

CHAPTER-X

1. CODE OF CONDUCT AND BEHAVIOUR

1.1 Code of Conduct and Behaviour

All employees have an individual and collective responsibility to ensure the safe, timely and cost effective completion of the BHSL Project and towards the fulfilling of the goals of the company.

In pursuit of this, an employee must:

- a) Work diligently, with enthusiasm, cooperation, and commitment;
- b) Strive to maintain the highest standards of integrity, honesty, fortitude, selflessness, loyalty, right attitude, right aptitude, patriotism and endeavour to maintain professional excellence in the service of BHSL;
- c) Show initiative and creativity in solving problems and suggesting improvements to the BHSL's operations; sharing knowledge with fellow staff; and maintaining the highest possible standard of workmanship;
- d) Develop his own knowledge and skills, ensuring that he is able to work flexibly, prepare himself to gain experience in other roles and contribute to the organization with improved efficiency;
- e) Treat members of the local community, guests to BHSL's facilities, contractors, and suppliers with courtesy and professionalism at all times;
- f) Recognize that BHSL is a 24 (twenty four) hour operation and therefore be prepared to work in the service of the BHSL whenever necessary;
- g) Observe and comply with the rules, regulations, and instructions of the BHSL;
- h) Avoid all forms of discrimination, neither giving nor receiving special favours or privileges which might adversely affect the way in which the work is performed;
- i) Maintain harmony and create team spirit with superiors, subordinates, and co-workers;
- j) While carrying out duties assigned by the BHSL, taking special care of the safety and well-being of co-workers, colleagues, customers, and their properties and property of BHSL as well as the well-being of the public at large;
- k) Not misuse his official position and authority;
- l) Maintain the public's confidence in the integrity of the organization by refusing outside compensation for performing your duties. Not take additional compensation in the form of fee, gift, reward, gratuity, expenses, etc., that could result in real or perceived preferential treatment, impediment of organisational efficiency or economy, loss of complete independence and impartiality, decision making outside official channels, disclosure or use of confidential information acquired through employment;
- m) An employee shall not become a member of political party when he is an employee of the BHSL;

- n) Declare such compensation (amount as determined by ACC) to his supervisor immediately (Exception: He may accept awards from non-profit organizations for meritorious public contributions);
- o) All employees upon joining BHSL shall declare assets as per the *Asset Declaration Form* of the Anti Corruption Commission of Bhutan and provide annual returns; and
- p) Cherish and promote the Bhutanese spiritual, social, and cultural values such as “Tha Damtsi”, “Ley Jumdrey” and “Driglam Namzhag” and always abide by all Rules and Regulations and Law of Bhutan.

1.2 Unacceptable Behaviour

Some behaviour is unacceptable and misconduct of this type, if proven, shall lead to disciplinary action being taken against the defaulting employee. Cases of serious misconduct shall lead to dismissal and/or termination. The following are the examples of misconduct:

- a) Dishonesty, fraud, misrepresentation, or embezzlement of money, property or equipment of the BHSL including the employer’s intellectual property and that of the public while the employee is in the service of the BHSL;
- b) Wilful insubordination or disobedience of a repeated or serious nature;
- c) Habitual irregular attendance and riotous behaviours;
- d) Failure to take reasonable care at work, or behave in a way that might endanger the safety of fellow staff, or result in damage to the BHSL’s tools, equipment, property;
- e) Disclosing of any confidential information obtained during course of employment as well as act or speaks on behalf of the BHSL or otherwise comment on the business or affairs of the BHSL to any third party without the prior consent of the BHSL.
- f) Engaging in any business or other employment, while in service of the BHSL;
- g) Failing to inform management promptly on learning of an occurrence or suspicion of occurrence, of misappropriation, theft or dishonesty in the BHSL;
- h) Committing any acts of insubordination, insult and physical assault on superiors, subordinates, and co-workers or others with whom the BHSL has a business relationship;
- i) Spreading any rumours or engaging in any activity independently or with others which shall disrupt the smooth and efficient operation of the BHSL;
- j) Giving false information which might affect the BHSL’s decisions in terms of appointment, promotion, transfer or other aspects of employment;
- k) Carrying any lethal or dangerous weapons within the office premises unless otherwise required by the nature of duty as indicative with clear orders from the management; and
- l) Consumption of any abusive substances like drugs and alcohol while on duty and behaving in such a manner that shall bring bad repute to the BHSL; and
- m) Sexual harassment , such as, but not limited to:
 - i. Making unwelcome sexual advance or an unwelcome request for sexual favours to other employee; or engaging in any unwelcome conduct of a sexual nature in relation to the other employee;

