

# Disciplinary y Policy Global

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## Revision History:

Version	From	To	Description	Author	Approved By
1	01 Apr 2014	31 May 2017	First Copy	HR Policy & Compliance CoE	HR Policy & Compliance CoE Head
2	01 Jun 2017	09 Apr 2019	Revision	HR Policy & Compliance CoE	HR Policy & Compliance CoE Head
3	10 Apr 2019	31 May 2020	Revision	HR Policy & Compliance CoE	HR Policy & Compliance CoE Head
4	01 Jun 2020	17 Aug 2021	Revision	HR Policy & Compliance CoE	HR Policy & Compliance CoE Head
5	18 Aug 2021	28 Feb 2022	Revision	HR Policy & Compliance CoE	HR Policy & Compliance CoE Head
6	01 Mar 2022	28 Feb 2022	Revision	HR Policy & Compliance CoE	HR Policy & Compliance CoE Head
7	01 Mar 2022	-	Revision	HR Policy & Compliance CoE	HR Policy & Compliance CoE Head
9	15 Jun 2023	-	Revision	HR Policy & Compliance CoE	HR Policy & Compliance CoE Head

**Objective:**

The primary intent of this policy ("Policy") is to define a framework for handling matters related to violation of Company Policies, breach of discipline and or misconduct by the Employee through appropriate disciplinary action.

**Applicability:**

This Policy is a sub-set of the COBEC Policy. Where COBEC addresses aspects of business ethics and conduct of all stakeholders associated with the business of HCLTech, in any capacity; this Policy primarily covers actions to be taken against employees ("Employee/s") (Permanent, Temporary, Trainees and Interns). This Policy is applicable to all "Employees" of HCL Technologies Ltd & its subsidiaries worldwide ("HCLTech or Company").

This policy is also applicable to all employees active on the rolls of Geometric.

**PolicyDetails:**

HCLTech believes that discipline is essential for improving Employee morale as well as to increase the productivity, which is the ultimate goal. It is of the utmost importance for there to be a harmonious working environment to help achieve Company's objectives. At HCLTech, all Employees are expected to meet certain performance standards and to conduct themselves, personally and professionally, in line with the Company's values, ethics and business principles.

For the purpose of this Policy, the term improper conduct in this Policy is intended to mean any act or omission on the part of an Employee that is in conflict with:

- Policies and procedures of the Company
- Employment terms and conditions
- Information Security Process

**Please Note:**

*-Please refer Annexure A for - An indicative list of unacceptable activities*

*-Please refer Annexure B for - Information Security violations and related actions that will be taken*

**Disciplinary Action**

Disciplinary action will be initiated against any Employee who,

- is in violation of the policies and procedures of the Company or/and applicable employment terms & conditions as mentioned above;
- disregards or approves a violation, or who, through lack of diligence in supervision, fails to prevent or report violations;
- retaliates, directly or indirectly, or encourage others to retaliate against an Employee who reports a potential violation of these standards; and
- is involved in a Zero Tolerance (serious misconduct) instance/incident/activity that has a direct client / business impact and/or regulatory impact. This is treated as serious violation.

The above is not an exhaustive list.

Further, in an event where Improper Conduct or failure to reach the required performance standards is identified, the Company:

- will initiate corrective action when appropriate;
- will implement a corrective action process that is fair and provides the employee an opportunity:
  - a.)to be heard
  - b.)to an unbiased decision
  - c.)to a decision based on relevant evidence

- d.)to correct the problem or inadequacy, when warranted
- will maintain confidentiality at each stage of the process consistent with any need to investigate;
  - may take any action(s) called for by this policy as quickly as reasonably possible under the circumstances presented;
  - shall advise the Employee about the nature of the complaint against him/her;
  - shall try to give preference to another sanction than dismissal for a first breach of discipline except in the case of gross misconduct
  - may implement the disciplinary procedure from any stage, if the employee's alleged poor performance or misconduct warrants such action.
  - In case of Zero Tolerance incidents reported, the recommendations for disciplinary action must specify – source of information, previous instances of non compliance
- Nothing in this policy is intended to or does alter the nature of employment at HCLTech as per law of the land. Employees may be terminated at any time with or without cause or notice in compliance with the governing law and procedures.

