record of service/违规人的服务记录
- (c) any mitigating circumstances/任何取得宽大处理的情节
- (d) comments by the Shop Steward/工会代表的意见

In all cases, unexpired warnings will be taken into account when deciding the sanction.

在所有案件中，决定处罚前要考虑仍在执行中的警告。

NB: Depending on the nature and seriousness of the offence, the whole of the employee’s disciplinary record may be considered.

备注：根据违规的性质和严重性，将考虑此雇员所有的纪律记录

- 2.8.8 The offender will be informed of the penalty imposed once the administering official has made his decision.

管理者在做出决定后，应立即通知违规者应受的处罚。

- 2.8.9 The industrial Relations Official or administering official will advise the employee that if he wishes to lodge an appeal this must be done within two working days. Out-of-time appeals will not be considered unless the employee can advance reasonable grounds for the delay.

如果雇员想上诉，劳资官或管理者应建议他在两个工作日内提起上诉。超过期限将不予考虑，

除非雇员对延误有充分的理由。

2.9 Record of Proceedings

处理记录

- 2.9.2 It is imperative in the individual's and the Company's interest that all proven offences and disciplinary action are accurately recorded on the employee's personal record card/conduct sheet.
为了公司和个人利益，应在雇员的个人记录卡或行为记录表上准确记录所有被证实的违规和违纪行为。
- 2.9.3 The statements, complaint forms and other disciplinary records MUST be retained, these may be required even after an employee has left service.
妥善保留陈述、指控表和其他违规记录，因为这些记录可能被查阅，即使在雇员离开公司后。

2.10 Time Limits

时限

- 2.10.2 Time limits set out below have to be followed in the procedure outlined above:
根据上述程序遵守以下时间限制：
- (a) The employee must be charged or told to present himself to the official for the complaint to be heard during or immediately following the shift during which the alleged offence was committed or came to light.
雇员必须在违规行为被指控或被发现的当班期间或随后的当班时间，向管理者报告。
- (b) A period of four working days will normally be allowed for case investigation. In the case of very serious, complex or possibly criminal cases this time limit may be extended.
正常情况下，用四个工作日开展调查。对于情节严重、复杂或者是涉及犯罪的案件，调查时限可以延长。
- (c) The case hearing should be held within two working days wherever possible.
案件听审尽可能在两个工作日内进行。
- (d) The first appeal should be heard within three working days of being lodged, second within five working days.
第一次上诉提出后，在三个工作日内进行听证，第二次上诉后在五个工作日内听证。

2.11 Procedure for Criminal Offences

涉及犯罪案件的程序

- 2.11.2 In cases of a criminal nature, statements should be taken before Zambia Police are involved. Opinions on guilt should be recorded at the time. It is appreciated that it is not always possible to take statements in certain cases e.g. where the employee may be violent and/or incoherent. However statements from witnesses should still be obtained.
如果案件涉嫌犯罪，在赞比亚警察参与之前要准备好陈词。有关犯罪的意见也要做好记录。在一些情况下不可能记录陈词，这是可以理解的，比如雇员当时可能很凶暴或思维混乱。但是，目击者的证词应该被记录下来。
- 2.11.3 It should be noted that any action taken in such cases under this code is of a domestic nature and designed to enforce industrial discipline. It is independent of any police action in criminal cases. That is to say, even if criminal guilt is not established appropriate disciplinary action may still be taken.
需要注意的是，在该守则中对此类案例采取的任何措施都属内部事件，旨在加强劳动纪律。任何的警方行为在此类案件中都是独立的。也就是说，即使犯罪不成立，也要采取相应的纪律处罚。
- 2.11.4 The statement and other disciplinary records in such cases MUST NEVER at any time and for any reason be handed over to Zambia Police as these are obtained purely for our administrative

procedure only.

在此类案件中，陈词和其他纪律记录在任何时候，因任何原因都不可以转交给赞比亚警察，因为这些资料的获取仅仅是为了开展我们自己的行政管理。

SECTION 3 – CLASSIFICATION OF OFFENCES

第三部分：违规的分类

3.0 Introduction

引言

Offences have been classified into five major categories as follows:

违规分为以下五类：

- a. Category 1 – Absenteeism/旷工
- b. Category 2 – Offences Relating to Substandard performance/因工作表现不合标准导致的违规
- c. Category 3 – Offences Relating to Indiscipline or Disorderly Behavior/因不遵守纪律造成的违规
- d. Category 4 – Offences Relating to Theft or Fraud/因偷盗或欺骗造成的违规
- e. Category 5 – Unconstitutional Industrial Action/违反宪法的行为

3.1 Absenteeism

旷工

Absenteeism in this contest means:

在这里旷工是指：

- (a) absence from work without permission, for the whole shift or part of a shift as in 4.9
未经允许，擅自离职（全班或几个小时，正如 4.9 中所规定）
- (b) Poor Time-keeping and related offences: reporting late for work, leaving work early, extended or unauthorized breaks during working hours.
不遵守时间限制或相关的违规：迟到，早退，在工作时间未经允许私自休息或休息时间过长。

3.2 Offences Relating to Sub-standard Performance

因工作表现不符标准造成的违规

3.2.1 Sleeping on duty

上班时间睡觉

Any employee who, being found asleep on duty whether or not such action constitutes a hazard to the safety and health of the offender or others, or leads to damage to company property, shall be deemed guilty of an offence.

任何雇员被发现在上班时间睡觉，无论这种行为是否对违规者自己或他人的健康和安全造成伤害，是否对公司的财产造成损失，都将视为违规。

3.2.2 Negligent Loss, Damage or Misuse of Company Property

损害、滥用公司财产或因疏忽大意造成损失

- (a) Negligent loss of company property: any act whereby an employee, through carelessness or negligence, losses company property or fails to account for it satisfactorily.
因疏忽造成公司财产损失：雇员因粗心、疏忽造成公司财产损失或不能对此给出令人满意的解释。
- (b) Negligent damage to Company property: any act whereby an employee is dependant through carelessness or negligence, causes or allows Company property to be damaged
因疏忽损坏公司财产：由于雇员的粗心和疏忽造成公司财产被损坏。

3.2.3 Unsatisfactory Work Performance

不能令人满意的工作表现

- (a) Carelessness: performance of task or duty without the exercise of due care and attention.
粗心：在执行任务时，不用心，不专注
- (b) Negligence: failure to exercise proper care and regard to the manner of discharging duty to the extent that

tasks have to be repeated or equipment or persons are at risk of damage or injury.

疏忽：由于没有细心认真地执行工作导致返工，或使人员或设备处于受伤或受损的危险中。

- (c) Inefficiency: failure to carry out work promptly or to the required standard without reasonable cause.

零效率：没有合理的原因，不能及时开展工作或工作质量不达标。

- (d) Loafing: passing time idly or failing without reasonable cause to complete task set.

工作散漫：荒废时间或在没有合理原因的情况下没有完成工作。

- (e) Negligent Failure: failure to report for work with a reasonable complement of tools of trade or failure to wear personal protective clothing.

疏忽造成的失误：没有合理的理由不去上班，或没有穿工作服。

3.3 Offences Relating to Indiscipline or Disorderly Behaviour

无纪律或不守秩序造成的违规

3.3.1 Disobedience and Related Offences

违抗和相关的违规

- (a) Refusing to obey an instruction: deliberate refusal to carry out a lawful instruction given by a person in authority.

拒绝服从指令：故意拒绝执行持有权力的人发出的合法指令

- (b) Failing to obey an instruction: failure to obey a lawful instruction given by a person in authority.

未能服从指令：未能服从由权力持有人发出的合法指令

- (c) Non-compliance with established procedures/standing instructions: failure to follow established procedures or failure to handle complaints or grievances in the prescribed manner.

不遵循建立的程序或常规指令：未能遵守已建立好的程序或未能按照指定的方式处理抱怨。

- (d) Refusing to work overtime: failure to work overtime when required to do so in terms of any subsisting agreement between the company and the employee.

拒绝加班：根据公司与雇员之间的协议，未能按要求加班工作。

3.3.2 Abuse and Related Offences

辱骂和相关的违规

- (a) Abusive language: the uttering of any words or the publication of any writing expressing or showing hatred, ridicule or contempt for any person or group of persons. The offence is more serious when is wholly or mainly because of his/her/their race, tribe, religion, place of origin or colour.

辱骂性语言：说出的话或者是任何出版物表现出对个人或集体的轻视、嘲笑或憎恨。如果完全或主要因为他/她/他们的民族、部落、地区、出生地或肤色而嘲笑他人，这种违规更为严重。

- (b) Insubordination: insolence towards a supervisor shown by demeanor, action or words.

不服从：通过行为、动作或话语在上级面前表现出傲慢。

3.3.3 Disorderly Behaviour and Related Offences

行为的无序和相关的违规

- (a) Disorderly behaviour (horseplay): including any rough or unruly behaviour which endangers the safety or health of others or the smooth running of the work.

无序行为（胡闹）：包括任何粗鲁或不守规矩的行为，危及他人安全和健康或工作的顺利开展。

- (b) Threatening violence: threatening to do physical harm or injury to any other person.

威胁性暴力：威胁对他人进行身体伤害

- (c) Assault or attempted assault: occasioning or attempting to occasion bodily harm to any other person.

攻击或企图攻击：企图对他人进行身体伤害

- (d) Fighting: physical combat with any other person who retaliates.

打架：报复性殴打

- (e) Riotous behaviour: in concert with one or more persons, engaging in or inciting a group of persons to

indulge in disorderly behaviour or to willfully damage Company property.

