



HRPRO002 – DISCIPLINARY PROCEDURE

INTRODUCTION

The objectives of YBE's disciplinary procedures are to:

- provide employee(s) with an opportunity to correct underperformance, unsatisfactory performance, misconduct, and serious misconduct (except in the case of termination)
- ensure that all employees are treated fairly, equally and consistently; and
- ensure that each situation is reviewed and addressed on an individual basis and in relation to the circumstances.
- correct and/or improve the standard of conduct of an employee where appropriate or necessary;

INTENT

The procedure outlined below is intended to guide the disciplinary process being implemented by YBE. In every case, the actual disciplinary procedure to be adopted will be a matter for YBE's discretion and in consideration of the circumstances of the individual case.

Nothing in this procedure prevents YBE from issuing a final warning or termination at any stage of the process for example in circumstances involving serious misconduct by an employee.

RELEVANT DEFINITIONS

Code of Conduct is the Code of Conduct required by all YBE employees.

Disciplinary action means:

- a) Formal verbal warning of an employee by Management in conjunction with HR.
- b) Written warnings of an employee by Management in conjunction with HR
- c) Termination of an employee's employment.

Dismissal for Serious Misconduct is when an employee member may be summarily dismissed for serious misconduct.

Employee describes employees, apprentices, trainees, agents and contractors (including temporary contractors).

Formal verbal warning a two-way discussion, aimed at pointing out any shortcomings in conduct and setting expectations. This discussion should be documented by the conductor.

FWA Fair Work Australia.

HR Human Resources Officer

Management YBE's managers, supervisors, team leaders (whichever are relevant) and all employees with supervisory responsibilities.

Misconduct is dereliction of duty or wilful conduct that is unsatisfactory. In deciding whether conduct is in fact misconduct, Management will reference YBE's Code of Conduct.



Serious Misconduct (as per FW Regulations) is the wilful or deliberate behaviour by an employee that is inconsistent with the continuation of the contract of employment and/or conduct that causes serious and imminent risk to the health or safety (may be mental or physical) of a person, or the reputation, viability or profitability of the employer's business. Conduct that is serious misconduct includes each of the following; the employee, in the course of the employee's employment, engaging in:

- theft; or
- fraud; or
- assault;
- the employee being intoxicated at work;
- the employee refusing to carry out a lawful and reasonable instruction that is consistent with the employee's contract of employment.

Support Person colleague or union representative to be present when involved in disciplinary proceedings.

Underperformance is failure to meet the performance standards of the position.

Unsatisfactory Performance is failure to meet the performance standards of the position.

YBE YBE (2) Pty Ltd.

PROCEDURE

1. UNDERPERFORMANCE, UNSATISFACTORY PERFORMANCE AND MISCONDUCT

1.1 VERBAL WARNING

Prior to any written disciplinary action being taken by YBE against an employee who is not performing their job satisfactorily, a formal verbal warning will be given with a view to correcting or improving the employee's underperformance, unsatisfactory performance or misconduct.

YBE must make a notation of the verbal warning and this will form part of the employee's personnel file.

1.2 1st WRITTEN WARNING

If the employee is held responsible for underperformance, unsatisfactory performance, misconduct or the breach of any YBE Policies or Procedures, the employee will be issued with a written warning, which will form part of the employee's personnel file.

In issuing the written warning to the employee, YBE will notify the employee that disciplinary action has commenced, and the employee may receive a 2nd and 3rd warning if they do not correct or improve their underperformance, unsatisfactory performance, misconduct or are responsible for the breach of any YBE Policies or Procedures.



The employee should be asked to sign the warning and corrective actions detailed as an acknowledgement that they agree with its contents. If the employee refuses to sign the warning, this should be recorded on the Record of Discussion along with the reason for the employee's objection if this is provided and further investigation will commence by HR.

The employee will be given a reasonable opportunity to have a support person present at the meeting.

The employee will be given a copy of the warning.

1.3 2nd AND 3rd WRITTEN WARNING

If the underperformance, unsatisfactory performance, misconduct is repeated or not improved or the employee has breached any other YBE Policies or Procedures, the employee will be issued with a 2nd followed by 3rd warning, which will form part of the employee's personnel file.

In issuing the written warning to the employee, YBE will notify the employee that the employee's employment may be terminated if they do not correct or improve their underperformance, unsatisfactory performance, misconduct or are responsible for the breach of any YBE Policies and Procedures.

