

## DISCIPLINE & TERMINATION POLICY

This policy is designed to ensure that when discipline and termination issues arise, employees are treated fairly and equitably. It also aims to ensure that Managers involved in the disciplining and termination of employees meet industrial law and standards for termination of employment. This applies both to the reason for dismissal and the manner in which the dismissal is carried out.

For the purpose of this policy, the term 'employee' can refer to either:-

- A CCGT Apprentice or Trainee who is placed with a CCGT Host Employer; or
- An internal staff member of CCGT.

For the purpose of this policy, the term 'Manager' can refer to either:-

- CCGT Senior Management if the disciplinary action relates to a CCGT internal staff member; or
- A CCGT Field Officer if the disciplinary action relates to a CCGT Apprentice or Trainee.

This policy is divided into three parts.

- Part 1 deals with dismissal for performance or misconduct.
- Part 2 deals with dismissal for serious misconduct.
- Part 3 deals with dismissal because of redundancy.

### **PART 1: DISMISSAL FOR PERFORMANCE OR MISCONDUCT**

#### **1.1 Performance**

An employee's performance is considered to be inadequate if they cannot meet the inherent requirements of the position as set out in:

- (a) The Position Description for CCGT internal staff; and/or
- (b) The Apprentice/Trainee Training Contract for CCGT apprentices and trainees; or
- (c) Has not achieved a satisfactory rating in one or more key result areas during the probation period; or
- (d) Has not achieved a satisfactory rating in one or more key result areas during a three (3) month period.

#### **1.2 Misconduct**

Misconduct includes but is not limited to:

- (a) Actions involving harm (or the real possibility of harm) to any employee
- (b) Dishonesty
- (c) Verbally abusing a person at the workplace
- (d) Harassing or discriminating against an employee of CCGT or Host Employer
- (e) Sexual harassment
- (f) Inefficiency, neglect of duty, malingering, unexplained absences, tardiness.

#### **1.3 Verbal Warnings**

Where a Manager has concerns about an employee's performance or conduct (excepting serious misconduct – see below), the Manager will explain to the employee the manner in which the conduct or performance is not meeting the required standard as soon as possible. This standard is set out in the Company policy "Behavioural Code of Conduct."

The Manager will in the first instance, verbally counsel the employee by informing them of the area(s) in which they are not meeting the required standard of performance or conduct expected of them.

The employee will be given an opportunity to respond to the Manager's concerns and will be given an opportunity to rectify their performance or conduct within a reasonable period of time, depending on the circumstances.

The Manager will make written notes of the verbal warning and place in the Employee's file.

#### 1.4 Official Written Warnings

If the employee fails to rectify his/her performance within the required period, the Manager will meet with the employee and the first official written warning will be given.

If the employee's continued performance or inadequate conduct is such that it would be unreasonable for the Manager to allow the employee the allotted time to remedy the problem, then the Manager will institute the second official written warning prior to the specified time expiring.

The Manager will inform the employee prior to the meeting of the concerns that they have with the employee's conduct or performance, and state that the employee is allowed to have a person of their choice accompany them to the meeting.

At the meeting, the Manager will outline the nature of the problem(s) and allow the employee an opportunity to respond.

If the employee's response is not adequate, the Manager will present the employee with an official written warning (stating whether this is the first, second or final warning). The warning will state:-

- The problem;
- Refer to all previous oral and/or written warnings and their dates;
- The corrective action which is required;
- What action will be taken if the employee does not remedy the problem (when issuing a first warning, the warning should state that if the problem is not remedied within a specified time, then the employee will be issued with 2 further warnings and may ultimately be dismissed);
- State that the written warning will be filed in the employee's file.

The Manager should then monitor the employee's performance or conduct to determine whether he or she is making the required improvement.

If the employee fails to meet the appropriate standard within the time allowed, the Manager will conduct a final warning meeting with the employee. The second and final warning sessions will replicate the first meeting. However, if the employee has not adequately explained their failure to remedy their poor performance or conduct, that continuing poor performance or conduct WILL lead to dismissal.

The Manager will at all times throughout the abovementioned process, listen objectively to the employee's responses, ensuring that the written warnings are justified.

#### 1.5 Steps Leading to Dismissal

Following the issuing of the second warning, if the employee fails to remedy the fault within the allotted time, or it would be unreasonable for the Manager to allow the employee to continue working out the allotted time, the Manager will then initiate dismissal proceedings.

This will involve the employee attending a final official meeting. A letter will be presented stating:-

- That the employee's conduct or performance has not improved;
- The steps the employer has taken to remedy the problem in the past;
- The fact that the employee is entitled to be accompanied by a person of their choice; and
- The fact that, unless the employee can adequately explain his or her conduct or performance, then the employer may dismiss the employee.

The employee may have the person of their choice with them at the final meeting. The Manager will start by outlining the concerns that they have with the employee's performance or conduct. The Manager will then listen very carefully and objectively to the response provided by the employee and make a valued decision based on all information provided as to what options (if any) are available for the employee.

If the employee's response is considered inadequate and no sufficient improvement has been witnessed, the Manager will state the reasons for dismissal (i.e. performance or conduct) and the history of all previous warnings.

## PART 2: DISMISSAL FOR SERIOUS MISCONDUCT

A Manager is entitled to instantly dismiss an employee in circumstances where that employee has committed an act of serious misconduct. Serious misconduct includes:-

- Fighting;
- Breaches of the CCGT Drug and Alcohol Policy;
- Deliberately spoiling or damaging any product or CCGT or a CCGT Host Employer;
- Theft from CCGT or a CCGT Host Employer;
- Refusal to carry out any lawful instructions of a Manager (including instructions relating to Work Health and Safety issues);
- Engages in dangerous, unlawful or criminal activities.

AN EMPLOYEE WHO COMMITS ANY OF THESE ACTS IS LIABLE TO INSTANT DISMISSAL.

Other acts may also constitute serious misconduct, depending on the circumstances of the case. It is up to the Manager to determine when an act is serious misconduct.

In some cases, where the employee's act of serious misconduct is witnessed by the Manager, and where the act is blatant and inexcusable, the Manager is entitled to dismiss the employee on the spot. An example of this is where an employee assaults their supervisor.

In most cases, the Manager will conduct an investigation into the incident or behaviours. The employee concerned may be sent home on full pay while the investigation is proceeding. The Manager will endeavour to find out all the facts before a decision to dismiss the employee is made.

The Manager will interview all those people who may be able to assist the investigation. The offending employee will also be interviewed.

Before dismissing the employee, the Manager must be satisfied on the balance of probabilities that the incident took place.


If the Manager decides that the employee should be dismissed, then the Manager will inform the employee of this by letter.

An employee dismissed for serious misconduct is not entitled to payment in lieu of notice.

## PART 3: DISMISSAL ON THE GROUNDS OF REDUNDANCY

CCGT recognises that from time to time positions may need to become redundant. In the event of this occurrence, CCGT will adhere to the relevant Modern Award or Enterprise Agreement to ensure that all information is passed on in a relevant and timely fashion. CCGT will also ensure that all payments and notifications are made to the appropriate authorities and relevant personnel as specified within each Modern Award or Enterprise Agreement.

Endorsed by the Board of Directors on ..... 26/5/24

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CCGT Chairman

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CCGT Senior Manager