

# **WRESTLE CARNIVAL DISCIPLINARY AND GRIEVANCE PROCEDURE**

## **Purpose And Scope**

The Disciplinary Procedure is designed to help and encourage all Artists to achieve and maintain standards of conduct,

The same procedure applies to all Artists and the aim is to ensure consistent and fair treatment for all.

The Grievance Procedure enables all Artists to bring to the promoter's attention any grievance relating to their engagement and to try to resolve such matters satisfactorily. Grievance proceedings will, so far as is reasonably practicable, be kept confidential.

## **Principles.**

No disciplinary action will be taken until the matter at issue has been fully investigated.

The Artist will have the right to appeal against any disciplinary sanction imposed.

## **General Provisions**

So far as applicable to a particular circumstance, the following requirements apply to the Disciplinary and Grievance Procedures.

## **Timetable**

Each step and action under the Disciplinary and Grievance Procedures must be taken without unreasonable delay.

## **Right to be accompanied**

The Artist has the right to be accompanied at any disciplinary or grievance meeting by a fellow Artist or trade union representative who may make representations on their behalf provided the Artist expressly authorised this at the beginning of the relevant meeting. However the Artist's companion will not be able to answer questions put to the Artist during the course of the meeting. This right applies to all stages of the disciplinary and grievance process including appeals. This right does not apply to investigatory meetings as these are held solely to establish the facts of the case and are not disciplinary meetings.

## **Meetings**

Timing and location of meetings must be reasonable. Meetings must be conducted in a manner that enables both the Manager and the Artist to explain their case.

The manager will endeavour to ensure that the meeting is in a private location and that there are no interruptions.

The length of time between the written notification and the meeting should be long enough to allow the Artist to prepare for the meeting. The Artist must take all reasonable steps to attend the meeting and if they or their companion cannot attend on the date suggested they must notify the manager and propose an alternative date for the meeting to be held at the earliest practical opportunity.

No meeting will take place unless the complainant has informed the other party in writing of the cause of the complaint and the other party has had the opportunity to consider a response to the complaint.

## **Records**

During the disciplinary or grievance process the manager will keep written records which may include: the nature of the complaint or the grievance raised; a copy of the written complaint or grievance; the Artist's defence; the manager's response; findings made; any action taken or sanction imposed and the reasons for it; any grievances raised during a disciplinary process; whether there was an appeal and if so the outcome; any subsequent developments.

Such records will be kept on a confidential basis so far as is reasonably practicable and in accordance with the Data Protection Act 1998.

## **Potential Disciplinary Sanctions**

### **Verbal Warning**

If conduct or performance does not meet acceptable standards the Artist may be given a formal verbal warning.

### **Non-renewal/removal of bookings.**

In certain circumstances, for example a failure to improve conduct from the verbal warning or where a previous disciplinary outcome has been given or where there is an act of gross misconduct or a serious failure to perform, the disciplinary sanction, given there is no contractual employment relationship between the Artist the Company, would be non-renewal of future bookings.

If some sanction short of this measure is imposed, the Artist will receive details of the complaint, and will be warned that future bookings could be jeopardised as a result if there is no satisfactory improvement.

### **Misconduct**

Misconduct is when an artist's inappropriate behaviour or action breaks workplace rules. Some misconduct examples include:

Bullying, harassment, refusing to do work ("insubordination"), being absent without leave or "AWOL")

### **Gross Misconduct**

The following list provides examples of offences which are normally regarded as gross misconduct. This list is not exhaustive and other serious misconduct may also lead to summary dismissal:

Theft, fraud, dishonesty, fighting, assault, violence, unauthorised possession of property belonging to the manager, damage to the manager's or venue property, incapacity to provide contracted services due to being under the influence of alcohol or illegal drugs, serious negligence which causes unacceptable loss, damage or injury, misuse of confidential information, conviction for a criminal offence arising from or relating to the Artist's work for the manager, conduct whether inside or outside contracted hours which may bring the promotions reputation into disrepute, serious or persistent neglect of duties or any material breach or non-observance of those duties – in particular refusal to follow reasonable instructions.

If the Artist is accused of an act of gross misconduct, the Artist may be suspended from bookings while the manager investigates the alleged offence. If, on completion of the investigation and the Disciplinary Procedure, the manager is satisfied that gross misconduct has occurred, the result will normally be that the Artist will no longer be engaged by the Company.

### **General**

Following a disciplinary meeting, before making the decision on what disciplinary sanction it should impose, the manager will take into account the Artist's disciplinary and general engagement records and the explanation given by the Artist at the disciplinary meeting.

Before implementing any of the formal sanctions set out above, including after a review of the Artist's conduct or performance, the Disciplinary Procedure set out below will normally be followed.

