

	Discipline & Misconduct Policy	People & Culture
	Version 1.2	8 pages
Target audience:	<ul style="list-style-type: none"> This policy applies to our employees; meaning all people who are employed by RGF Staffing APEJ or its associated entities, and who are employed to do work directly for RGF Staffing APEJ and associated entities, our International businesses (including Executive and Non-Executive Directors), or the Company's clients. 	
Contact person:	Meredith Menzies, People & Culture	
Policy owner:	Mark Graham, People & Culture	
Related Standards:		Related Guidance documents:
<p>In this Policy, all such conduct or behaviour that fails to meet the standards expected by RGF Staffing APEJ (RGF) is referred to as "misconduct".</p> <p>This policy does not apply to poor or unsatisfactory work performance. Managers should seek assistance from People & Culture to help with a Performance Recovery process.</p>		<ul style="list-style-type: none"> Code of Conduct Workplace Diversity Policy Anti-Bullying Policy Complaints & Grievances Policy Delegations of Authority Policy Drug and Alcohol Policy Workplace Health and Safety Policy Whistleblower Policy IT facilities, Systems and social media use Policy
Effective date:	Updated as per:	Modification:
01-10-21	11-04-2022	Format change to RGF branding, with minor consequent amendments
Approved by:		Approved on:
Chief People Officer		01-10-2022
Group Policy compliance <p>Primary responsibility for adherence to this Policy resides with the SBU Unit CEO. Local laws and regulations supersede this policy. Should this policy be found to be in contradiction with such regulations, it is the CEO's responsibility to immediately inform the General Counsel of this matter. This policy supersedes all local company policies. Should a local policy contradict this policy, it is the CEO's responsibility to align the local policy with this policy.</p>		

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PURPOSE OF THE POLICY

This policy sets out the process for addressing misconduct and unacceptable behaviour by an employee, including where allegations of such behaviour arise from a complaint or grievance made by another person.

Such conduct or behaviour includes:

- *continued unsatisfactory behaviour, such as lateness or unauthorised absence;*
- *breaches of a person's contract of employment;*
- *breaches of Company policies and procedures;*
- *behaviour which, due to its nature, has the potential to have an adverse impact on the Company's reputation;*
- *any other behaviour that is inconsistent with the Company's values; and*
- *serious misconduct including but not limited to theft, dishonesty, or violence.*

In this Policy, all such conduct or behaviour which fails to meet the standards expected by RGF is referred to as "misconduct".

This policy does not apply to poor or unsatisfactory work performance. Managers should seek assistance from People & Culture with regards to managing performance concerns.

SCOPE OF THE POLICY

This policy applies in respect of misconduct which relates to or is connected with the person's employment with RGF in any way. This includes, but is not limited to, conduct of an employee:

- *when on RGF or client premises;*
- *at work functions organised by RGF or a client;*
- *when you are representing RGF or its clients, including when you are interacting with clients, members of the public*
- *or suppliers;*
- *whilst on business related travel; or*
- *to other behaviour outside of work time which may have an adverse impact on the Company or the workplace (e.g., it could affect RGF's or a client's reputation, causes bad feelings or affects behaviour in the workplace).*

COMPULSORY ITEMS

Applies to all RGF APEJ employees

IV. GOLDEN RULES

- *This Policy sets out the process for dealing with allegations of misconduct and unacceptable behaviour*
- *Where an allegation is substantiated, potential outcomes include informal counselling and more formal disciplinary action including formal written warnings, demotion, or termination of employment*
- *People & Culture supports managers in dealing with misconduct matters*

V. GLOSSARY

Official term	Explanation
Misconduct	All such conduct or behaviour that fails to meet the standards expected by RGF Staffing APEJ

1. Approach

Allegations of misconduct should be dealt with as promptly as reasonably practicable to minimise the impact on the work environment and RGF.

Principles of procedural fairness must be observed throughout the process. What is required in each case will depend on the nature of the issues and all the circumstances.

Before any decision is made about disciplinary action, managers and supervisors must endeavour to:

- inform the employee about the alleged misconduct in enough detail to enable them to understand and adequately respond; (Note this does not require the provision of any actual written complaint);
- give the employee a reasonable time to consider and respond to any allegations;
- consider the employee's response and where appropriate, investigate any relevant matters raised by the employee;
- consider all relevant information;
- ensure any disciplinary action is in proportion to the misconduct and takes into account all the relevant circumstances;
- allow the employee a reasonable opportunity to have a support person present; and not pre-judge the outcome.