暴动行为：一个人或多个人煽动一群人违规或蓄意破坏公司财产。

3.3.4 Alcohol or Drug Offences

酗酒或吸毒造成的违规

- (a) Incapable or not working properly whilst apparently under the influence of alcohol and/or drugs.
由于酗酒或吸毒，不能或没有正常工作。
- (b) Being in possession: being in possession of alcohol and/or whilst on duty.
携带酒或毒品：在上班期间携带酒或毒品
- (c) Taking alcohol or drug whilst on duty.
在上班期间喝酒或吸毒。

3.3.5 Willful loss, Damage or Misuse of Company property

蓄意遗失、破坏、滥用公司财产

- (a) Willful loss: any act whereby an employee willfully or deliberately losses or causes company property to be lost.
蓄意遗失：雇员蓄意或故意丢失公司财产或者造成公司财产丢失。
- (b) Willful damage: any act whereby an employee willfully or deliberately damages Company property.
蓄意破坏：雇员蓄意或故意破坏公司财产。
- (c) Misuse of company property: using company property or accommodation/ office for a purpose other than that for which it is intended.
滥用公司财产：因为其他目的而使用公司财产、房屋、办公室。

3.4 Offences Relating to Theft or Fraud

与偷盗欺骗相关的违规

3.4.1 Bribery or Corruption

行贿或腐败

- (a) Giving or receiving or attempting to give or receive any bribe or inducing or attempting to induce any person to perform any corrupt act.
行贿、受贿、企图行贿或企图诱导任何人做出腐败行为。
- (b) Aiding and abetting- concerting with another person to do wrong
协助或教唆其他人做错事。

3.4.2 Giving false evidence

提供虚假证据

Deliberately giving untrue, erroneous or misleading information or testimony whether spoken or in writing.
以口头或书面形式故意提供不真实的、错误的或误导的信息或证据

3.4.3 Falsifying and altering

伪造或改变

- (a) Falsifying or changing any document with fraudulent intent or attempting to do so.
以欺骗为目的，伪造或替换任何文件。
- (b) Altering or attempting to alter documents.
改变或企图改变文件。

3.4.4 Unauthorized Removal or Related Offences

未经允许转移或相关的违规行为

Being found in possession of Company property without authority or removing Company property from plant and works area without authority.

在未经允许的情况下被发现占有公司财产，或者没有得到允许将公司财产从矿区和工作场所搬走。

3.4.5 Misappropriation

挪用

Applying or attempting to apply to a wrong use or for any unauthorized purpose any funds, assets or property belonging to the Company.

为了达到个人目的，利用或企图利用公司资金、资产或财产。

3.4.6 Offences relating to breach or repudiations of contractual obligations

因违背合约规定义务引起的违规

(a) unauthorized disclosure of confidential information,

未经允许败露保密信息

(b) concealing of information on previous employment,

隐瞒以前的雇佣信息

(c) secret commissions – acceptance of payment in cash or in kind in return for discriminatory treatment.

隐秘佣金-因为给予区别对待，而接受现金或以货代款

3.5 Unconstitutional Industrial Action

违反宪法的劳工行动

3.5.1 Strike Action

罢工

Any concerted action by two or more employees to withdraw their labour, or “go slow” or “work to rule” or otherwise interfere with the normal operation of the Company in furtherance of a trade dispute or with the object of compelling the Management to take or refrain from taking any specific action, where the matter or matters in dispute have not been processed through all the relevant procedures set out in the Recognition Agreement and in any law for the time being in force relating to the settlement of industrial disputes and grievances.

两个或两个以上的员工协同撤走劳工、怠工或妨碍公司正常生产经营的行为，或者，对处于争议中且没有按照认同协议或相关法律程序解决的问题，管理层要采取相应措施，而雇员企图强迫管理层接受或停止采取措施的行为。

3.5.2 Incitement to Strike

煽动罢工

Any act by an employee to incite, persuade or encourage an employee to take any unconstitutional strike action of the nature, and in the circumstances, referred to in 3.5.1

正如在 3.5.1 中描述的情况下，雇员煽动、劝诱或鼓励其他雇员进行违反宪法的罢工行动。

3.5.3 Intimidation

胁迫

Any act by an employee, whether by himself or in concert with other persons (whether or not such other persons are employees) to intimidate any employee with the object of compelling him to take any action referred to in 3.5.1. Intimidation is an offence even if all the procedures for the settlement of a dispute contained in the Agreement and the Law have been exhausted.

雇员自己或协同其他人（不管这个人是不是我们的雇员）胁迫任何其他雇员采取 3.5.1 中所述的行动。胁迫是一种违规行为，尽管是按照协议和法律中解决争议的程序进行处理。

3.5.4 Sabotage / Willful damage to property

蓄意破坏财产

Any act by an employee to interfere with the normal operations of the Company by damaging any plant, machinery equipment or installation or by interrupting any supplies of power, fuel, materials, water or services necessary to the operations.

雇员通过破坏厂区、机械设备或设备安装、中断生产必须的电力、燃油、材料、水、服务的供应，妨碍公司正常经营的行为。

SECTION 4 – SANCTIONS

第四部分：处罚

4.0 Introduction

简介

4.0.1 This Disciplinary Code is based on the principles outlined in the introduction and re-stated here in detail:

本纪律守则基于引言中所述的原则，在此详细复述如下：

(a) In general, disciplinary action should in the first instance be educational and then corrective. Punitive action should be taken when the earlier steps have proved ineffectual.

总的来说，纪律处罚首重教育，次在纠错。只有这些步骤无效时，方可采取其他惩罚措施。

(b) Punishment should not be given lightly; the authority for imposing punishment is therefore reserved to officials of the appropriate responsibility and seniority.

不可轻率给以处罚。有适当职责和级别的管理者才有权给以处罚。

(c) As far as is practicable, similar offences committed in similar circumstances should be treated equitably through the imposing of similar punishments.

尽可能地对情节相似的违规做出同样的处理，给予相似的处罚。

(d) Since every disciplinary system is dependent on human judgment, errors may occur. An appeal system is therefore an integral part of the Code.

因为每一个纪律体系都依赖于人的判断，误差难免出现。所以，上诉体系就成了守则不可或缺的一部分。

4.0.2 This section therefore provides Company officials with guidelines for the uniform application of disciplinary measures and provides a reference for officials engaged in administering discipline. The following paragraphs contain a schedule of penalties indicating the type of offences which may arise and sanctions which may be imposed and the levels of official authorized to impose them.

因此，这一部分为公司管理者提供了一个统一采取纪律措施的指导方针，并且为执行纪律的管理者提供了参考。

下面的段落包含一个处罚表，标明不同级别的管理者对不同类型的违规给予不同的处罚。

NB: It must be emphasized that this schedule of penalties provides guidelines only, and depending on the circumstances of the case, an offence may warrant a more or less severe penalty than that laid down.

备注：需要强调的是，这个处罚表仅提供指导，根据案情不同的情节，可能会给出稍重或稍轻的处罚。

4.1 Unrecorded Warning

不记档警告

4.1.1 When minor breaches of Company rules and similar offences have been committed by an employee, the supervisor at his discretion may verbally reprimand an employee without completing a complaint form, in which case there will be no entry made on the employee's Disciplinary Record.

当雇员轻微违反公司规定或有类似违规时，监管人员不用填写指控表，只给予口头训诫，这种违规也不必记入该雇员的纪律档案。

4.1.2A reprimand may be given for a first offence of:

第一次有如下违规时将给予训诫：

- (a) poor timekeeping/不守时
- (b) unsatisfactory work performance/不令人满意的工作表现
- (d) poor house keeping/内务管理不好
- (e) poor supervision/监管不利

4.2 Severity of Sanctions

处罚力度

Sanctions, in order of increasing severity, are:

处罚力度按以下顺序依次增加:

- (a) Recorded warning/记档警告
- (b) Severe warning/严重警告
- (c) Final warning/最后警告
- (d) Dismissal/Termination/解雇

Note that it is not mandatory to progress an employee through each step automatically. For example, an employee who is on a Recorded Warning may, if the gravity of the offence warrants it, be given a Final Warning, with or without punitive suspension.

需要注意的是,不是强制要求必须按以上每一步来处罚雇员。比如,一个雇员被给予记档警告,但根据违规的严重程度,可以经过或不经惩罚性停职给予最后警告。

4.2.1 Levels of Recorded Warning

记档警告的分级

When unrecorded warning is considered inadequate because of the nature of the offence or when previous unrecorded warnings have not achieved the desired correction, the supervisor will lay a formal complaint in order to have the case formally dealt with and in order to have an entry made on the employee's Disciplinary Record.