The employee should be asked to sign the warning as an acknowledgement that they agree with its contents. If the employee refuses to sign the warning, this should be recorded on Record of Discussion form along with the reason for the employee's objection if this is provided. Further investigation will be commenced by HR. The employee will be given a reasonable opportunity to have a support person present at the meeting.

The employee will be given a copy of the warning.

1.4 TERMINATION

If there has been no correction or improvement in the employee's underperformance, unsatisfactory performance, misconduct or is responsible for breach of any YBE Policies and Procedures, the employee's contract of employment may be terminated. The employee should be given

- a letter of termination signed by the HR including the day of the termination of his/her employment or payment in lieu of notice;
- payment of all accrued entitlements;
- payment of any outstanding entitlements;
- a Separation Certificate; and
- On termination, the employee must immediately return all YBE property in the employee's possession or control to YBE.



1.5 DOCUMENTATION

YBE should make contemporaneous notes of disciplinary discussions and actions. Record of Discussion forms should be placed on the employee's personnel file summarising the nature of the allegations, the outcome of any investigation undertaken, and the disciplinary action taken. Notes should also be made of any conversations or meetings with the employee.

The employee should be asked to sign the Record of Discussion form as an acknowledgement that they agree with its contents. If the employee refuses to sign the Record of Discussion forms, this should also be recorded on along with the reason for the employee's objection if this is provided.

Copies of warning letters should also be placed on the employee's personnel file.

2 SERIOUS MISCONDUCT

2.1 INVESTIGATION OF SERIOUS MISCONDUCT

Where, in the reasonable opinion of YBE, an employee may be guilty of Serious Misconduct, YBE will adopt the following procedure:

- YBE will inform the employee that it is investigating alleged Serious Misconduct by the employee which may lead to the termination of the employee's employment;
- YBE may elect to stand down the employee with / without pay as the investigation proceeds or direct the employee to continue working as normal;
- YBE will inform the employee of the nature of the alleged Serious Misconduct and give the employee a reasonable opportunity to make a statement;
- YBE will interview any other employee with knowledge likely to assist the investigation process;
- Throughout the investigation process, YBE will allow the employee (and any other employee involved in the investigation process) to have a support person present at any interviews or meetings; and
- Once the investigation is complete, YBE will inform the employee of the outcome in the presence of the support person.

2.2 FINAL WARNING AND TERMINATION

Upon completion of Serious Misconduct investigation, it is determined that all or some of the concerns or allegations are proven and after consideration of, the employee's contract of employment and performance history, final warning may be issued, or the employee may be terminated. In instance of termination, the employee should be given:

- a letter of termination signed by the HR including the day of the termination of his/her employment;
- payment of all accrued entitlements;
- payment of any outstanding entitlements;



- a Separation Certificate; and
- On termination, the employee must immediately return all YBE property in the employee's possession or control to YBE.

2.3 DOCUMENTATION

YBE should make contemporaneous notes of disciplinary discussions and actions.

Record of Discussion forms should be placed on the employee's personnel file summarising the nature of the allegations, the outcome of any investigation undertaken, and the disciplinary action taken. A file note should also be made of any conversations or meetings with the employee.

The employee should be asked to sign the Record of Discussion form as an acknowledgement that they agree with its contents. If the employee refuses to sign the Record of Discussion form, this should also be recorded along with the reason for the employee's objection if this is provided.

Copies of warning letters should also be placed on the employee's personnel file.

SUPPORTING DOCUMENTATION

- Current employment agreement
- FWA - Act 2009
- HRPOL000 - Code of Conduct
- HRPOL002 - Disciplinary Policy
- PERFRM001 - Record of Discussion
- PERFRM002 - Verbal Warning
- PERFRM003 - First Written Warning
- PERFRM004 - Second Written Warning
- PERFRM005 - Third and Final Written Warning
- PERFRM006 - Performance Improvement Plan
- PERFRM011 - Performance Review Policy
- PERFRM012 - Performance Review Procedure

RESPONSIBILITIES

The HR Officer is responsible for the implementation of this procedure.

Document History and Version Control

Version	Date Approved	Approved by	Signature	Created By	Signature
1.0	05/01/19	Lucinda Botha CFO		Malika Chanday - HR Officer	