Depending on the circumstances, a more formal investigation into the issues may be required. This may involve:

- obtaining a written complaint from a person who makes a complaint or grievance;
- interviewing witnesses and taking witness statements; or
- gathering of documentary and other evidence (e.g., computer records, emails, CCTV, financial transactions, phone records)

P&C assist managers to determine the appropriate process to be adopted in each case. Managers should also seek the assistance of more senior managers as appropriate.

Employees are required to fully cooperate with regards to all steps involved in an investigation.

The role of an employee's support person in the process is to act as a witness and support the employee.

Sometimes when an investigation is undertaken, it may be necessary to take some initial action to protect the interests of employees involved and RGF. Any interim action is taken without prejudice and has no impact on the ultimate outcome of the investigate. This may involve:

- Standing the employee down pending the outcome of the investigation, so that they are not required to attend work or undertake any work activities in this period, unless

specifically required to do so (although they must be available to attend if required, including for the purpose of the investigation);

- Restricting access to Company property and systems (e.g., IT);
- Suspending Company benefits or use of tools of trade (e.g., corporate credit cards, cars);
- Any other action as appropriate in the circumstances

Types of outcomes

Where misconduct allegations are substantiated, in most cases the appropriate manager (in consultation with P&C and more senior managers as appropriate) determines the appropriate outcome. In deciding what outcome is appropriate, relevant circumstances include, for example:

- The nature and seriousness of the substantiated allegation(s);
- The impact on other people such as team members;
- The potential impact on RGF's reputation or relationship with clients or other stakeholders;
- The employee's knowledge of the relevant standards or behaviour or policy requirements (or the level of knowledge that could reasonably be expected);
- The employee's employment history, including any previous disciplinary matters and warnings;
- Any relevant matters raised by the employee about the conduct or personal circumstances; and
- Where termination is being considered whether the employee was aware (or should reasonably have been aware) that the conduct could have led to termination of employment (if relevant)

Where an allegation is substantiated and the alleged misconduct is less serious in nature or for other reasons disciplinary action is not considered appropriate, potential outcomes include:

- Verbal (or informal) counselling;
- Coaching;
- Training;
- Mediation; or
- An apology

The manager should clearly explain to the employee that further instances of misconduct may give rise to disciplinary action and keep appropriate records.

In other cases, formal disciplinary action may be appropriate (see below).

Disciplinary outcomes

A disciplinary outcome may be appropriate either:

- for a first instance of misconduct which is sufficiently serious in itself to warrant formal disciplinary action; or
- where a more informal approach has been taken previously and misconduct has been repeated (which may be either of the same type or a different nature).

Disciplinary outcomes include, for example, formal written warnings, demotion, and termination of employment.

Managers work closely with People & Culture to determine which (if any) disciplinary outcome is appropriate.

Formal written warnings

A formal written warning may be a first warning, subsequent warning or a first and final warning.

There is no requirement for a specific number of warnings to be given before termination may be considered. The number of warnings or the level of warning to be given depends on all the circumstances.

All formal warnings should be provided to the employee in writing and placed on the employee's file.

As a matter of course, warnings should not be removed from a person's file. These warnings represent a historical record of the employee's employment. Over time, however, the relevance of a previous warning to future disciplinary conduct will generally diminish, subject to the nature of the future conduct and the seriousness of the warnings.

Demotion

Subject to any relevant industrial instrument or contract of employment, it may be possible to demote an employee, either temporarily or permanently. Managers should first discuss with People & Culture, and advice should be sought from Legal/ Workplace Relations.

Termination of employment

Termination of employment may be appropriate where there has been a serious breach of standards, Company policies or procedures and/or where the employee has received prior warnings for misconduct.

Where termination of employment is proposed, the employee should be given the opportunity to make a submission as to why their employment should not be terminated before a decision is made.

In many cases, termination of employment will take place with the employee being required to work out their period of notice and/or a payment being made to them in lieu of notice. In cases of serious misconduct, however, the Company has a right to terminate a person's employment summarily, without notice or payment in lieu of notice.

Employee Assistance Program

RGF provides employees and their immediate family members with an Employee Assistance Program (EAP) which offers a confidential and professional counselling service. More information about EAP is available from your manager or People & Culture.