- ii. Subjecting another employee to any act of non-consensual physical intimacy;
- iii. Making any oral or written remark or statement with sexual connotations to another employee or about a person in his or her presence; and
- iv. Making gesture, action or comment of a sexual nature in another employee's presence.

1.3 **Employer's Obligation to Employee**

Whereas employees are expected to behave and conduct themselves in line with code of conduct and behaviour, the employees have rights to the following:

- a) BHSL shall not discriminate against employees or job applicants for vacancies with regard to; recruitment, wages and working conditions, dismissal, transfer, training and taking disciplinary action; on grounds of race, colour, sex, marital status, pregnancy, religion, political opinion or social origin;
- b) A pregnant employee shall not be required to perform night shift duty 140 days before she is due to give birth and 90 days after she has given birth to the child; or any other time if the employee produces a medical certificate showing that such work would endanger the child or the mother;
- c) Nursing mother shall be allowed to interrupt her work every 4 hours for one hour for a period of one month immediately after the expiry of her maternity leave to nurse her child and those interruptions shall be treated as work time for which she shall be paid; and
- d) An employer shall not terminate an employee because:
 - i. the employee is or has acted in the capacity as a member of a peaceful Workers Association;
 - ii. the employee has filed a complaint or participated in the proceedings against the BHSL involving an alleged violation of laws;
 - iii. of the employee's race, colour, sex, marital status, pregnancy, religion, political opinion or social origin;
 - iv. the employee has exercised his or her right to remove himself or herself from dangerous work (an employee should however, have reasonable justification to believe that a work situation presents an imminent and serious danger to his or her health); and
 - v. the employee has been temporarily absent from work because of illness or injury, as certified by a medical practitioner and the employee has not been able to report such absence because of the condition of the illness or injury.

1.4 **Disciplinary Proceedings**

- a) Staff guilty of misconduct under any of the BHSLs rules shall be subject to disciplinary proceedings and actions;
- b) While this proceeding details some punitive actions, its main aim is to facilitate improvement in the conduct of an employee;
- c) The proceedings recognize the central importance of informal action or counselling designed to reform conduct and obviate the need for formal disciplinary action;

- d) Wherever possible, problems should be resolved through less formal process. Where such counselling does not succeed or where cases are relatively serious, then formal disciplinary proceedings shall commence;
- e) These proceedings shall be applied to all employees of the BHSL;
- f) The immediate supervisor shall submit written complaints or reports to his immediate controlling officer, when an employee is engaged, or is suspected of engagement in an offence of any degree; and
- g) This procedure aims to deal quickly but fairly with disciplinary issues and recognizes the central importance of a thorough and impartial investigation of each and every case by the disciplinary committee.

1.5 Nature of Offences and Penalties

The immediate manager or supervisor of the employee accused of misconduct shall conduct the initial investigation and prepare a written report which sets out the facts and circumstances of the alleged misconduct.

Depending on the seriousness of the allegations, minor or major disciplinary action may be taken by the disciplinary authority as per the matrix provided in the *Annexure -10.01: Nature of Offences, Penalties, and Disciplinary Authority*.

1.6 Disciplinary Authority/Committee

Where the case deems investigation by a committee, especially where major actions is being contemplated, the disciplinary authority shall appoint disciplinary committee comprising at least 3 (three) members including the head of disciplinary committee, and shall include the Chief Administrative Officer, or his nominee (the exception being in the case of the Chief Executive Officer himself is the offender, the Board Chairman shall nominate non-executive Directors to form the disciplinary committee). Based on the reports and recommendations by the disciplinary committee, the authority to take minor/major action shall be as per the *Annexure - 10.01: Nature of Offences, Penalties, and Disciplinary Authority*.