若因违规性质或以往给予的记档警告没有达到预期的纠错目的而认为只给予记档警告不够适当时,监管人员将提出正式指控,使案件得到正式处理,并记录在雇员的纪律档案中。

4.2.2 In increasing order of severity, there are three levels of recorded warnings:

根据情节的严重性,记档警告分为以下三个等级:

- (a) Recorded Warning/记档警告
- (b) Severe Warning/严重警告
- (c) Final Warning/最后警告

4.3 Recorded Warning

记档警告

4.3.1 This may be given for a repetition of an offence for which a reprimand has been given or it may be given for a first minor offence of:

如果雇员已经被给予训诫,可能还会给予记档警告,或者是第一次轻微违规时,也会被给予记档警告:

- (a) absenteeism (not more than two days)
旷工(不超过两天)
- (b) loss, damage or misuse of Company property
丢失、破坏或滥用公司财产
- (c) disobedience and related offences
不服从或相关的违规行为
- (d) abuse and related offences
辱骂行为或相关的违规
- (e) disorderly behaviour.
无秩序的行为

4.3.2 The employee must be informed that the warning will remain in force for a period of six months.

必须通知雇员,警告有效期为6个月。

4.3.3 Recorded warning may be awarded by officials at Shift Boss/Foreman or equivalent level and above.

班长、领班或更高级别的管理者可以对雇员执行记档警告。

4.4 Severe Warning

严重警告

- 4.4.1 This may be given when an employee on a Recorded warning commits any offence or for a first offence of the following nature:

如果被给过记档警告的雇员有任何违规行为或者是第一次有以下违规行为时，给予严重警告：

- (a) loss, damage or misuse of Company property through negligence

因为疏忽丢失、破坏或滥用公司财产

- (b) breaches of Company rules and similar offences

违反公司规定或相似的违规

- (c) absenteeism of three to four consecutive days

连续 3 天或 4 天旷工

- (d) Cases of sleeping on duty

上班时间睡觉

- (e) Gross negligence of duty

疏于职责

The warning may be accompanied by suspension of up to seven days.

这类警告还将处以 7 天的停职。

- 4.4.2 The employee must be informed that the severe warning will remain in force for a period of twelve (12) months.

必须通知雇员，严重警告的有效期为 12 个月。

- 4.4.3 A severe warning may be awarded by officials at Shift Boss/Foreman or equivalent level and above.

班长、领班、同级别或更高级别的管理者可以对雇员执行严重警告。

4.5 Final Warning

最后警告

- 4.5.1 This may be given for a repetition of the same offence when a Final Warning has just expired or any offence during a period when a severe warning is still effective or for a first offence of the following nature.

如果给出的最后警告已过期，或在严重警告仍然有效时出现任何违规行为，或者是有以下违规，将被给予最后警告：

- (a) absenteeism of five consecutive days;

连续 5 天旷工

- (b) offences relating to unconstitutional industrial action;

与违反宪法的罢工行为相关的违规

- (c) serious misuse or damage to Company property;

严重滥用或破坏公司财产

- (d) false accusations – written or verbal

错误谴责—以口头或书面形式

- (e) being under the influence of alcohol or drugs while on duty when the circumstances do not warrant a more severe penalty

醉酒或吸毒后上班，但不能给予更严重的处罚时。

- (f) Horse play

胡闹

- (g) threatening violence

威胁性暴力

- (i) Sexual act/harassment/advances at place of work

性行为/骚扰/在工作场合求爱

- 4.5.2 The final warning is effective for a period of twelve (12) months. The employee is advised in writing of the period applicable, and informed that the committing of any offence within the prescribed period will lead to his dismissal. Only officials at Shift Boss/Foreman level and above may impose a Final Warning and suspension of up to fourteen 14 days.

最后警告的有效期为 12 个月。以书面形式通知雇员有效期，并告诉他如果在此期间有任何违规行为，将被解雇。班长、领班或更高级别的管理者可以对雇员执行最后警告并处以 14 天的停职。

4.5.3 Extension to Warnings

警告延期

There will be no extensions to warnings

警告不可以延期。

4.6 Punitive Suspension

惩罚性停职

4.6.1 Punitive Suspension may be used where severe or final warnings alone are inadequate and should not be used in isolation. It is not a step in the Disciplinary Code but an additional measure that may be applied to reinforce such warning.

只给予严重警告或最后警告的处罚不够充分时，可采用处罚性停职，但处罚性停职不可单独使用。在纪律守则中没有这一步骤，但为了加强警告，可作为附加措施。

4.6.1 Punitive suspension of up to 7 days may be imposed by an official at Shift Boss/ Foreman level and above. Any suspension in excess of seven days may be imposed by an official at Sectional Officer level and above, up to a maximum of 14 days.

班长、领班或级别更高的管理者可以执行 7 天的处罚性停职。任何超过 7 天的停职，由部门管理者执行，最长不超过 14 天。

4.7 Summary Dismissal

解雇

Summary Dismissal is the final sanction and should be used;

解雇是最后的处罚，适用于以下情况：

- (a) When other forms of disciplinary action have failed; or
其他形式的纪律行为无效时，或
- (b) When an employee on a Final warning commits any offence; or
给予最后警告的雇员再次违规时，或
- (c) offences relating to theft or being in possession of Company property without authority, concealing of information of unauthorized removal of company property, fraud, corruption, assault or fighting
未经允许私自占有公司财产或偷盗公司财产，隐瞒信息，未经允许搬运公司财产，欺骗，腐败，辱骂或打架
- (d) When an employee is absent from work without permission for six consecutive days for whatever reasons; or
无论以什么理由，未经允许连续旷工 6 天
- (e) When the offence committed is of so serious a nature that it amounts to a breach or repudiation of contractual obligation e.g.
当违规行为性质极其严重以至于违反或否定合约义务时：
 - (i) Confidentiality – unauthorized release of confidential information acquired by virtue of position to third parties with or without interest.
保密—由于职位关系将获知的保密信息在未经允许的情况下透露给第三者，不管有没有利益存在。

- (ii) Concealment of information on previous employment
对以前雇员的信息的隐瞒
- (iii) Secret commissions/bribery – working for a rival employer or acceptance of payment in cash or in kind in the return for discriminatory treatment in the award of contracts, tenders, employment etc.
受贿-为竞争对手工作或在授予合同、竞标或雇佣时因收取现金或接受贿赂而徇私处置。
- (iv) When an employee has participated in an unconstitutional industrial action.
雇员参与违反宪法的罢工活动。
- (v) When an employee is found guilty of cases related to theft, fraud, or unauthorized possession of explosive material.
因偷盗、欺骗、未经允许私藏炸药，视为有罪。

Summary Dismissal may be effected only by sectional officer level and above.

部门管理者和更高级别的管理者可以执行解雇处罚。

4.7..1 In the event that an employee misappropriates/unlawfully removes company property and the Company fails to recover such property, the case shall be referred to state police for further prosecution.

如果雇员盗用或非法搬走公司财产，而公司又没能收回这些财产，那么，该案件将转交给赞比亚警察进行起诉。

4.8 Demotion

降级

- 4.8.1 Demotion is only to be used in cases of proven poor work performance. That is, it is used ONLY where the employee is unable to meet the requirements of his present job but is suitable for continued employment in a lower capacity.
降级只针对工作表现差的雇员。也就是说，雇员不能满足目前的工作要求，但可以继续从事能力要求低的工作。
- 4.8.2 As a general rule, the employee may not be demoted to a grade lower than that from which he was last promoted except in the case where, in the opinion of management the employee is incapable of performing as a supervisor, then he may be demoted to a suitable job.
一般来说，雇员不会被降级到低于他最后一次进级的级别，除非管理层认为他不能胜任监管时，才可以被降级到一个合适的岗位。
- 4.8.3 Demotion may be effected only by Sectional Officer level and above.
部门管理者和更高级别的管理者可以执行降级。

4.9 Payment for incomplete Shift

对不完整班次的工资支付

If an employee absents himself for any reason without authority after working part of the shift, he will not be paid for any part of that shift, he will be marked “Absent” for the shift and disciplined for the offence accordingly.

如果雇员未经允许，无论以什么理由，没有上完班次就离开工作岗位，不会对他所上的部分班次支付工资，他将被给予缺勤记录及相应的违规处罚。

SECTION 5 – GUIDANCE TO LINE OFFICIALS

第五部分：对一线管理者的指导

- 5.1 The action to be taken in disciplining an offender will depend, not only on the seriousness of the offence, but also on the disciplinary and service record of the offender.
对违规者给予纪律处罚时，不仅要看违规的严重程度，还要看违规者的纪律和服务记录。

It should be noted that certain factors might either aggravate or mitigate an offence. For example an employee with long service and a good record may be treated more leniently as a first offender than another employee with short service. On the other hand, an offence by an employee who should set an example may be considered more serious. If a supervisor steals, the offence is aggravated by his position.

需要注意，一些因素会加重或减轻对违规的处罚。比如，服务时间长，记录良好的雇员第一次违规时，对他的处罚就比其他服务时间短的雇员更宽容。另一方面，对于本应该树立榜样的雇员的违规行为又会处罚得更重一些。如果一位监管偷盗，由于他所处职位的原因，对他的处罚会更重。

Similarly, if trustworthiness is essential to a job e.g. in the case of a Pay Clerk – any breach of trust aggravates the offence.

同样，诚信对于工作是必要的，例如出纳员，任何违背诚信的行为都会加重对违规的处罚。

- 5.1.2 The probable consequence of the offence should be considered. Negligence on the part of employees responsible for the safety or health of others should be regarded as particularly serious, as in the case where a Winding Engine Driver attempts to work under the influence of liquor or drugs or is found sleeping whilst on duty.

违规可能造成的后果需要考虑。有些雇员要对他人的安全和健康负责，他们的疏忽造成的违规就更应该严肃对待。比如，提升设备操作员醉酒或吸毒后工作，或在上班时间睡觉。

- 5.1.3 Persistent offenders who have no outstanding warning may therefore be awarded more severe penalty than a first offender. That is, it is not mandatory to return to the first stage in any given case.

那些屡次犯规但没有得到严重警告的违规者与初次违规者相比，应给予更严重的处罚。也就是说，在处理任何案件时，没有强制要求一定要从处罚的第一步开始。

- 5.1.4 Whenever the administering official decides, because of such considerations as those above, to impose a more lenient or more severe penalty than usual in relation to the type of offence, he should make a brief note to this effect on the case record.