## **DISCIPLINARY PROCEDURE**

### **Investigation**

Where a potential disciplinary matter arises the manager will endeavour to make necessary investigations to establish the facts promptly. Having carried out such preliminary investigations the manager will decide whether to take no further action or deal with the matter informally or arrange for the matter to be handled on a formal basis. The manager may choose to hold an investigatory meeting (as opposed to a disciplinary meeting) with the Artist solely to establish the facts of the case.

### **Suspension**

In instances which the manager considers to be particularly serious (e.g. in cases involving alleged gross misconduct, where relationships have broken down or there is a risk to the manager's responsibilities to third parties or the 's property), the Artist's bookings may be suspended temporarily whilst an unhindered investigation is carried out.

### **Formal Procedure**

If the manager decides to take formal action, the following procedure will be followed:

#### **Statement of Grounds For Action And Invitation To Meeting**

The Manager will prepare a written statement setting out the Artist's alleged conduct or other circumstances, which may result in a disciplinary sanction (including dismissal, cancellation of future bookings) being imposed. The statement will be sent to the Artist who will be invited to attend a meeting to discuss the matter. The statement will contain sufficient detail and any relevant accompanying evidence to enable the Artist to prepare for the meeting.

### **Meeting**

The complaint will be fully explained to the Artist at the meeting and the manager will go through the evidence that has been gathered. The Artist can make representations and explain their view of the situation and answer any allegations that have been made. The Artist will be allowed to ask questions and present evidence. If appropriate the Artist can call witnesses and will be given an opportunity to raise points about any information provided by witnesses. No disciplinary sanction will be imposed until the meeting has taken place.

### **Notification Of Decision**

After the meeting the Artist will be informed of the manager's decision. This will be communicated to the Artist in writing within 10 working days of the meeting and the Artist will be notified of their right to appeal against the decision if they are not satisfied with it. If the decision is dismissal or cancel future bookings, the Artist will also be provided with written reasons.

If it is not possible for the manager to respond with their decision within 10 working days the manager will give an explanation to the Artist for the delay and inform them when a response can be expected.

### **Appeal**

The Artist has the right to appeal against any disciplinary sanction imposed on them. If they are an Equity member they may refer the matter to the union for review.

## **GRIEVANCE PROCEDURE**

### **Informal Resolution Of Grievances**

The management recognises that misunderstandings or grievances may sometimes occur. It is most important that these grievances are brought out into the open and resolved as fairly, consistently and speedily as possible. In most cases this can be done on an entirely informal basis.

Any grievance should, in the first instance, be raised with the manager, where a manager is the subject of the grievance, another member of the management team should discuss the matter with the Artist informally within two working days of it being raised.

### **Formal Resolution Of Grievances**

Where the grievance cannot be resolved informally and the Artist has a complaint, concern or problem about action which the manager has taken or is contemplating taking in relation to the Artist or the Artist has a personal grievance or a complaint about any work-related matter which affects their efficiency to provide their services, it should be dealt with under the formal Grievance Procedure below.

## **Formal Grievance Procedure**

### **Statement of Grievance**

The Artist must set out, in a written statement, their grievance and send the statement to the member of the management team responsible for talent relations (or, where that person is the subject of the grievance, an alternative member of management).

The Artist will be invited to attend a meeting in order to discuss the grievance.

### **Meeting**

The Artist will be permitted to explain their complaint and then say how they believe it should be settled.

### **Notification Of Decision**

After the meeting the Artist will be informed of the manager's decision. This will be communicated to the Artist in writing within 10 working days of the meeting and the Artist will be notified of their right to appeal against the decision if they are not satisfied with it. If it is not possible for the manager to respond with their decision within 10 working days the Manager will give an explanation to the Artist for the delay and inform them when a response can be expected.

### **Appeal**

The Artist has the right to appeal against the findings of a grievance meeting.

### **Appeals**

The Artist has a right to appeal against the finding of a disciplinary or grievance meeting. If the Artist wishes to appeal, they must inform the manager in writing within 5 working days of receiving the decision. The Artist will then be invited to attend another meeting.

Where possible the person who made the original disciplinary or grievance decision will not be involved in the decision-making process of the appeal. The appeal will be heard by an appropriate member of senior management.

After the appeal meeting the Artist will be informed of the manager's final decision and this will be communicated to the Artist within 10 working days of the meeting. If it is not possible for the manager to respond with their decision within 10 working days the manager will give an explanation to the Artist for the delay and inform them when a response can be expected.

Where the Artist appeals against any disciplinary sanction imposed on them, the original disciplinary decision (including a decision to dismiss) will be implemented pending the appeal meeting and its outcome