



Misconduct Policy

Policy number	39	Version	2
Drafted by	President	Responsible Person	President
Approved by	10/07/2019	Review Timetable	Every 2 years
Committee on			
<u>Review History:</u>			
Date: 14/7/2020		By: Secretary	
Date: 21/9/2022		By: President	

PURPOSE

The Gallipoli Barracks Community Centre may discipline an employee who engages in unacceptable behaviour.

The purpose of this policy is to ensure that employees are aware of behaviour that could amount to misconduct and that all relevant parties are aware of the Gallipoli Barracks Community Centre's policy for dealing with misconduct.

SCOPE

This policy applies to all employees of the Gallipoli Barracks Community Centre unless otherwise specified.

POLICY

The Gallipoli Barracks Community Centre expects employees to observe acceptable standards of behaviour.

Employees must not engage in behaviour that amounts to misconduct (including serious misconduct) at the workplace. This includes where employees are working on site or off-site, attending a work-related conference or function, or attending a client or other work-related event, including retreats and social events.

Misconduct

Where an employee engages in misconduct or alleged misconduct, the processes in this policy will be followed.

Behaviour amounting to misconduct includes, but is not limited to, the following:

- Failing to obey lawful and reasonable instructions of the Gallipoli Barracks Community Centre;
- Failing to follow defined policies, procedures and rules;

- Failing to share relevant information with the Gallipoli Barracks Community Centre;
- Unacceptable disruptive behaviour;
- Unauthorised absence from the workplace; and
- Repeatedly being late for work without lawful excuse.

When proven, misconduct may provide a valid reason for termination of an employee's employment with notice.

Serious misconduct

Whether misconduct amounts to serious misconduct depends on the particular circumstances of a given case. Supervisors/managers should consider the circumstances fully as they apply to the particular employee when determining whether or not the employee has engaged in conduct that could be considered serious misconduct.

Behaviour amounting to serious misconduct includes, but is not limited to:

- willful or deliberate behaviour that is inconsistent with the employee's contract of employment;
- theft;
- fraud;
- assault;
- intoxication at work;
- use of derogatory, violent or abusive language;
- fighting;
- failure to observe safety rules;
- concealment of a material fact on engagement;
- obscenity;
- dishonesty in the course of the employment; and
- criminal conduct including conduct that, if proven, renders the employee completely unfit for work.

AUTHORISATION

Am SA

Committee Secretary

Date

01/06/2023





Misconduct Procedures

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RESPONSIBILITIES

The **Committee** is responsible for ensuring that:

- The processes in this policy are followed in relation to all instances and allegations of misconduct;
- Employees that are the subject of any investigation are afforded procedural fairness; and
- Confidentiality is maintained to the greatest extent possible.
- Where appropriate, they try to informally resolve any instances or allegations of employee misconduct with the employee(s) involved in first instance

Employees are responsible for ensuring that they:

- Comply with this policy and related procedures; and
- Report any instances or allegations of misconduct to the relevant manager, or the Human Resources Department, as appropriate.

PROCESSES

A breach of this policy or related procedures may lead to disciplinary action and possible dismissal. Where the Gallipoli Barracks Community Centre considers that an employee has engaged in serious misconduct, the Gallipoli Barracks Community Centre may dismiss the employee without notice.

Each instance or allegation of misconduct will be considered by the Gallipoli Barracks Community Centre on its own merits, and any mitigating circumstances will be taken into account.

Where an employee is accused of engaging in misconduct, it is open to the Gallipoli Barracks Community Centre to stand the employee down on full pay in order to further investigate the matter.

Investigations into instances or allegations of misconduct will be conducted in accordance with the principles of procedural fairness. Employees accused of misconduct will be given an opportunity to respond to the allegations against them and may have a support person present at any disciplinary meetings with the Gallipoli Barracks Community Centre.

Any meetings relating to instances or allegations of misconduct or serious misconduct will be conducted by two members of the Committee, one of whom will act as a note taker.

If the Gallipoli Barracks Community Centre decides that the appropriate action is to dismiss an employee, the employee will be provided with the full reasons for the decision.

LEGISLATION & AWARDS

- *Fair Work Act 2009 (Cth)*
- *Fair Work Regulations 2009 (Cth)*

AUTHORISATION



Committee President

Date 1/6/2023