管理者无论在何时因为上述原因要对违规行为处以较重或较轻的处罚时，他应该在案件记录中对此做出简要记录。

SECTION 6 – THE ROLE OF THE INDUSTRIAL RELATIONS SECTION

第六部分：劳资关系部门的角色

The maintenance of discipline is strictly a function of line management. Officials of the Industrial Relations Section should be available to assist line management at every stage on such matters as the incidence and seriousness of offences, and any implications of proposed disciplinary action on industrial relations with the official hearing the case, ensures that procedures are consistent in all departments and are in conformity with this Code.

严格维护纪律是管理者的职责。劳资关系部门应该协助各级管理者处理违纪行为，以及关于劳资关系纪律处分进行正式听证的任何事宜，以此来确保处理程序在所有部门是一致的，而且是按照本守则执行的。

- 6.1 Officials of the Industrial Relations Section should be available to advise and assist employees on all disciplinary matters.

在所有的纪律问题上，劳资官应该对雇员给以建议和帮助。

- 6.2 Industrial Relations officials **MUST NOT** impose penalties nor hear appeals, except in respect of their own subordinates.

除非是自己的属下，否则劳资官不能执行处罚或参加听证。

- 6.3 The line official of the accused employee will hear all such cases.

被指控的雇员的直接管理者将参与所有听证。

- 6.4 The Industrial Relations Section is Responsible for:

劳资关系部门职责如下：

- (a) Ensuring that the complaint form properly identifies the offence and is correctly completed.
确保指控表能恰当鉴别违规行为且填写正确。
- (b) Ensuring that the accused employee is aware of the charges against him.
确保被指控的雇员知道对他的指控。
- (c) Interviewing and taking statements from the accused employee and the witnesses. Statements must be read over to the individual concerned and witnesses and duly signed as being correct.
约见被指控雇员和目击者，并记录证词。证词必须要读给相关人员和目击者听，并让他们签字，以确保证词的正确性。
- (d) Investigating the domestic circumstances of the accused employee when this is felt to be necessary; for example, when a domestic crisis is offered as a reason for absence or in support of a plea of mitigation.
如果认为有必要，需调查被指控雇员的家庭情况。比如，以家庭危及作为缺勤的理由或以此来恳请减轻处罚。
- (e) Ensuring that all the facts are collected, marshaled and presented without bias.
确保收集到所有的事实证据，汇集整理后没有偏见地呈交。

SECTION 7 – THE ROLE OF THE UNION – MUZ/NUMAW

第七部分：工会的角色—MUZ/NUMAW

- 7.1 (a) When an employee, against whom formal disciplinary proceedings are held, is a member of the union he may at his request be accompanied at the initial hearing by his Shop Steward; at an appeal at Assistance Superintendent/Superintendent level by his shop Steward or Chief Shop Steward for his Department and at General Manager level by his Shop Steward and one elected member of the Mine-workers' Union of Zambia Branch Executive.
当工会成员受到正式的违纪起诉时，他可以要求工会代表参加首次听证。在申诉中，主管助理或主管级别的工会代表，或者是他部门的首席工会代表，还可以是总经理级别的工会代表和被挑选的赞比亚矿山工人协会分会的总代表参与。
- (b) An employee who is not eligible for representation by the Mineworker's Union of Zambia should be advised that he may be accompanied by a general payroll non-represented employee of his own choice from the same working department.
如果雇员在赞比亚矿山工人协会中没有合法身份，可以建议他在本部门选择一个普通雇员来陪同。
- 7.2 The employee organization has no right to insist on the employee being accompanied if he does not wish it; that is, a Shop Steward or Chief Shop Steward will attend a disciplinary hearing only at the request of the employee. He will take no active part in the proceedings, but will be invited to comment before their conclusion.
如果雇员不愿意被陪同，雇员团体无权坚持要求他。也就是说，工会代表只有在雇员要求的情况下，才参加听证，而且在整个过程中不能太主动，但是，在听证结束前将邀请他们发表意见。
- 7.3 Any case that has been dealt with by the General Manager or his nominee under the disciplinary appeals procedure WILL NOT be the subject of negotiation, nor will it be further pursued under the Disciplinary Code nor under the Grievance Procedure, but the employee organization may raise the matter informally at the discretion of the Company under (Clause 1.4.8 (a) of the schedule) of the Recognition Agreement.
由总经理或他提名的人根据纪律申诉程序处理的所有案件，都不再被商议，也不再按纪律守则或申冤程序被追踪。但是，雇员团体可以按照认可协议中的相关条款非正式地提请公司酌情处理。
- 7.4 In terms of the Recognition Agreement with the Unions, the Unions agree that in all disciplinary proceedings the decision of the General Manager shall be final.
根据同工会签署的认可协议，工会同意在所有纪律处理中，总经理的决定为最终决定。
However, nothing in the Agreement precludes the parties from consulting together informally and outside the terms of the Agreement on any matters of mutual concern.

然而，协议并不排除双方就共同关心的协议之外的问题进行非正式的磋商。

SECTION 8 – APPEALS

第八部分：申诉

8.1 The Right of Appeal

申诉权

Every employee has the right to appeal against any decision which involves an entry on his disciplinary record and which may thus affect his future employment prospects.

每一个雇员都有权对记入其记录且关系到他日后事业前程的决定提起申诉。

8.2 Levels of Appeal

申诉级别

When an employee wishes to appeal against disciplinary action has been taken against him, the following procedure will be used:

当雇员希望对他的指控进行申诉时，可遵循以下程序：

- (a) First appeals against Recorded and severe warning will be heard at Sectional Officer level. Final appeals against Recorded and Severe warning will be heard at Assistant superintendent level.

对违纪记录和严重警告的第一次申诉由部门经理层次的管理者参与听证。而最后一次听证由主管助理层次的管理者参与。

- (b) First appeals against Final warning will be heard at Assistant Superintendent level. Final appeals against Final warnings will be heard at Superintendent level.

对最终警告的首次申诉由主管助理级别的管理者参与听证，而最后一次申诉由主管参加。

- (c) First appeals against Demotion and Dismissal will be heard at Assistant Superintendent or Superintendent level depending on departmental structure. Final appeals against Demotion and Dismissal will be heard by the General Manager or his nominee.

对降级和解雇的第一次申诉由主管助理或主管参与听证，具体要看部门的结构体系。最后一次申诉由总经理或他提名的人参加听证。

- (d) Where the Assistance Superintendent is involved in the imposition of any sanction against an employee the employee may first appeal to the superintendent and finally to the General Manager or his nominee.

如果是主管助理对雇员做出处罚时，雇员可以先向主管申诉，最后向总经理或他提名的人申诉。

8.3 Applications for Appeals

申诉申请

8.3.1 Appeal applications must specify;

申诉申请必须详细说明以下内容：

- (a) whether the appeal is against the finding or the sentence

申诉是针对事件真伪还是判决

- (b) grounds for appeal

申诉理由

- (c) pleas in mitigation (if desired)

恳请减轻处罚的理由（如果希望）

8.3.2 Management has a right to review case decisions

管理层有权重审判决

8.4 Time Limits

时限

- 8.4.1 An employee who wishes to appeal must notify the Departmental Personnel Officer (DPO) within two working days after the imposition of the penalty, and must state the grounds of his appeal. Out-of-time appeal may only

be considered when there is a reasonable excuse for the delay.

在给予处罚后的两个工作日内，希望提起申诉的雇员必须通知本部门人事官，并陈述申诉缘由。如果申诉被延误，只有给出合理的原因时，才可以予以考虑。

- 8.4.2 Appeals will be heard within three working days of being lodged at the Departmental level and five working days at the Management level.

申诉提起后的三个工作日内，由部门参与听证，五个工作日内由经理层参与听证。

8.5 Attending the Hearing

参与听证

- 8.5.1 The employee will attend the hearing of his appeal. If he is a member of the Union and Eligible for representation, he may, if he so wishes, be accompanied:

雇员将参加他的申诉听证。如果他是工会成员，如果他愿意，可以由以下人员陪同：

- (a) By his Shop Steward or Chief Shop Steward when the appeal is at the Superintendent level or below.
如果申诉由主管或以下人员参与听证时，由工会代表或首席工会代表陪同。
- (b) By his Shop Steward or Chief Shop Steward and an elected member of the MUZ Branch Executive when the appeal is heard by the General Manager or his nominee;
如果申诉是由总经理或他提名的人参加听证时，由工会代表，或首席工会代表以及 MUZ 分会的领导陪同。
- (c) Non-represented employee may be accompanied by a non-represented general payroll colleague from the same department.

非工会成员由本部门的非工会普通雇员陪同。

- 8.5.2 He may make a statement by way of explanation or in mitigation of the offence.

他可能以解释或恳请减轻处罚的方式做出陈述。

- 8.5.3 When fresh evidence is produced which in the opinion of the hearing the appeal could alter the initial decision, the case should be referred back to the official who heard the case or appeal at the next lower level.

当获得新的证据，根据听证需更改最初的决定时，案件需被返给参加听证的管理者，或向下一级管理者提起申诉。

- 8.5.4 If an employee fails to attend the hearing of his appeal he will be given written notice of this fact and another date will be arranged to hold the hearing. If the employee fails to attend for a second time. It will be assumed that the employee no longer wishes to pursue the appeal and the appeal will be considered as closed and the previous penalty shall prevail.