### **Benefits of Disciplinary Action**

Besides the benefit where the disciplinary action helps an Employee to get back on track, the following are the intended benefits of the disciplinary Actions:

1. It allow managers to intervene and correct Employee behavior at first sign on trouble;
2. It enhances communication between managers and Employees;
3. It improves Employee/s morale
4. It ensures consistency and fairness in dealing with Employee problems.

### **Reporting Mechanism**

The Company believes in the conduct of the affairs of its constituents in a fair and transparent manner and continues to uphold the highest standards of professionalism, honesty, integrity and ethical behavior in all types of interactions and transactions

The Company expects that all its Employees work together in order to ensure prompt action against any actual or possible violations of the policies and procedures as laid down by the Company. In case, if any Employee notices any violation by another Employee, he/she can, regardless of the designation of the violator, report the violation immediately without any fear of retribution or retaliation using the following channels:

a.)For violation of COBEC, ABAC and BGEP - Employees can raise concerns by submitting their grievance in the [Global Ethics Helpline](#). Employees based out of Germany/Netherlands shall continue to raise their grievance by writing to [whistleblower@hcl.com](mailto:whistleblower@hcl.com).

**Path:** MyHCLTech >>Top Ribbon (Main Menu)>> Ethics Helpline

b.)For any sexual harassment - Employees can raise concerns by submitting their grievance in the [Global Ethics Helpline](#). Employees based out of Germany/Netherlands shall continue to use the Smart Service Desk for SECURE complaints/write to [secure@hcl.com](mailto:secure@hcl.com).

**Path:** MyHCLTech >>Top Ribbon (Main Menu)>> Ethics Helpline

c.)For any risk to be reported - [risk@hcl.com](mailto:risk@hcl.com)

d.)For any compliance related issue - [compliance-officer@hcl.com](mailto:compliance-officer@hcl.com)

e.)For any Information Violation – [infosecincidents@hcl.com](mailto:infosecincidents@hcl.com)

f) Immediate reporting manager or the concerned human resources official (“HR”) of the respective entity or the \*Enquiry Officer of your respective geography;

\*An enquiry Officer is the person responsible for carrying out the investigation of reported case.

g) The L4 delivery/enabling function head of the respective entity;

However, it is always advisable for an Employee to submit a written, complaint narrating the true sequence of the events leading to the violation along with any supporting evidence. The Company is committed to keep the identity of the reporting Employee confidential to the maximum extent as consistent with the Company's legal obligation but subject to the Company's need to investigate reported violations.

The Employee using grievance channels such as [whistleblower@hcl.com](mailto:whistleblower@hcl.com) and [secure@hcl.com](mailto:secure@hcl.com), which have independent processes, will be governed as per respective Policies.

For details you may refer MyHCLTech > Policies Hub > Policy for Prevention and Redressal of Sexual Harassment at workplace (Secure) / Whistleblower Policy.

### **Decisions regarding Disciplinary Action will be subject to the following steps**

- Upon receiving a complaint, the Employee's manager or HR manager may share it with the designated Enquiry Officer of their respective region / geography depending on the seriousness of the violation
- The Enquiry Officer will hold a preliminary enquiry and will make every effort to resolve the matter by informal discussions with the Employee. This may result in the issue of an informal verbal warning and the Employee will be given the opportunity to improve.
- At this stage the Enquiry Officer will describe the allegations to the Employee and allow the Employee to respond. The intent of this preliminary enquiry is to decide whether there is adequate material for proceeding with a domestic enquiry or not.
- The disciplinary process should generally include an opportunity for the Employee to correct the problem or inadequacy, depending on the severity of the issue.
- Also, the procedure of disciplinary action against the Employee must be based on the principles of natural justice. In this regard, to hold the enquiry in conformity with the principles of natural justice, the following conditions are to be met:
  - a) The Employee proceeded against has been informed clearly of the charges levied against him/her;
  - b) The employee will be given an opportunity to understand and respond to the allegations against him or her, and to advise the Enquiry Officer regarding any potential witnesses that may support his or her position
  - c) The Enquiry Officer shall record all the findings appropriately in his report.
- The final decision pronounced may include any of the following action/s, not necessarily in any particular order, subject to the local laws depending on the seriousness of the issue:
  - a.) Close the issue without any further action
  - b.) Reprimand
  - c.) Verbal warning
  - d.) Written warning
  - e.) Probation
  - f.) Suspension
  - g.) Termination of employment as per law of land

