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## ARI DISCIPLINARY POLICY AND PROCEDURE [Interim]

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### Statement of Commitment

*Australian Registry Investments (ARI) is committed to assisting its people to effectively perform their roles. It is recognised that performance and behaviour issues may arise that require the commencement of disciplinary action to protect the organisation, the organisation's customers, partners and other employees.*

This policy has been developed to ensure that managers involved in the disciplining of employees (including termination of employment) meet industrial requirements. This Policy complements the procedures outlined in the Grievance Policy.

In order to ensure that ARI complies with its legislative responsibilities managers/team leaders involved in disciplinary matters must consult Human Resources for advice before and during any disciplinary process.

### Scope

This policy applies to all ARI people in the workplace.

The "workplace" extends to external premises and events such as work-related training, conferences, formal and informal social gatherings.

### Policy Objectives

The objectives of the Disciplinary Policy and Procedure are:

- To maximise the prospects of the individual successfully achieving the standards set by the company and rectifying the problem or removing the causes of the unsatisfactory conduct or performance
- To ensure that investigations and assessments of incidents are dealt with objectively, consistently and fairly
- Recognise the rights of the employee, work colleagues, and ARI's commercial interest and welfare
- To ensure procedural fairness is observed in the actions of managers that may lead to corrective or disciplinary action including, termination of employment

The primary objective of any intervention is to address a problem in its early stages so that the employee concerned has the opportunity to amend or stop the behaviours.

Addressing the unsatisfactory conduct or performance means:

- Reiterating the conduct and/or performance requirements to the employee
- Explaining with examples why the performance or conduct is unsatisfactory
- Seeking the employee's explanation for the unsatisfactory conduct or performance
- Identifying corrective action and providing appropriate assistance and
- Providing an opportunity for the employee to demonstrate the necessary improvement.

## Related Documents

- [Interim] Behavioural Code
- [Interim] Grievance policy
- [Interim] Anti-Discrimination, Bullying and Harassment policy

## **Compliance**

This Policy provides guidelines. It does not mandate the corrective or disciplinary action to be taken for unsatisfactory conduct or performance. Whether the process is informal or formal and whether or not it results in corrective or disciplinary action, including termination of employment, will depend on a range of factors. These include:

- Whether the employee knows, or should have known, their conduct or performance is unsatisfactory;
- The employee's explanation for the unsatisfactory conduct or performance;
- Whether the employee's actions were inadvertent, negligent or intentional;
- The employee's work history; and
- The nature of the unsatisfactory conduct or performance

## **Process**

### Steps in the Disciplinary Process

In many instances, ARI will follow a process involving a number of steps for managing disciplinary issues. If a matter is resolved the process will stop at that point. The steps in the process are:

1. Counselling
2. First formal warning
3. Second formal warning
4. Show cause, consideration and disciplinary action or possible dismissal

There may be circumstances which warrant an alternative approach. In these instances, it will be necessary to discuss options with Human Resources.

## **Counselling**

Counselling is an opportunity for the manager/supervisor to discuss the matter with the employee without proceeding to a formal warning. At a counselling meeting the following matters should be covered with the employee:

- The expected level of performance or behaviour for her/his role
- In what specific way(s) the employee has not met the performance or behavioural expectations
- Any matter relevant to the employee's performance or behaviour that the employee wishes to raise
- A plan of action to assist the employee to meet the role expectations.

A manager/supervisor should initiate counselling immediately s/he becomes aware of any potential performance or behaviour issue in order to facilitate early resolution, avoid escalation and to signal the relative seriousness of the issue. Counselling should take place in a face to face meeting.

The employee should be given sufficient notice of the meeting and its purpose to be able to consider the issues. The employee must also be given sufficient time to reflect upon and respond to the matters raised and so more than one meeting may be required.

The manager/supervisor will keep a record of the counselling session, including all agreed actions and outcomes.

### **Formal Warnings**

The purpose of a formal warning is to:

- Inform the employee of the specific performance or behaviour issues that are unsatisfactory
- Invite the employee to respond to the matters raised by the manager/supervisor
- Allow the employee to bring to the manager/supervisor's attention any underlying matter relevant to the employee's performance or behaviour e.g. health or family issues for the employee or her/his family; gaps in skills; difficulties in the workplace
- Set an appropriate timeframe for the required improvement and to clarify what will be the consequences of failure to improve
- Schedule regular review and further learning and development activities (if appropriate)
- Assist the employee to achieve the required standard of performance or behaviour
- Make the employee aware that failure to make appropriate changes will result in termination of employment.

Warnings should involve a face to face meeting with the employee followed up with a detailed written confirmation of the warning being provided to the employee.

Prior to the meeting the employee should be made aware that s/he may bring a support person to the meeting and that the manager/supervisor may ask another manager or a member of Human Resources to be present at the meeting. The notice period would generally be 24 hours. The role of the support person is to be an observer and provide support to the employee but not to actively participate in the meeting unless requested by all parties to do so.

During the review period, which must be defined in the written warning, the manager/supervisor should provide regular feedback to the employee about her/his progress. The review period continues, for the time to which the parties have agreed, or until the employee achieves a sustained period of satisfactory level of performance or behaviour or the time the review period expires.

### **Dismissal**

ARI must demonstrate both substantive and procedural fairness in its processes around dismissal in order to show that there has been "natural justice" to the employee. Substantive fairness refers to whether the "punishment fits the crime". Procedural fairness is demonstrated where the manner in which the dismissal was carried out was fair; that is the individual was given opportunity and assistance to improve and clearly understood both the seriousness of the issue and the consequences of failure to change. Prior to any final decision to dismiss an employee, the employee should be provided an opportunity to give reasons why they should not be dismissed. The validity of these reasons are to be considered before deciding on appropriate action.

Dismissal may be with or without notice.

Dismissal of an employee cannot commence without the prior approval of the Chief Executive Officer acting on the advice of Human Resources.

The notice periods applicable for dismissal (termination) are set out in contracts of employment, the Fair Work Act, and any applicable Awards or industrial instruments.

### **Dismissal without Notice (Summary Dismissal)**

In limited circumstances of serious or gross misconduct ARI may decide to provide a first and final written warning or summary dismissal, without notice.

Serious misconduct is deliberate behaviour by an employee that is inconsistent with the employment contract or causes imminent and serious risk to the health and safety of a person or the reputation, viability or financial sustainability of ARI.

Examples of serious misconduct may include:

- Assault
- Fraud
- Theft
- Intoxication or being under the influence of illicit drugs
- Refusal to carry out a lawful and reasonable instruction, which is consistent with the contract of employment
- Willful or deliberate behaviour that is inconsistent with the continuation of the contract of employment
- Conduct that causes serious and imminent risk to the health and safety of a person; or the reputation, viability or profitability of Land & Property Information

### **Dismissal with Notice**

Dismissal with notice usually occurs after a series of formal warnings only if there has not been sufficient improvement in performance, efficiency, attendance, punctuality, or behaviour.

ARI will provide the employee, in writing, details of the issues, dates and actions taken to assist the person, in what ways there has been a failure to improve and the reasons for the dismissal.

Appropriate notice or payment in lieu (as provided in the relevant contract or Award) and full details of final payments made by the organisation must be given to the employee.

The employee is entitled to collect personal belongings and should return any ARI property they may have.

### **Enquiries**

Advice in relation to this Policy and Procedure can be obtained from Human Resources.