

## **PERFORMANCE AND MISCONDUCT**

### **PURPOSE**

The purpose of this policy is to:

- correct and/or improve the standard of conduct of an employee where appropriate or necessary;
- provide any particular employee with an opportunity to correct unacceptable conduct (other than in situations where summary dismissal is appropriate);
- 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 particular circumstances.

### **APPLICATION OF THIS POLICY**

This Policy applies to all employees of LifeScope and Meditech. This Policy does not form part of any contract between an employee and LifeScope and Meditech.

The operation of this Policy is not limited to the workplace or work hours. This Policy extends to all functions and places that are work-related or out of work conduct of the employee that may impact on LifeScope and Meditech and its clients. A work related function is any function that is connected to work, for example work lunches, conferences, Christmas parties and client/customer functions. Employees must comply with this Policy at all work-related function.

This Policy also applies when employees go to other workplaces in connection with work, for example, when visiting a supplier, client or customer.

In circumstances where an employee's behaviour or conduct may involve a breach of any Australian law, the Employer may notify the police or other relevant government authority.

### **GROUND FOR DISCIPLINARY ACTION**

An employee may be the subject of disciplinary action for matters relating to their performance, capacity or conduct, including (but not limited to) the following:

- Unsatisfactory Performance
- Unacceptable Conduct
- Wilful or Serious Misconduct

### **DISCIPLINARY ACTION**

The procedures outlined below are intended as a GUIDE ONLY to the disciplinary procedures which may be implemented by LifeScope and Meditech. In every case, the actual disciplinary procedure to be adopted will be a matter for the individual manager or supervisor's discretion and in consideration of the circumstances of the case as a whole. Nothing in this Policy prevents LifeScope and Meditech from issuing a final warning at any stage of the process. Similarly, if the circumstances

warrant, nothing in this Policy prevents LifeScope and Meditech from dismissing an employee at any stage of the procedure, for example in circumstances involving wilful or serious misconduct by an employee.

### **Investigation**

Depending on the circumstances it may be necessary to conduct an investigation into the incident and/or allegations. This may involve collecting relevant data and interviewing relevant witnesses, such as the employee's co-workers or supervisors, or even customers and suppliers with whom the employee has had contact. LifeScope and Meditech will endeavour to investigate all allegations of unsatisfactory performance, unacceptable conduct, or wilful or serious misconduct by an employee fairly and promptly.

If the manager/supervisor believes that following an allegation of unacceptable behaviour it would be inappropriate for an employee to remain at work, the manager/supervisor may suspend the employee from duty on ordinary pay pending completion of an investigation. In such circumstances, the employee will be informed in writing of the conditions of the suspension at the time of the suspension.

### **Disciplinary interview**

If on the basis of the investigation, LifeScope and Meditech believe that there is a case to be answered by the employee, the employee may be asked to attend a meeting to discuss the issue(s) of concern.

The following procedure will generally be followed:

- (a) The employee will be given advance notice of the meeting and what will be discussed at the meeting.
- (b) The employee will be given a reasonable opportunity to have a co-worker present at the meeting.
- (c) At the meeting the issue(s) of concern or allegations will be put to the employee, including any evidence upon which those concerns or allegations are based.
- (d) The employee will be given an adequate opportunity to respond to the concerns or allegations.
- (e) The manager/supervisor will consider the employee's response and make any further enquires or investigations that may be necessary.
- (f) After making any further enquiries or investigations which may be necessary and after consideration of the response or explanation of the employee, the manager/supervisor will determine whether the concern(s) or allegations have been proven.
- (g) If it is determined that all or some of the concerns or allegations are proven and after consideration of:
  - (i) the seriousness of the poor performance/misconduct;
  - (ii) the response or explanation given by the employee;
  - (iii) the employee's employment history and record; and
  - (iv) whether there are appropriate and reasonable alternatives to termination, the manager/supervisor will make a decision on what, if any, disciplinary action is appropriate.

## **DISCIPLINARY ACTION**

***Regardless of whatever disciplinary action is imposed, any further unsatisfactory performance, unacceptable conduct or misconduct of any kind may result in the dismissal of the employee.***

### **Informal Disciplinary Action**

Examples of informal disciplinary action which may be taken by LifeScope and Meditech include, but are not limited to, the following:

- redirection, retraining;
- reorganisation/redeployment; and
- counselling.

Informal disciplinary action is not appropriate where the employee's conduct amounts to wilful or serious misconduct.

### **Formal Disciplinary Action**

Examples of formal disciplinary action which may be taken by LifeScope and Meditech include, but are not limited to, the following:

- verbal warning/counselling;
- written warning;
- dismissal, including summary dismissal.

### **Termination**

If the decision is made to terminate the employee's contract of employment with LifeScope and Meditech, the employee will be given:

- (i) in circumstances of serious and wilful misconduct, notice of the termination of his/her employment;
- (ii) payment of outstanding wages; and
- (iii) an Employment Certificate, if one is requested.

On termination, the employee must immediately return all LifeScope and Meditech's property in the employee's possession, such as uniforms and name badge, to LifeScope and Meditech.

### **Documentation**

Managers/supervisors are to make notes of all discussions and actions which occur when they counsel an employee in relation to unsatisfactory performance or unacceptable conduct. In addition, managers/supervisors should make notes of all their actions and discussions with an employee before and during the disciplinary process.

If disciplinary action is taken against an employee, a Employee Performance Agreement should be completed and placed in the personnel's file containing a summary of the nature of the allegations, the outcome of any investigation undertaken, and the disciplinary action taken. The Performance Agreement should address the supervisors concerns and allow the employee to

respond. The supervisor and employee shall identify the critical performance issues and actions by both sides should be clearly stated in the agreement.

The employee should be asked to sign the Employee Performance Agreement as an acknowledgement that they agree with its contents. If the employee refuses to sign the agreement, this should also be recorded on the file note along with the reason for the employee's objection if this is provided. The supervisor shall also ensure the proposed actions are consistent with the terms of this policy and request for Senior Management to review the proposed actions and also sign if in agreement.

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