### **Annexure A**

An indicative list of unacceptable activities has been listed below; the disciplinary action taken against the Employee may vary considering high or low impact of a violation or the local laws and regulations. Local HR policies or work rules may contain additional or different unacceptable activities that will subject an Employee to discipline under this Policy.

For example - an office pen being stolen from office can be treated as minor violation with low impact while forging documents will be treated as major violation with high impact. Any kind of violation will lead to appropriate disciplinary action subject to local laws, work rules and regulations.

### **Zero Tolerance or serious misconduct**

- Willful violation of any Company Policy or Procedure or any deliberate action that is extreme in nature and is detrimental to HCLTech's efforts to operate profitably, ethically and lawfully
- Being intoxicated or under the influence of alcohol or any controlled substance/ drugs while at work except medications prescribed by a physician, that do not affect or impair work performance
- Unauthorized possession of dangerous or illegal firearms, weapons or explosives within Company premises or while on duty.
- Violating the non-disclosure agreement; disseminating confidential or proprietary HCLTech information to customers, competitors, other organizations, public at large, third party or any other Employee.
- Immoral conduct, indecency or conducting a lottery or gambling within Company premises.
- Making any unwarranted, disparaging or unsubstantiated libel or slanderous comments against the Company, its Directors / Promoters / Managers or its Customers in any form or media.
- Indulging in any malpractice related to service level agreement that the company has agreed with a client -
- Engaging in criminal conduct or acts of violence, or making threats of violence towards anyone within Company premises or when representing HCLTech.
- Accessing / Storing / Transmitting pornographic content in any form

### **Client / Customer Violation**

- Client processes not followed
- Damaging client property at client site
- Doing a change without following change management process (or process defined by client) or forgetting to implement a change/ change
- Implementation / Fudging of any metrics like client – satisfaction in front of client / or internally Client processes not followed
- Inappropriate communication with clients
- Continuously receiving feedback as dissatisfied from client

### **Negligence / Staffing Refusal / Non - Performance**

- Negligence or any careless action which endangers the life or safety of another person or colleague.
- Unsatisfactory or careless work; failure to meet production or quality standards per Company's prescribed processes.
- Manager's lack of diligence in supervision and/or failure to prevent or report a violation by subordinates
- Trying to mask a change done because it did not go well or caused issues
- Indiscipline while on production: sleeping during working hours, taking unscheduled breaks, unapproved/ unscheduled leaves, reporting late to work, leaving early from work etc
- Unlawful cessation of work or refusal to work, going on strike in contravention of the provisions under law, participation in a stay-in-strike or any form of go-slow or work to rule, or any other action that does not have the protection of local laws (however go slow is not a contract termination action in Mexican Labor Law)
- Participating, inciting and/or instigating other Employees to take part or to act otherwise in furtherance of an illegal strike or go-slow, stay in strike in any form or illegal strike or action in the furtherance of such strike.
- Delay in commencing the work or stoppage of work during the stipulated working hours.

### **Misconduct**

- Dishonesty; wilful falsification or misrepresentation on application for employment or other work records; providing false information about sick or personal leave; falsifying reasons for a leave of absence or other data requested by HCLTech, alteration of Company records or documents.
- Theft of Company property or the property of fellow Employees; unauthorized possession or removal of any Company or Client property, including documents, from the Company's premises without prior permission from the company's management; unauthorized use of Company equipment or property for personal reasons; using Company equipment for profit.

