

Disciplinary Procedure

Any infringement, by a member Company, of the above code will be referred to a Committee established by the Council of Management pursuant to Article 55c of the Articles of Association to deal with any such infringement. This Committee will be referred to in the By-Laws as the "Complaints Board".

The Complaints Board will then be required to investigate the matter and present its findings to the Council of Management together with its recommendations as to what penalty, if any, be applicable.

1. Written reprimand or
2. Written reprimand with a warning that, should there be a subsequent occurrence within a stated period of time, then both occurrences would be taken into account in deciding the penalty to be given or
3. The imposition of a fine, ranging from a minimum of €1,000 to a maximum of €5,000, to be paid into the Association's funds within 30 days of confirmation of penalty or
4. Removal of membership.

Imposition of the above to be at the discretion of the Council of Management and ratified by the Association in session

Procedures for Handling Complaints Concerning Members of the Association

1. Internal

(i.e. between member companies)

Statement

The objective of this procedure is to attempt to ensure that constructive and harmonious relationships prevail between members

Initial Action

In all instances of differences between member Companies, those concerned must first attempt to resolve matters amicably between themselves before making referral for Council intervention. Should this not prove successful the following procedure will be observed:

- 1.1 The complaint, giving fullest details, will be put in writing and submitted to the Secretary of the Association.
- 1.2 The Secretary will convene a meeting of the Complaints Board, consisting of himself together with two Vice-Presidents of the Association to meet within ten working days of receipt of the alleged complaint.
- 1.3 Copies of the alleged complaint will be sent to the other members of the Board, prior to their meeting, and, should they so wish, they can require the parties concerned (together with any expert witness) to be present in order to amplify details if necessary. The Secretary will be asked to make these arrangements.
- 1.4 The Board will investigate the matter in detail and, if thought appropriate, attempt conciliation between the parties concerned.
- 1.5 Should the above not prove successful, the results of the investigation will be forwarded to the President of the Association for the matter to be put before the Council of Management in Session at the next meeting.
- 1.6 Parties concerned will be required to be at that meeting and answer personally any queries put to them by the Council of Management in Session.
- 1.7 The Council of Management will be required, by secret ballot at that meeting, to register their views on the matter.

2.External

(i.e. between a person or a company not a member of the Association and a member Company)

- 2.1 Only complaints submitted in writing to the Secretary will be entertained.
- 2.2 The Secretary will refer the matter to the Company concerned for immediate attention
- 2.3 A response, in writing, must be received by the Secretary within 14 days of first referral to the member Company
- 2.4 If the complainant is not satisfied with the reply or if a member Company fails to comply with the time table, the matter will be investigated by an appropriate person (or persons) nominated by the Council of Management and the cost for which will be borne by the member Company.

- 2.5 Faults and/or irregularities will be reported in writing to both the Secretary and the member Company concerned and that Company must then, in writing, undertake to rectify the problem/situation within 14 days (subject to availability of equipment, if applicable).

- 2.6 Failure to comply with the above requirements will result in the matter being put before the Council of Management in Session where the Company concerned will be required to explain its position to the other members.

- 2.7 The Council of Management will be required, by secret ballot at that meeting, to register their views on the matter.

3. Penalties

Should the complaint be upheld, penalties in accordance with the following scale will be decided by the Council of Management of the Association who will have the authority to set the amounts involved.

- 3.1 If sufficiently serious – Expulsion from the Association**
- 3.2 Short of expulsion – fines ranging from a minimum of €1,000 to a maximum of €5,000 for EACH offence.**