如果雇员没能参加对他申诉的听证，他将被给予书面通知，另外安排时间进行听证。如果雇员再次没能参加听证，就认为雇员不再希望追踪申诉，申诉就此结束，执行以前做出的处罚。

The resultant judgment will be communicated to the employee in writing by the Superintendent Human Resources and duly recorded as set out in 2.9

判决结果将由人事主管以书面形式告知雇员，并按照 2.9 中的要求进行记录。

- 8.5.5 Whenever an appeal is dismissed, the administering official shall state in writing reasons for dismissing the appeal.

当申诉被拒绝，管理者要以书面形式解释拒绝的原因。

DISCIPLINARY CODE AND
GRIEVANCE PROCEDURE FOR
SENIOR STAFF

高级雇员纪律守则

EMPLOYEES OF GRADE G11 AND ABOVE DISCIPLINARY

CODE AND GRIEVANCE PROCEDURE

高级雇员纪律守则和申诉程序

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NFC Chambishi Mine Plc

中色非洲矿业公司

Disciplinary Code

纪律守则

1.0 Introduction 概论

Discipline: A Definition 纪律的定义

DISCIPLINE IS DEFINED AS A SYSTEM OF RULES DESIGNED TO PROMOTE ORDERLY CONDUCT.

纪律是一种规则体系，制定纪律来提高有序的管理经营。

- 1.1** In any organization, disciplined behaviour is essential for the well-being of the Individual and the successful achievement of the organization's objectives. This requires a framework of rules so that all members of the organization know what is expected of them: such rules are generally known as a Disciplinary Code. Such a Code of Discipline must be both just and uniformly administered to ensure that all individuals are treated in a fair and consistent manner.

在任何组织，有纪律的行为是个人幸福和实现组织的目标的基本要素。因此需要一个规则体系以便使组织中的每位成员都知道自己应该怎么做：这些规则总称为纪律守则。这种纪律守则必须是既公正又统一执行，以确保每个人都能被公正且一致地对待。

- 1.2** When an employee breaks the rules he must be disciplined in the way described in this Code: This means:

若雇员违反了规则，他必须按本守则的规定受到处罚：意思是

(a) Thorough investigation into each alleged offence

彻底调查每一件被指控的违规。

(b) Clear evidence of guilt

违规证据应确凿。

(c) Careful consideration of circumstances of each case before action is taken

执行处罚行为以前仔细考虑每一件案子的具体情况。

Such Action should always be prompt, fair and firm.

这些行为应该总是及时的、公正的和扎实的。

- 1.3** Since a Code of this nature cannot cover every specific case that will occur, officials must use their discretion within the framework of and in accordance with the spirit of the Code.

由于本守则的规定不能涵盖可能发生的每一件具体案件，因此主管官员必须在本守则确定的框架精神

做出自己的决定。

- 1.4** It should be remembered that the success of any disciplinary system depends entirely on the good judgment and understanding of and consistent treatment by officials and their advisers. Success also depends on justice being seen to be done as swiftly as possible; unnecessary delay in hearing or disposing of cases breeds resentment.

请记住，任何纪律制度的成功都完全取决于由主管官员及其顾问的准确判断、深入理解以及照章办事。纪律制度的成功还取决于能否尽快看到公正的结果，在听证和处理案件时不必要的迟延会招致不满。

1.5 The Disciplinary Code: Basic principles

纪律守则的基本原则

This Disciplinary Code is based on the following principles:

该纪律守则基于以下原则：

- (a)** Disciplinary action should first be educational, then corrective. Only if these steps are ineffectual should punitive action be taken;

纪律处罚首重教育，次在纠错。只有这些步骤无效时，方可采取其他惩罚措施。

- (b)** Punishment should not be given lightly. The more severe penalties may be given only by more Senior Officials;

不可轻率给以处罚。越重的处罚需要被级别越高的管理者执行。

- (c)** To ensure equity, similar punishments are prescribed for similar offences committed in similar circumstances. This is intended to ensure that, as is humanly possible, the Code is administered uniformly throughout the Company;

为确保公平，相似情况下发生的违规行为应受到相似的处罚。在人力可控范围内，尽可能在全公司内按同一标准执行该守则。

- (d)** Human beings are fallible and errors may occur: An appeal system is therefore provided for;

人性有缺，错在难免，故此设立上诉制度：

- (e)** The overall objective of the Code is to protect the Company against indiscipline and the employee against arbitrary judgment and punishment.

纪律守则的总体目标是保护公司不因（雇员）违纪而受损，保护雇员免于因（管理者的）任意裁量和处罚而受害。

- 1.6** THIS DOCUMENT IS NOT INTENDED AS A SUBSTITUTE FOR GOOD MANAGEMENT: IT IS AN EXPRESSION OF THE COMPANY'S POLICY OF DISCIPLINE AND GUIDE TO LINE OFFICIALS AND THEIR ADVISERS.

本守则不为取代良好的管理：它是公司政策在纪律方面的体现并为一线主管官员及其顾问提供指导。

1.7 Coverage

适用范围

This Code is intended to be used for all Disciplinary offences by employees of Grade G11 and above

本规定适用于 G11 级和以上级别雇员所犯的所有违规行为。

2.0 DISCIPLINARY PROCEDURE

纪律程序

2.1 Investigations 调查取证

2.1.1 Employees from G11 level and above commit a breach of discipline and where it is necessary to take disciplinary action should be dealt with as informally and as confidentially as possible.

在 G11 级和以上级别的雇员违反了纪律，有必要采取纪律行为时，应尽可能以非正式、机密的方式处理。

2.1.2 The immediate supervisor shall first investigate and discuss with the accused informally. If the case is unfounded or circumstance do not warrant serious disciplinary action, he will either dismiss the case or give an unrecorded warning. Otherwise he will formally write to the accused spelling out the breach of discipline or offence committed and requests him/her to exculpate him/herself.

直接主管将对被指控人首先进行非正式调查和讨论。如果案件没有发现问题或情况不至于采取处罚行为，他将获取消此案件或给予不记档警告。否则他将正式以书面将违反纪律或违规情况向被指控人详加说明，同时要求他（她）为自己辩白。

2.1.3 The accused shall be asked to reply to the charge within two (02) working days.

被指控人将被要求在两个工作日内对指控予以回复。

2.1.4 After scrutinizing the exculpatory evidence, the complainant shall either drop the charge or refer the matter to the Head-IR or his equivalent for further investigations if necessary, and arrange for case hearing. The accused will be informed accordingly.

详细调查后，有证明无罪的证据时，指控人可以或放弃指控或在必要的情况下将问题提交给劳资关系部领导或其资格相当的人进行更深入的调查，并安排案件听证。随后通知被指控人。

2.1.5 Where the accused is of G14 level and above, the complainant shall refer the case to a more senior official for investigation. Similarly, the Head – IR may delegate investigation of the complaint to the Senior Personnel Officer (SPO) – IR only where the accused is of G11 level.

被控人是 G14 级或以上级别时，指控人应将案件提交给更高级的官员调查，同样地，劳资关系部领导仅可授权高级人事官员（劳资关系部）对 G11 级被控人进行调查。

2.1.6 Bearing in mind that personnel of G11 level and above shall be treated in strict confidence, the investigating official without undue delay.

请记住，对 G11 级和以上级别人员的处理应非常机密地进行，调查官员不得无故拖延。

2.1.7 (A) Mandatory Lay Off 强制停职

An employee shall be laid off work and removed from his work place if he is alleged to have committed or have been involved in any of the following offences:

一个雇员如果他已被指控有或卷入以下违规行为，则将停职且离开工作场所；

(a) Assault;

突然袭击威胁伤害到他人。

(b) Consuming intoxicating liquor or drugs at work;

工作中喝酒、吸毒。

(c) Being in the opinion of his Supervisor, unfit to carry out his duties, e.g. being under the influence of drink or drugs;

其主管认为他不适合工作，如受喝酒、吸毒的影响。

(d) Fighting or riotous behaviour;

打架或暴力行为。

(e) Threatening violence or acting violently;

威胁使用暴力或举止粗暴。

(f) Any act or Omission which endangers the health or safety of others, or is likely to cause damage to Company property;

有任何危及到他人身体健康或安全的、或可能对公司财产造成损害的行为或疏忽。

(g) Being found in unauthorized possession of explosives or explosive material.

被发现非法拥有爆炸物或易爆物。

2.1.7 (B) Lay Off Advisable 建议处以停职的行为

An employee may be laid off and removed from his place of work if he is alleged to have committed or have been involved in any of the following offences;

职员被指控违规或已卷入以下违规行为时，可处以停职并令其离开工作场所：

(a) Abusive or provocative language (when it is likely to cause a disturbance);

骂人或煽动性语言。（可能引起骚动时）

(b) Insubordination (if the situation shows signs of getting out of control);

不服从（如果情况表明其行为违规）；

(c) Persistent refusal to obey instructions.

顽固的拒绝遵守指令；

(d) Suspected to have removed company property without authority, or misappropriation of company money.

有未经授权挪用公司财产或盗用公司财产的嫌疑。

(e) Serious offence likely to lead to summary dismissal.

可能导致被立即解雇的严重违规。

2.1.8 In Serious criminal cases the Legal Department should be contacted immediately for advice.

严重的刑事案件应立即通知司法部门寻求帮助。

2.2 Case Hearing 案件听证

2.2.1 Case hearing for employees of M7 level and above shall be treated in strict confidence. There shall be no representation for the purpose of disciplinary cases.

在 M7 级或 M7 以上级别的雇员案件听证时，要严格机密进行。纪律案件不得有他人代表（出席审理）。

2.2.2 The Head (IR) or the investigating official, as the case may be, shall be present to record the proceedings.

（劳资关系部）领导或调查官员，如果有可能，应出席听证并记录过程。

2.2.3 If the accused refuses to give a statement, this fact should be recorded and the case will still be

heard and decided on the strength of the available evidence.