- Any act causing harassment (of any nature including sexual) or racial abuse or discrimination.
- Offensive or inappropriate references to Race, Ethnicity, Religion, Gender, Lifestyle, Sexual Orientation, Disability and Age. Failure to report damage to, or an accident involving Company assets. Soliciting during working hours and/or in working areas; selling merchandise or collecting funds or any departure from accepted conventional modes of dress or personal grooming; wearing improper or unsafe clothing
- Threatening, intimidating or coercing fellow Employees on or off the premises-at any time, for any purpose.
- Smoking in restricted areas or at non-designated times, as specified by department rules.
- Failure to report an absence in Leave Management System or late arrival; excessive absence or lateness.
- Obscene or abusive language toward any manager, Employee, client, vendor or any other person associated with the work and services of the Company.
- Manager/Employee who retaliate, directly or indirectly, or encourage others to retaliate against any Employee who reports a potential violation of these standards.
- Engaging in an act of sabotage; willfully or with gross negligence causing the destruction or damage of Company property, or the property of fellow Employees, clients, suppliers, or visitors in any manner.
- Dishonesty in connection with the marking of attendance or attempting to mark attendance by card punching or otherwise or punching other worker's card or attempting to mark attendance in other worker's card
- Passing indecent remarks either within the Company/Client premises or outside or in the transport of the Company/ Client.
- Involvement in activities in violation of the COBEC;
- Demanding, offering or accepting bribes or any illegal gratification from any person in connection with employment or work of the Company.
- Any offence involving moral turpitude committed anywhere which is punishable under local law. - Unauthorized use of bulletin boards and/or posting notices in unauthorized places

**Insubordination**

- Insubordination or refusal to obey instructions properly issued by the manager pertaining to the Employee's work; refusal to help out on a special assignment.
- Impertinence, or disobedience or insult to superior/manager whether alone or in combination with another or others of any lawful or reasonable order of the superior, use or impertinent language, indecent behavior, gesture against any superior officer of the Company.
- Insubordination with the clients or its representatives. This may be on the floor/off the floor or with any of the HCLTech Management Representative.

**Please Note:** This list is indicative and not exhaustive in nature. Any other Disciplinary Incident/ Security Breach or other violation not listed above will be evaluated for its seriousness and impact for appropriate disciplinary action

**Annexure B – Information Security Violation**

**Information Security Violation**

- |   |   |
|---|---|
| 1 | Posting Business related HCLTech / Client Information on Internet                       |
| 2 | Sending Business related HCLTech / Client information to Public / Personal email domain |
| 3 | Sending emails from client domain to HCLTech domain against client policy               |
| 4 | Copy Business related information to storage media                                      |
| 5 | Downloading and Installing unauthorized software  |
| 6 | Sharing of Passwords and Tokens   |
| 7 | Hacking HCLTech / Client systems  |
| 8 | Accessing / Storing / Transmitting pornographic content                                 |
| 9 | Misuse of privilege provided  |



10	Theft of Company assets
11	Usage of Personal Computers/Devices for Business Purpose if it violates MSA
12	Violation of regulatory, contractual obligation / controls as laid down by Client /
Engagement	
13	Storing / Downloading of MP3, Video , IPR Content
14	Sharing of Access cards
15	Leaving access cards, tokens and other critical information on desk - unattended
16	Tailgating
17	Permitting Friends & Visitors inside ODC without authorization
18	Photography inside ODC and restricted areas
19	System left unattended
20	Carriage/ attempt of unauthorized storage media like USB drives, personal laptops,
hard drive etc	

**Please Note:**

- Repeat of low impact incidents for three or more times within 2 years would lead to High Impact category and appropriate disciplinary action will be taken.
- This list is indicative and not exhaustive in nature. Any other Disciplinary Incident Security Breach or violation not listed above will be evaluated for its seriousness and impact for appropriate disciplinary action
- For any Information Violation you may write to – [Infosecincidents@hcl.com](mailto:Infosecincidents@hcl.com).

- Table of Penalties** (in the Form section) is indicative and not exhaustive in nature and serve as a guideline.
- This guidance is subject to local law and may be changed from time to time at the discretion of the management.
- This guidance should be applied, and decisions may be taken after careful consideration of facts and circumstances of individual cases and in consultation with the Legal Team.
- Any other Disciplinary Incident/ Security Breach or other violation not listed in the attached list (in the Form section) will be evaluated for its seriousness and impact for appropriate disciplinary action.
- Any exception to these offences will have to be approved by CPO only.