# Performance and misconduct management policy

1. Purpose
   * 1. The Company expects all employees to show competence, care, good faith and compliance with instructions, policies and procedures in the performance of their duties and to conduct themselves in a manner which respects the rights and welfare of other employees of The Company.
     2. Where an employee’s work performance does not meet a satisfactory standard, appropriate processes and corrective action must be taken.
     3. The Company is committed to ensuring that fair and effective systems exist for managing and resolving unsatisfactory work performance and misconduct.
2. Application of this policy
   * 1. The performance management components of this policy are applicable in the management of the following employees of The Company:
        1. Full and Part Time Employees of the Company after their first 6 months of employment -i.e. statutory probationary period (or 12 months if the Company is deemed a small business employer under the Fair Work Act);
        2. Casual employees engaged on a regular and systematic basis after their first 6 months of employment -i.e. statutory probationary period (or 12 months if the Company is deemed a small business employer under the Fair Work Act);
     2. The misconduct components of this policy are applicable to all employees of The Company.
3. Unsatisfactory performance

Where an employee has failed to achieve the standards set by the Company, or has acted or performed in a manner which is contrary to that required of their role, the Company, at its discretion, may take action to address the performance issues.

1. Process for managing unsatisfactory performance

The following steps outline, as a guide only, a hierarchical process that the Company may use in addressing unsatisfactory performance. The Company may, at its discretion, seek to address unsatisfactory performance by commencing through any step identified below, or by alternative means.

* + 1. Informal Counseling:
       1. The Company may informally discuss performance issues with the employee. Unsatisfactory work performance may be addressed as and when it arises, and the Company may provide Employees with support and assistance to improve their performance.
       2. Supervisors or managers should seek to note each informal discussion held with employees.
    2. Formal Performance Management:
       1. Where the Company considers that informal attempts to address the employee’s unsatisfactory work performance have been unsuccessful, the Company may proceed to manage the employee’s unsatisfactory work performance though a formal process.
       2. Measures which may be used in the formal management of an employee’s unsatisfactory work performance include, but are not limited to:
          1. Commencement of a formal performance management plan;
          2. increased supervision;
          3. mentoring;
          4. training and professional development;
          5. variation of duties;
          6. coaching.
       3. The employee will be advised of any consequences of not improving their performance within a reasonable period of time, which may include dismissal.
       4. A written record of any formal performance process undertaken (and commencement of performance management) should be placed on the employee’s personnel file.
       5. If the employee’s work performance has not improved within a reasonable period of time, or if the employee engages in further unsatisfactory work performance, the employee may be given a formal warning, placed on the employee’s personnel file, or the Company may commence formal disciplinary action, which may include termination of the employee's employment for unsatisfactory work performance.

1. Misconduct
   * 1. Misconduct may be any positive or omitted action or behavior by an employee that the Company deems to be inappropriate. This may include, but is not limited to, the following:
        1. failing to obey lawful and reasonable instructions;
        2. failing to follow defined policies, procedures and rules;
        3. failing to share relevant information with the Company;
        4. unacceptable, inappropriate or disruptive behaviour;
        5. unauthorised absence from the workplace; and
        6. repeatedly being late for work without lawful excuse.
     2. When proven, misconduct may provide a valid reason for discipline, up to and including termination of an employee's employment.
2. Serious Misconduct
   * 1. Behaviour amounting to serious misconduct includes, but is not limited to:
        1. wilful or deliberate behaviour that is inconsistent with the employee's contract of employment;
        2. theft, fraud;
        3. fighting, assault;
        4. intoxication at work;
        5. use of obscene, derogatory, violent or abusive language;
        6. discrimination, sexual harassment;
        7. failure to observe safety rules;
        8. dishonesty in the course of the employment including concealment of a material fact which amounts to deceit or otherwise causes the Company harm;
        9. conduct that, if proven, voids the necessary trust and confidence required for ongoing employment of the employee; and
        10. criminal conduct.
     2. Whether misconduct amounts to serious misconduct depends on the particular circumstances of a given case. When proven, serious misconduct may provide a valid reason for termination of an employee's employment without notice.
3. Process for managing alleged or suspected misconduct
   * 1. Where an employee is suspected or accused of engaging in misconduct, the Company may, at its discretion, commence an investigation of the alleged misconduct (conducted internally or external to the Company).
     2. The Company may stand the employee down from duties as part of an investigation into the matter. This may include being directed not to attend the worksite.
     3. Employees may have a support person present at any investigation, response or disciplinary meetings they are directed to addend by the Company.
     4. An employee found by the Company to have engaged in misconduct may be subject to disciplinary action, which may include, but is not limited to - counselling, transfer, training, verbal warning, formal warning, dismissal with notice or immediate dismissal without notice.
4. Further information

If you require further information, please speak with your manager.