如果被控人拒绝陈述，此情节应予以记录，听证继续进行并且根据得到的有力证据做出决策。

- 2.2.4** If an employee refuses to attend a case hearing, he will be given written notice by appropriate Industrial Relations Official to the effect that another date will be arranged; and should he fail to attend for the second time, the case will be heard in absentia and the sanctions will stand.

在一个雇员拒绝出席案件听证的情况下，将由相关的劳动关系官员书面通知他另外安排其他的日期；如果他第二次又没参加，案件将在缺席的情况下听证并予以惩处。

Similarly if the accused walks out of the hearing before sanction is pronounced, he will be liable to summary dismissal.

类似地，如果被指控人在宣布惩处之前退出听证，他将可能被当场解雇。

- 2.2.5** The awarding of penalties shall take cognizance of the fact that employees of G11 level and above may not necessarily be formally charged for minor offences. In the light of this, any formal complaint against such employees shall be taken seriously and the normal sequences for the awarding of penalties shall be as follows:

对于 G11 级和以上级别雇员的较小的违规行为，并非必需给予正式指控。据此观点，应谨慎进行对这类雇员的指控，决定予以处罚应按如下程序进行：

- (a) First Offence: Recorded Severe Warning to remain valid for Six (06) months**

第一次违规——严重记档警告，有效期六个月。

- (b) Second Offence: While the recorded Severe Warning is still in Force-Final Warning to remain valid for six months.**

第二次违规——在严重记档警告仍有效时——最后警告，有效期六个月。

- (c) Third Offence: While the final Warning is still valid –Summary Dismissal.**

第三次违规——当最后警告仍有效时——当场解雇。

- (d) The provision stipulated above shall not preclude the administering official from awarding a stiffer penalty, if in his judgment the offence merits such punishment.**

若主管官员认为罚当其罪，则上面各条规定并不限制主管官员给予严厉的处罚。

- (e) In certain circumstances, the administering official may impose a punitive suspension up to a maximum of 14 days, to accompany any warning.**

在一定的情况下，主管官员可决定在给予任何警告的同时给予惩罚性停职最多至 14 天。

- (f) Administering officials should avoid awarding demotion as a disciplinary measure as this should normally be used in case of persistent poor work performance.**

主管官员应避免将降职作为纪律处罚的措施，因为这一般应用于一贯工作表现差的情况。

However, at an appeal stage, the official hearing the appeal may consider substituting a demotion in place of a summary dismissal.

然而，在上诉期间，听审上诉的官员可考虑以降职代替当场解雇。

2.3 Time Limits 时限

- (a)** A period of four (04) working days will normally be allowed for case investigations. In the case of very serious, complex or possibly criminal cases this time limit may be extended for purpose of

investigations.

一般可允许的调查案件工作为期四天。如果案件非常严重、复杂，或可能是刑事犯罪，调查时限可以延长。

(b) The case hearing should be held within two (02) working days wherever possible, after a charge has been raised.

案件听证应尽可能地在提出指控后两个工作日内进行。

(c) The first appeal should be heard within three (03) working days of being lodged, second appeal within five (05) working days.

提出第一次上诉后在三个工作日内听证，第二次上诉后在五个工作日内听证。

2.4 Procedure for Criminal Offences 刑事犯罪的程序

In cases of a criminal nature, statements should be taken and if practical, the case disposed of by taking disciplinary action and the matter reported to Zambia Police immediately.

属于刑事性质的案子，应准备好供述，如果可能的话，采取纪律措施处置案子，同时立即报告赞比亚警察。

2.5 Classification of Offences 违规的分类

Offences have been classified into five (05) major categories as follows;

违规主要分为五大类型如下：

Category 1 : Absenteeism

第一类 旷工；

Category 2 : Offences Relating to Substandard Performance

第二类 与未达标行为有关的违规；

Category 3 : Offences Relating to Indiscipline or Disorderly Behaviour

第三类 与无纪律、无秩序行为有关的违规；

Category 4 : Offences Relating to Theft or Fraud

第四类 与偷盗、欺诈有关的违规；

Category 5 : Industrial Action

第五类 劳工行为。

The description of each offence that follows is designed to provide uniformity of procedure across the Industry.

下列对各违规行为的描述，目的是在整个企业中提供统一的程序；

2.5.1 Absenteeism 旷工

Absenteeism in this context means:

旷工在本文中的含义是：

Absence from work without permission, for the whole shift or part of a shift.

未经同意，在其整个工班期或部分工班期旷工。

Poor time keeping; reporting late, leaving work early, extended or unauthorized breaks during

working hours.

不守时；迟到、早退，工作时间内超时休息或未经允许休息。

2.5.2 Offences Relating to sub-standard Performance

与未达标行为相关的违规

(a) Sleeping on Duty

工作时睡觉

Any employee who, being found asleep on duty whether or not such action constitutes a hazard to the Safety and/or health of the offender or others, or leads to damage to Company property, shall be deemed guilty of an offence.

任何雇员被发现在当班期间睡觉，不管其行为是否危害到其本人或其他人的安全或健康，或造成公司财产损失，都被认为是违规行为。

(b) Negligent Loss, Damage or Misuse of Company Property

疏忽造成丢失、损失或滥用公司财产。

(i) Negligent Loss of Company property: any act whereby an employee, through carelessness or negligence, loses Company property or is unable to account for it satisfactorily.

疏忽造成公司财产损失：雇员因粗心、疏忽造成公司财产损失或对此不能给出令人满意的行为。

(ii) Negligent damage to Company property: any act whereby an employee or his dependant through carelessness or negligence, cause or allows Company property to become damaged.

疏忽造成公司财产损害：雇员或其家属由于粗心或疏忽导致或听任公司财产损害的行为。

(c) Unsatisfactory Work Performance

不令人满意的工作表现

(i) Carelessness: Performance of task or duty without the exercise of due care and attention.

粗心大意：对履行工作任务或职责没有给予应有的细心与重视。

(ii) Negligence: Failure to exercise proper care and regard to the manner of discharging duty to the extent that tasks have to be repeated or equipment or persons are at risk of damage or injury.

疏忽：在其管理范围内，对必须重复的任务，或当有设备或人员处于危险状态或受损害时，没有给与应有的关心和关注。

(iii) Inefficiency: Failure to carry out work promptly or to the required standard without reasonable cause.

效率低：在没有合理的理由的情况下，未按时或按要求的标准完成工作。

(iv) Loafing: Passing time idly or failing without reasonable cause to complete tasks set.

工作散漫：混日子或在无理由的情况下不能完成其预定任务。

2.5.3 Offences relating to Indiscipline or Disorderly Behaviour

无纪律或不守秩序造成的违规

(a) Disobedience and Related Offences

违抗和相关的违规

- (i) Refusing to obey an instruction:** deliberate refusal to carry out a lawful instruction given by a person in authority.

拒绝服从指令：故意拒绝执行持有权力的人发出的合法指令

- (ii) Failing to obey an instruction:** failure to obey lawful instruction given by a person in authority

未能服从指令：未能服从由权力持有人发出的合法指令

- (iii) Non-compliance with established procedures/standing instruction:** failure to follow established procedures or failure to handle complaints or grievances in the prescribed manner.

遵循建立的程序或常规指令：未能遵守已建立好的程序或未能按照指定的方式处理抱怨。

(b) Abuse and Related Offences

辱骂和相关的违规

- (i) Abusive language:** the uttering of any words or the publication of any writing expressing or showing hatred, ridicule or contempt for any person or group of persons. The offence is more serious when it is wholly or mainly because of his/her/their race, tribe, religion, place of origin or colour.

辱骂性语言：说出的话或者是任何出版物表现出对个人或集体的轻视、嘲笑或憎恨。如果完全或主要因为他/她/他们的民族、部落、地区、出生地或肤色而嘲笑他人，这种违规更为严重。

- (ii) Insubordination:** Insolence towards supervisor shown by demeanor, action or words.

不服从：通过行为、动作或话语在上级面前表现出傲慢。

(c) Disorderly Behavior and Related Offences

行为的无序和相关的违规

- (i) Disorderly behavior (horseplay):** indulging in rough or unruly behaviour or practical jokes whether or not such behaviour endangers the safety or health of other or the smooth running of the work place.

无序行为（动手动脚、大声喧哗）：包括任何粗野或不守规矩的行为、恶作剧，不论是否危及他人安全和健康或影响工作场所正常活动。

- (ii) Threatening violence:** Threatening to do physical injury to any other person.

威胁性暴力：威胁对他人进行身体伤害

- (iii) Assault or attempted assault:** Occasioning or attempting to occasion bodily harm to any other person.

攻击或企图攻击：企图对他人进行身体伤害

- (iv) Fighting:** physical combat with another person who retaliates.

打架斗殴：报复性与他人殴打

- (v) Riotous behaviour:** In concert with one or more persons, engaging in or inciting a group of persons to indulge in disorderly behaviour or to willfully damage Company property.

骚乱行为：与一人或多人一起鼓动或煽动一群人作出无秩序的举动，导致公司财产损失。

(d) Alcohol or Drug Offences

因酒或毒品造成的违规

- (i) Incapable of working properly or reporting for work whilst apparently under the influence of alcohol and/or narcotic drugs: The Punishable minimum level of intoxication shall be 80mg% BAC.

在明显受喝酒或毒品的影响而不能正常工作或出勤：可依法处罚的最低酗酒程度其究竟不能少于80mg%BAC。

- (ii) Being in possession: being in possession of alcohol and/or narcotic drugs whilst on duty.