1.7 Suspension

1.7.1 Employees Arrested or Detained on Account of any process of Law

An employee, who has been arrested or detained by the police in pursuance of any process of law, shall be considered as having been under suspension from the date of his arrest or detention.

Thereafter, the following provisions shall apply:

- a) If the employee is convicted of the offence for which he/she has been detained, the employee shall be dismissed from the service of the BHSL and/or imposed any other penalty by the disciplinary authority based on the recommendations by the disciplinary committee;
- b) If an employee is released from detention on the ground of his not having been guilty of the improper conduct resulting in his detention, the period of his detention may be considered as on duty; and
- c) If the employee, dismissed in pursuance of sub-regulation (a) and his/her conviction is later set aside by a higher court of law and the employee is honourably

acquitted, he/she may be reinstated in service, and the period of his/her absence from duty treated as on leave.

1.7.2 **Suspension Pending Disciplinary Action**

If disciplinary proceedings are contemplated or pending against an employee in respect of a major breach of the Code of Conduct, and in the opinion of the disciplinary authority the continued presence of the employee may be prejudicial to a fair investigation or detrimental to the interest of the BHSL, he or she may be placed under suspension:

- a) During this period the employee may not attend work or take any action which might influence the decision of the disciplinary authority;
- b) The maximum period of suspension shall not exceed three months, within which the disciplinary authority must complete its deliberations and take appropriate action in the matter. In circumstances beyond the control of the BHSL, such as where a court ruling is required, the period of suspension may be extended; and
- c) If the disciplinary committee fails to arrive at a decision by the end of the period of suspension or finds the staff not guilty of the offence, the staff shall be reinstated with full benefits and no record of disciplinary action retained on his or her personal file.

1.7.3 **Allowance during Suspension**

An employee suspended in the above circumstances shall receive a subsistence allowance at the rate of half of his/her basic pay. No other allowances shall be paid.

However:

- a) Where the allegations are not proved and no penalty is imposed after the conclusion of disciplinary proceedings, the period of suspension shall be treated as being on normal duty, with the accrued difference between half basic pay, and full pay, allowances and benefits being paid;
- b) Where the employee is dismissed, the period of suspension shall be treated as such and no other benefits of pay, allowances, etc., for the said period shall accrue; and
- c) Where a penalty other than dismissal is imposed, the disciplinary committee has the discretion to take appropriate actions as it deems fit in the matter.

1.8 **Termination of Service**

The employee may, depending on the severity of the offence, be terminated or made to compulsorily retire from the service. An employee shall be given reasonable opportunity to defend himself to the appellate authority, whose decisions shall be final and binding.

Termination of service of a staff means separation from the services of the BHSL without any post service benefits but with entitlement of his own personal contribution such as Provident Fund (PF) and Group Insurance Scheme (GIS) with interest, and shall be effective from the date stated in the written order.

1.8.1 **Reasons**

Termination of service shall be as a result of disciplinary action taken against an employee or because of continued non-performance by the employee.

1.9 **Appeal**

An employee shall have the right to appeal against the decision of the disciplinary committee to appropriate appellate authority (*Annexure - 10.01: Appellate Authority*). The notice of appeal shall be submitted by the appellant to the appropriate appellate authority in writing within 10 (ten) working days on receipt of the decision. The notice of appeal should include the decision appealed against, date of receipt of the decision, and the grounds for appeal.

The decision appealed against shall be suspended while the appeal is being heard. The appellate authority has the right to confirm, vary or set aside the penalty imposed. Decisions made at the appellate authority shall be final and binding.

1.10 **Alstom's Code of Ethics**

In parallel to BHSL's Code of Conduct and Behaviour, all employees must comply with Alstom's Code of Ethics.

For details, please check:

<http://www.alstom.com/Global/Group/Resources/Documents/Code%20of%20Ethics/Alstom-Our-Code-Ethics-GB.pdf>