

Discipline Procedure for On-hired Employees

INDEX

1. Purpose
2. Related Documents
3. Definitions
4. Roles and Responsibilities
5. Investigation Commencement
6. Suspension of Duties
7. Disciplinary Process
 - 7.1 Step 1 - Notifying the Employee
 - 7.2 Step 2 and 3 - Disciplinary Meeting
 - 7.3 Step 4 and 5 - Outcome
8. Malicious Allegations

1. Purpose

The purpose of this Procedure is to provide a fair and transparent process during an investigation into, but not limited to, alleged breaches of employment contract, Company Code of Conduct, Company / Client policies and/or misconduct.

2. Related Documents

Policy	NAT APOL 128	<i>Respectful Workplace Conduct Policy</i>
Policy	NAT APOL 158	<i>Code of Conduct for On-hired Employees</i>
Procedure	NAT AP 129	<i>Grievance Resolution for On-hired Employees Procedure</i>
Policy	NAT HSEPOL 301	<i>Work Health and Safety (WHS) Policy</i>
Policy	NAT APOL 114	<i>Whistleblower Policy</i>

3. Definitions

Company includes Bayside BWE Pty Ltd and the entities and trading names operating within the following brands:

- Acclaimed Workforce
- Balpara
- Bayside Group

and any other entity which the Directors may from time to time assign to the Company.

Employee is anyone who is an on-hire employee howsoever employed by the Company including an apprentice, trainee, work experience student, volunteer, secondee, independent contractor or any other person performing work or services for or on behalf of the Company or the Client and excludes internal employees.

Client is an organisation which has requested the Company provide its services or who the Company is in negotiations with to provide its services.

Company Representative is a Company Consultant or Company Manager who directly or indirectly manages the Employee's on-hire assignment.

Manager or **Supervisor** means any person who has control over the activity of the Employee.

4. Roles and Responsibilities

General

All people involved in the disciplinary process have the responsibility to treat each other with respect and are directed not to disclose any ongoing processes i.e. discipline processes covered by this procedure without prior approval from management, this will not be unreasonably withheld.

Employees

All Employees will comply with this Procedure. Any breach of this Procedure will result in disciplinary action up to and including termination of employment.

Company Representatives, Managers and Supervisors

Company Representatives, Managers and Supervisors are responsible for managing and enacting compliance with this Procedure by Employees under their control and taking prompt and appropriate action in accordance with this Procedure.

5. Investigation Commencement

Before an investigation is commenced, the Company Representative needs to contact the appropriate General Manager or CEO, who will facilitate the disciplinary process and decision making. Client Managers and Supervisors are responsible to notify our Company Representative if an investigation may be required.

When an investigation is required, the Company will endeavour to investigate on a careful and fair basis. The Company will equally provide procedural fairness in accordance with our obligations under the *Fair Work Act*.

6. Suspension of Duties

Where there may be a need to investigate allegations of inappropriate conduct, the Company will reserve its express right to suspend an Employee with a lawful and reasonable direction, to not perform work for a specified period.

A period of suspension may be enacted with or without pay depending on the circumstances and employee's employment status.

There may be individual circumstances which may not justify formal suspension, in this respect the Company is at liberty to impose certain restrictions to ensure an investigation can be conducted without interference, e.g., a working in another location, alternatively redeployment/reassignment, whilst an investigation is being carried out.

7. Disciplinary Process

The below steps are the guidelines to be followed; the company reserves the right to bypass steps as needed depending on the circumstances. No recording of any disciplinary meeting is to be permitted by any parties, this includes any combination of audio or visual recording. Breach of this may trigger and additional disciplinary action.

7.1 Step 1 - Notifying the Employee

The Employee will be notified as soon as practicable by a Company Representative of the intention to undertake a disciplinary procedure. Correspondence will be provided containing:

- The proposed date, time, and location of the meeting.
- Outline of the allegations, and possible disciplinary outcomes including termination.
- Reasonable time to consider allegation(s) prior to the scheduled meeting.
- Opportunity to attend the meeting with a support person to observe the process.

NOTE: A support person's role is to support the Employee and not to be an advocate.

In the event the alleged behaviour or conduct is of a serious or criminal nature requiring mandatory reporting, the Company may be required to mandatorily report to the applicable authority.

7.2 Step 2 and 3 - Disciplinary Meeting

Step 2

During the disciplinary meeting, allegation(s) will be individually addressed, followed by an invitation for the Employee to respond to each allegation raised and disclose any information relevant to the allegation for the company to take into consideration. Responding can be done verbally at the meeting and/or afterwards in writing.

Step 3

At the conclusion of the meeting, further procedural steps will be outlined, in addition to providing an estimated timeframe for when the Employee will be advised of an outcome. Further steps could involve, but not limited to, following up on the response from the Employee, hearing more or new witnesses, a follow up meeting or a time for providing a written response.

The Company will make no final decision until the process has been completed.

7.3 Step 4 and 5 - Outcome**Step 4**

At the conclusion of the process the Employee will have the findings and outcome communicated in writing.

Step 5

Employee has the right to dispute the outcome in writing.

The company will consider the employee's dispute and make a determination on any change to the outcome. A copy of the employee's written dispute along with the outcome letter will be attached to the employee's file.

8. Malicious Allegations

If, during the course of the investigation, it was found that the complaint was initiated vexatiously or maliciously, then the Company may consider whether disciplinary action should be taken against the complainant who initially made the complaint in accordance with this Procedure.

HISTORY OF ISSUE & REVISIONS

REV NO	PARTICULARS	APPROVED BY	DATE	REVIEW DATE
0	<ul style="list-style-type: none">First issue	Recruitment General Managers, CEO Balpara, HSE Manager	Aug 25	Aug 27

End of Procedure