（违规）持有：携酒或毒品出勤。

- (iii) Taking alcohol or narcotic drugs whilst on duty.

工作期间喝酒或吸毒。

- (iv) Refusing to be alcohol tested when suspected to be under the influence of alcohol.

在具有受酒精影响的嫌疑时拒绝接受测试。

(e) Willful Loss, Damage or Misuse of Company Property

故意丢失、损害或滥用公司财产。

- (i) Willful loss: any act whereby an employee willfully or deliberately losses or causes Company property to be lost.

故意丢失：雇员蓄意或故意丢失或导致公司财产丢失的任何行为。

- (ii) Willful damage: Any act whereby an employee willfully or deliberately damages Company Property.

故意损坏：雇员蓄意或故意损坏公司财产的任何行为。

- (iii) Misuse of Company property: using Company property or accommodation for a purpose other than that for which it is intended.

滥用公司财产：在公司财产或住所规定使用范围以外使用。

(f) Breach of License to occupy Company Housing

违反许可占用公司财产

Offences related to township services: illegal wiring of electricity, keeping pigs, goats, roaming poultry, malicious damage to Company accommodation, subletting of Company housing etc.

与社区服务相关的违规：非法私拉电线、畜养猪、羊、家禽，恶意损坏公司房屋、转租公司财产，等等。

2.5.3 Offences Relating to Theft or Fraud

与偷盗或诈骗有关的违规

(a) Bribery or Corruption

贿赂或贪污

Giving or receiving or attempting to give or receive any bribe or inducing or attempting to induce any person to perform any corrupt act.

行贿受贿，或试图行贿受贿，或诱导或试图诱导他人贪污腐化的行为。

(b) False Evidence

虚假证明

Deliberately giving untrue, erroneous or misleading information or testimony whether verbally or in written

故意提供不真实的、错误的或误导性的信息或证明，无论是口头上还是书面材料。

(c) Falsify and Uttering

作伪和伪造

(i) Falsifying or changing any document with fraudulent intent or attempting to do so.

以欺骗的目的伪造或篡改文件或企图这样做。

(ii) Uttering or attempting to utter fraudulent or false documents.

发表或试图发表欺骗的或错误的文件。

(d) Unauthorized Removal of related offences

未经许可挪用或相关违规

Found in possession of Company property without authority.

被发现未经许可占用公司财产。

(e) Misappropriation

盗用

Applying or attempting to apply to a wrong use or for any unauthorized purpose any funds, assets or property belonging to the Company.

申请或试图申请错误（或非法）使用任何属于公司的资金、资产或财产。

(f) Aiding and abetting the unauthorized removal of Company property.

协助非法挪用公司财产。

2.5.4 Offences Relating to Contractual Relationships

与契约相关的违规

(a) Unauthorized disclosure of confidential information.

未经许可泄漏机密信息

(b) Concealing of information on previous employment

隐瞒以前的工作情况。

(c) Secret commissions – acceptance of payment in cash or in kind in return for discriminatory treatment.

秘密佣金——收取现金或接受贿赂而徇私处理。

2.5.5 Industrial Action

劳工行为

(a) Strike Action

罢工行为

Any concerted action by two or more employees to withdraw their labour, or “go slow” or “work to rule” or otherwise interfere with the normal operation of the Company in furtherance of a trade dispute or with the object of compelling the Management to take or refrain from taking any specific action.

指任何由两个或两个以上的雇员有预谋的停工、消极怠工、及其它妨碍公司正常运转、导致经营停滞、目的在于迫使管理层接受或忍让某些特别的举动行为。

(b) Incitement to Strike

煽动罢工

Any act by an employee to incite, persuade or encourage an employee to take any unconstitutional strike action.

雇员煽动、劝说、怂恿他人进行违法罢工的任何行为。

(c) Intimidation

威胁

Any act by an employee, whether by himself or in concert with other persons (whether or not such other persons are employees) to intimidate any employee with the object compelling him too take any industrial action.

雇员本人或同他人一道（不管此人是否为本公司雇员）胁迫其他雇员参加任何劳工活动的行为。

(d) Sabotage

破坏

Any act by an employee to interfere with the normal operations of the Company by damaging any plant, machinery/equipment or installation or by interrupting any supplies of power, fuel, material, water or services necessary to the operations

雇员干扰公司正常工作的任何行为：损坏厂房、机器/设备、装备，中断电力、燃料、原材料、水及工作中必需的服务的供应等等，都是破坏行为。

2.6 The Role of Industrial Relations Section

劳资关系部门的角色

2.6.1 The maintenance of discipline is strictly a function of line management. Officials of the Industrial Relations Section should be available to assist line management at every stage on such matters as the incidence and seriousness of offences, and any implications of proposed disciplinary action on industrial relations generally. As far as possible they should by discussion with the official hearing the case, ensure that procedures are consistent in all departments and are in conformity with this Code.

严格维护纪律是各级管理人员的职责。劳资关系部门的官员有责任随时给各级管理者提供尽可能的帮助，确定事件的性质和违纪的严重程度，解释根据劳资关系准则提出的纪律措施。他们应尽快与部门经理研究案件听证事宜，确保处理程序在所有部门都是一致的，而且是按照本条例执行的。

2.6.2 Officials of the Industrial Relations section should be available to advice and assist employees on all disciplinary matters.

劳资关系部门的官员应当在纪律规定方面对雇员给予建议和帮助。

2.6.3 Industrial Relations Officials MUST NOT Impose penalties or hear appeals, except in respect of their own subordinates.

劳资关系官员无权施加惩罚及听取申诉，除非事关自己的属下。

2.6.4 Human Resources officials in Townships and Housing Administration are empowered to raise disciplinary charges against employees for offences relating to breach of License to occupy Company Housing. Such charges should be referred to the appropriate Industrial Relations Official for investigation. All such cases will be heard by the line management of the accused.

负责社区和房产管理部门的人事官员，有权对雇员占用公司房产的违纪行为提出违纪指控，此类指控由相关劳资关系官员调查，并告诉违纪者所在部门的经理。

2.6.5 The Industrial Relations Section is Responsible for:

劳资关系部门的职责如下：

(a) Ensuring that the accused is aware of the charge against him.

确保违纪者清楚对他的指控。

(b) Interviewing and taking statements from the accused and the witnesses. Statements must be read over to the individual concerned, witnessed and duly signed as being correct.

约见违纪者和见证人并拿到证词。证词要读给有关人员听，让其签字证明证词正确。

(c) Investigating the domestic circumstances of the accused when this is felt to be necessary; for example, when a domestic crisis is offered as a reason for absence or in support of a plea of mitigation.

必要时调查违纪者的家庭情况，例如：以家人突然生病作为旷工的理由或减轻处罚的借口。

(d) Ensuring that all the facts are collected, marshaled and presented without bias.

确保所有事实清楚、全面、不存偏见。

2.7 Appeals Procedure

上诉程序

2.7.1 The right of Appeal

上诉权

Every employee has the right to appeal against any decision which involves an entry on his disciplinary record and which is likely to affect his future employment prospects.

每个雇员都有权对记入其纪律记录、且可能影响其以后雇佣前程的决定提出上诉。

2.7.2 Stages of appeal

上诉步骤

When an employee at M7 and above wishes to appeal; the following stages shall be followed:

当 M7 及其以上雇员要进行上诉时，将适用下列步骤：

(a) First Appeals - To next officials above the administering official.

首次上诉——向其主管官员以上一级提出。

(b) Second Appeals- To the General Manager or his nominees whose decision shall be final.

第二次上诉——向总经理或其任命者（其决定是最终决定）提出。

2.7.3 Applications for Appeals

上诉申请

An application for appeal shall be made in writing and shall specify:-

上诉申请必须书面说明以下内容：

(a) Whether the appeal is against the finding of the guilt or the penalty awarded.

该上诉针对的是违纪事实还是所受处罚，

(b) Grounds of appeal

上诉的根据

(c) Pleas in mitigation (if desired)

减轻处罚的理由（如果希望的话）

2.7.4 Time Limits

时限

An employee who wishes to appeal shall submit his appeal to the administering official or the Head – IR within two (02) working days after the imposition of the penalty. The appeals once lodged, should be heard within five (05) working days.

欲进行上诉的雇员必须在接到判决的两个工作日内向主管官员或劳资关系主管递交其申诉。上诉一经受理，应在五个工作日内进行听证。

2.7.5 Appeal Case Hearing

申诉案件的听证

(a) The Head – IR or, in the case of an employees of M4 status or same level as the Head – IR, the investigating official shall be present to record the proceedings

处理 M4 级或与劳资关系主管同级雇员的上诉时，劳资关系主管或调查案件的官员应出席听证并记录听证过程。

(b) If the appellant fails to attend an appeal case hearing without any acceptable explanation, the administering official shall dismiss the appeal in the appellant's absence and confirm the decision in writing.

如上诉人无正当理由而不参加上诉案件的听证，主管官员将因上诉人的缺席而取消该上诉，并以书面形式确认其决定。

2.8 Consultation

磋商

It is imperative that there is the closest consultation between the Divisional Management and the Manager – Industrial Relations, IRB on any disciplinary case involving employees of M7 level and above likely to end up in dismissal.

如果违纪事件涉及 M7 及以上级别雇员并将决定是否以解雇结案时，需要分部管理部门和劳资关系经理进行最密切的磋商，以决定是否解雇。

2.9 Formal Confirmation

正式确认

The action taken against the accused as a result of formal disciplinary hearing must be formally stated in writing to him.

