

DISCIPLINARY POLICY

All employees have a responsibility to familiarise themselves with this policy so that they are fully aware of the type of behavior which may lead to a warning or dismissal. Ignorance of the rules will not be accepted as an excuse if a breach occurs.

Managers are authorised to invoke the disciplinary procedure in relation to employees who report to them and have the authority to investigate possible misconduct, hold disciplinary meetings and issue warnings.

Serious Misconduct

The following list (which is not exhaustive) contains examples of offences which constitute serious misconduct which may give rise to summary dismissal:

- Unauthorised possession of property, money, information or intellectual property belonging to or under the control of APH Contractors.
- Possession or use of the property of other employees without the owner's permission.
- Refusal to undertake the duties of the employee's position or to carry out any proper and lawful instruction delivered by person acting with the authority of APH Contractors.
- Walking off the job without authority.
- Physical violence or the incitement of any such physical violence against any persons on APH Contractors premises or at a work place where APH Contractors employees work.
- Racial, sexual or other improper harassment of an employee, customer or of the public.
- Being at work in such a state of intoxication (whether drugs or alcohol) as to prevent or impede the proper performance of duties (whether of the employee himself/herself or of any other employee).
- Being on licensed premises without permission during work hours.
- The possession, transport or use of non-prescribed prohibited drugs or alcohol (without prior permission) whilst on APH COMPANY's premises or worksite.
- Deliberate use of an unauthorised password in order to enter or attempt to enter, a computer known to contain information to which the employee is not entitled to have access.
- Failure to observe safety procedures or working in an unsafe manner, or failing to make proper use of safety equipment where such equipment is installed or supplied.
- Falsification of any records or any action which could result in a payment to which an employee is not entitled.
- Abuse of special leave such as sick leave or bereavement leave.
- Misuse or unauthorised use of APH Contractors property, including vehicles. In the case of vehicles this includes the transport of non-authorized people or animals and using vehicles for private purposes (unless this is directly authorised as part of the employee's remuneration arrangements).

- Operating a vehicle without a current driver's licence or the appropriate class of licence for that vehicle.
- Any willful act causing or likely to cause injury or danger to life.
- Smoking in areas where signs state this is prohibited for industrial safety reasons.
- Unauthorised disclosure of confidential information.
- Gross incompetence in the performance of the employee's duties.
- Any repetition of misconduct, or misconduct similar thereto, for which a final written warning has been given within the preceding 12 months

By way of explanation; this would mean that an employee on a final warning for unauthorised absence from duty would not be at risk of dismissal for being late for duty (assuming they were not on a final warning for being late). However such employee would be at risk of dismissal for failure to report in, by the required time, if sick.

Less Serious Misconduct

The following are acts or omissions (not exhaustive) which may, after the appropriate warnings lead to dismissal.

- Persistent failure to achieve any performance standards set or incompetence in the performance of an employee's duties short of gross incompetence.
- The use of abusive, obscene or threatening language to another person in the workplace.
- Disruption of the workplace by acts of undesirable behavior or horseplay.
- Unauthorised absence from duty.
- Smoking in no-smoking areas as defined by APH Contractors Smoke Free Policy.
- Any act which is likely to diminish the good reputation of APH Contractors in the community.
- Without good reason, failing to notify the supervisor as close as possible to the normal commencing time that the employee will be late or unable to commence work for that day.
- Failure to report any work accident, which requires medical treatment, within 24 hrs.
- Failure to notify APH Contractors within two working days of being disqualified from driving.
- Defacing APH Contractors Property.
- Failure to maintain or take due care of APH Contractors property (including vehicles).
- Unreasonably frequent and persistent lateness or absence.
- Any act or omission which, while not being serious misconduct, has a significant effect on an employee's ability to carry out the duties of the employee's position.
- Any other act or omission which, while not specifically covered by the foregoing classes of misconduct, is of a similar nature.

Fairness in Disciplinary Matters

APH Contractors shall act fairly in all disciplinary dealings with Employees. In practice this means;

- APH Contractors shall enquire into the circumstances of the matter as soon as practicable after it comes to APH Contractors notice and shall give the employee reasonable opportunity to comment on the issue of complaint or concern.
- Pending APH Contractors decision on the matter the employee may be suspended from work for up to five (5) working days on full pay, unless otherwise specified within APH Contractors EBA or award. The power of suspension shall not be invoked unless the employee has been given an opportunity (which may be brief) to make representations on the appropriateness or otherwise of suspension.
- If, after hearing the employee's explanation on the matter of complaint or concern, APH Contractors is satisfied that there has been **serious misconduct**, APH Contractors may act in APH Contractors absolute discretion to :
- Terminate the employee's employment either without notice or on giving such notice as APH Contractors deems appropriate in the circumstances;

OR

- Transfer the employee to other duties as an alternative to dismissal. Any such transfer may be to a lower grading with the attendant consequences of such a demotion. This action may only be taken with the approval of the employee.
- If, after hearing the employee's explanation, APH Contractors is satisfied that either there has been less serious misconduct or serious misconduct but that there are mitigating circumstances, APH Contractors may at APH Contractors sole discretion either:
- Give the employee a first or final written warning (as the case may be) which advises the employee that any repetition of the conduct in question, or similar conduct, within 12 months of the date of the warning is liable to result in a final warning or termination of employment (as the case may be);

OR

- Take the matter no further
- Where, within the 12 months of a first or final written warning, it appears to APH Contractors that an employee has been guilty of repetition of the misconduct or of misconduct similar to that for which the first or final warning was given, then at the discretion of APH Contractors:
- If the first warning has previously been issued - a final warning shall be invoked
- If a final warning was previously issued - The employee's employment may be terminated either without notice or on giving such notice as APH Contractors deems appropriate in the circumstances.



Frank Kenny
Managing Director

01/07/2018