针对被告的正式纪律听证的结果应以书面形式正式通知他。

3.0 Grievance Procedure

争议解决程序

The following procedure will apply when an employee of M7 level and above wishes to raise a matter relating to his conditions of service other than matters of contractual nature and those dealt with under the disciplinary proceedings.

当 M7 及以上级别雇员希望讨论其合同以外的服务条件和正在根据纪律条例进行处理的事件时，应执行以下程序。

3.1 M7 级

3.1.1 In the first instance, the employee may raise the matter with his immediate superiors as provide for in the departmental organization chart.

首先，雇员应按部门机构设置顺序将申诉事件提交其直接上级。

3.1.2 If the matter is not resolved then it will be referred to the next Senior official in accordance with departmental organization chart. The meeting will be arranged within three working days.

如果此事未得到解决，则按部门机构设置顺序将之提交更高一级官员，并在三个工作日内安排召开听证会。

3.1.3 If the matter is still not resolved it will be referred to the General Manager or his nominee who will normally convene a meeting with five (05) working days and the resultant decision shall be final.

如果此事还未得到解决，则将之提交总经理或其任命者。通常情况下他们应在五个工作日内召集听证会，其裁决将是最终的。

3.2 M6/M5 级

3.2.1 The Procedure as outlined in 3.1.1 above will apply except that at this level the matter will in the first instance be raised with the immediate superior who will either be of M4 or M3 level.

所采用过程大致同上述 3.1.1 条，除非第一步所提交的直接上级是 M4 级或 M3 级官员。

3.2.2 If the matter is not settles at this level, it will be referred to the official at the next higher level unless such an official is the immediate superior in which case the matter will be referred to the General Manager or his nominee whose decision shall be final.

如果此事在这一级未能得到解决，则将之提交更高一级官员，如果该官员在此事中就是直接上级，则将之提交总经理或其任命者做出最终裁决。

3.3 G14 级

The employee may raise the matter with the supervisor according to the Departmental organization chart. If the matter is not resolved and where the supervisor is not the General Manager, the matter shall be referred to the General Manager whose decision in both cases shall be final.

雇员按部门机构设置顺序将事情提交给主管，如未能得到解决，并且该主管不是总经理，则将此事提交总经理并做出最终裁决。

3.4 G15 级

An employee of M3 level may raise with the General Manager matters relating to his conditions of service. If he is not satisfied, the matter may be referred to the Director of Human Resources or Director of Operations whose decisions shall be final.

M3 级雇员应向总经理提交关于其工作条件的申诉，如果他对答复不满意，可将此事提交人力资源部董事或运营董事，其决定将是最终的。

3.5 Period allowed at Various Stages

不同步骤的时间

At each stage that the matter remains unsolved in 3.1, 3.2, 3.3 and 3.4, the interview will be arranged within three (03) working days but at the General Manager's Five (05) working days will be allowed. At all levels, the official raising the matter will not be accompanied by any other person as matters affecting senior staff are personal between the Company and the individual. However, an official from Human Resources will be present to record the proceedings.

以上 3.1、3.2、3.3、3.4 条，在事情没得到解决的各个步骤中，会见应安排在三个工作日内进行，但与总经理的会见可以在五个工作日内进行。在每一级别，官员提交事情时不能有他人陪同，这是因为涉及高级雇员的事情是公司与个人间的事。但一名人力资源部门的官员应在场并记录其经过。

3.6 Record of proceedings

过程纪录

The Head – Industrial Relations or the relevant Human Resources official will at all times keep record of the proceedings.

劳资关系部门的经理或相关人力资源官员需随时记录有关过程。

3.7 Contractual Matters and procedures

合同内容和程序

All employees from M7 level and above may raise any matter related to their contractual obligation with the Manager – Human Resources through their respective Head of Department.

所有 M7 及其以上级雇员需通过其部门主管，将其合同所规定职责的相关内容提供给人力资源经理。

NFC AFRICA MINING PLC

DIVISION 分部: _____ ;

—

TO.: _____ .MINE No. 矿
号: _____ ;

FROM. 自: _____ DEPARTMENT. 部
门: _____ ;

NOTIFICATION OF FINAL WARNING 最后警告通知

This is to confirm that you have been placed on Final warning following case hearing held on
(Date) for _____ (Offence)

此函确认, 根据_____年_____月_____日举行的对_____违纪行为的听证会结果, 你已受到最后警告处分。

The Final Warning will remain in force for a period of six (06) months and is effective from

From _____ to _____
Inclusive.

最后警告保留六个月的时间, 生效时间自 _____止 (包括)。

You are also reminded that you will be liable to dismissal should you commit any offence within the period prescribed above.

上述时间段内再犯错误, 你将受到解雇处理。

Administering Official (管理经理): _____ ;
(Name and Signature 姓名与签字) _____ ;

The meaning and implications of this letter have been explained to me

By _____ Designation _____
此函的含义已由_____ (人名) 职务 _____ 向我解释。

Date: 日期

Signed: 签字 _____ Date: 日期 _____

C.C. Personal File/.....转: 个人档案

NFC AFRICA MINING PLC

DIVISION: 分部 _____ ;
Name: 姓名 _____ ;
Mine No: 矿号 _____ ;
Department: 部门 _____ ;

Dear Sir

Summary Dismissal 立即解雇函

This is to confirm that, following the disciplinary hearing held on _____ (Date) for
(Offence) you have been summarily dismissed from the service of the Company with effect from
(date)。

此函通知: 对 _____ 违纪行为的听证会已在 _____ 日
期举行, 你已被本公司从 _____ (日期) 立即解雇。

You are however, have the right to appeal against the decision and should you wish to do so, please notify
the Head – Industrial Relations within two working days from
to _____ .
(Date) (Date)

如果愿意, 你有权对此决定进行申诉, 请在两个工作日 (从 _____ 日起至 _____ 日) 内
通知劳资关系经理。

Yours faithfully
你忠实的

Administration Official
管理层官员

C.C. Manager – Human Resources 转: 人事部经理
Staff Officer
Personal File

文书
个人档案

NFC AFRICA MINING PLC

DIVISION: 分部 _____i-

The Senior Labour Officer 高级劳动部门官员

Dear Sir, 致启者

Summary Dismissal 立即解雇函

In accordance with CAP 512 Section 25 (1) of the Employment Act, we hereby advise you that

Mr./Mrs./Miss _____ Mine

No _____.

Occupation: _____ Grade

was summarily dismissed from the service this Company on _____ for

(offence)

根据《雇佣法》第 CAP512 章第 25 (1) 款, 在此通知你 _____ 先生/女士/小姐
工号 _____ 职务 _____ 级别 _____ 已被从我公司立即解雇 (由于违纪事
件 _____)

Yours faithfully 你忠实的

C.C. Manager – Human Resources 转: 人事部经理
Staff Officer
Personal File

文书
个人档案

NFC AFRICA MINING PLC

DIVISION: : 分部 _____ ;
Name: 姓名 _____ ;
Mine No.: 工号 _____ ;
Department: 部门 _____ ;

Dear Sir/Madam 先生/女士

Letter of Reinstatement 复职函

This is to confirm that following your successful appeal to the (Designation) on _____ (Date) against
Summary Dismissal for the offence of _____ you have been reinstated in the Company
Service. This dismissal has been substituted with _____ .

此函通知：你已就 _____（违纪行为指控）向 _____（职
务）申诉成功，你已恢复工作。解雇已被替代为 _____ 。

Yours faithfully 你忠实的

Administering Official 管理层经理

C.C. Supt – Group Remuneration
Staff Officer
Personal File
SPO

转：集团工资主管经理
文书
个人档案

NFC AFRICA MINING PLC

DIVISION: 分部 _____;
Name: 姓名 _____;
Department: _____;

Dear Sir 致启者

Letter of Demotion 降职函

This is to confirm that, the following the disciplinary hearing held on _____ (Date),
for the offence of: _____; You
have _____ been _____ demoted
from _____
_____ (Job Title and Grade) to _____;

With effect from _____ Date.

此函通知如下，违纪听证会于 _____ 召开，由于
（违纪事件）你已从 _____（工作名称和级别）被降职
至 _____，从 _____（时间）起
执行。

Yours faithfully
你忠实的

Administering Official 管理层经理

C.C. Supt – Group Remuneration
Staff Officer
Personal File

转：集团工资主管经理
文书
个人档案

NFCA MINING PLC

Chambishi Mine

COMPLAINT FORM 违纪指控表

MINE No:矿号_____ ; NAME: 姓名_____ ;
GANG No: 部门编号_____ ; OCCUPATION: 职务_____ ;
GRADE: 级别_____ ; DEPARTMENT:部门_____ ;
DATE OF OFFENCE:违规日期_____ ; TIME: 时间_____ ;
PLACE OF OCCURRENCE:发生地点_____ ;

DETAILS OF COMPLAINT 申诉细节 (Bare statement of facts 仅事实陈述)

Witness 证人 1. Name:姓名_____ ; Mine No:矿号_____ ;
 2. Name:姓名_____ ; Mine No:矿号_____ ;
Name of complaint:指控人_____ ; Designation:职务_____ ;
Signature:签名_____ ; Mine No:矿号_____ Date:日期_____ ;
Signature of the official in charge:主管官员签名_____ ; Designation:职务_____ Date:日期_____ ;
Laid off pending investigations 停职期间调查: YES/NO

RESULT 结果:

NOTED 签名

_____ ; _____

INDUSTRIAL RELATIONS OFFICER

ADMINISTERING OFFICIAL

劳资关系官员

行政官员