

## COUNSELLING & DISCIPLINE POLICY

Ryan Wilks Pty Ltd. is committed to ensuring the provision of a workplace that guarantees all employees equity, fairness, justice and privacy in all aspects of their working relationships. In any workplace, matters will inevitably arise that will require processes to improve an individual's work performance or conduct.

This policy is designed to:

- Provide the foundation for all counselling and discipline related matters arising within the company.
- Ensure that any unsatisfactory work performance or conduct is remedied to allow the employee to perform at an acceptable level as a valued member of the team.
- Provide consistency and fairness in procedures to deal with such circumstances.
- Identify matters of concern at an early stage.
- Place maximum emphasis on conciliation and negotiation of mutually acceptable outcomes with imposed outcomes being the exception rather than the rule.

### COUNSELLING POLICY

Counselling will assist employees to be more independent and capable of resolving their own problems. Any employee who is identified by management for counselling will not be disadvantaged or discriminated against in any respect. Conducting counselling interviews is a management responsibility. All counselling will be strictly confidential and handled in a consistent and fair manner. Ryan Wilks Pty Ltd may refer an employee to an appropriate specialist if the issue is outside the expertise of Ryan Wilks Pty Ltd staff.

### COUNSELLING PROCEDURES

In accordance with the objectives of counselling the primary focus of the counselling is to identify the shortcoming in work performance or conduct and to jointly construct a programme to overcome those problems.

The following steps must be followed:

- The employee must be given the option of 24 hours notice of the counselling meeting including an overview of the subject matter.
- The General Manager may make provision for a person of his choice to assist in the recording of the interview.
- The employee must be informed of the purpose of the counselling session in reasonable detail at the beginning of the meeting.
- Clearly identify acceptable levels of work performance or conduct and agree on methods to achieve such, including time frames and review dates.
- The employee must be provided with a copy of recordings of the interview and a copy is to be placed in the employee's personal file.

## **DISCIPLINE POLICY**

Disciplinary action may be instituted for any breach of Ryan Wilks Pty Ltd policies or procedures, for work performance and conduct which does not meet an acceptable level. Disciplinary action will only be instituted in accordance with the procedure set out in this policy. Other than in cases of misconduct that warrants instant dismissal, the disciplinary procedures will be directed to the identification and rectification of the unsatisfactory work performance or conduct. The employee is entitled to representation at all disciplinary sessions. All matters arising during a disciplinary interview will be kept in the strictest confidence and copies of any relevant documents will be provided to the employee.

## **DISCIPLINE PROCEDURES**

The disciplinary process will be conducted by the General Manager, or a person delegated by the General Manager. Depending on the severity of an employee's unacceptable work performance or conduct, the disciplinary process will commence at either Step 1 – First Warning, Step 2 – Final Warning or Misconduct.

### **STEP 1 – First Warning**

If an allegation is made of unacceptable work performance or conduct, the following procedure will be followed:

- Giving at least 24 hours notice, the employee will be requested to attend a disciplinary interview and advised of the details of the allegation. Failure to attend will be considered grounds for dismissal.
- The employee will be offered the opportunity to have a witness or other representative present.
- The employee will be told all relevant associated facts, including any witness statements and documentation.
- The employee will be allowed the opportunity to present his/her version of the facts. If an employee wishes time to prepare a defence, up to 24 hours will be allowed.
- The General Manager will evaluate the employee's response and carry out further investigations as might be required to satisfy the General Manager that all relevant facts have been established and verified.
- The employee will be asked to acknowledge that the record is a fair and accurate report of the interview.
- If, following the investigation, the General Manager determines that the allegation is proven, the employee will be issued with a warning.
- A review date will be set to monitor the employee's work performance or conduct.
- Copies of recordings of the interview will be distributed to:-
  - employee
  - supervisor
  - General Manager

## STEP 2 – Final Warning

If an employee's work performance or conduct continues at an unacceptable level or should a further incident occur the following procedure will be followed:

- If the General Manager determines suspension is warranted, the employee will be suspended on full pay to allow the General Manager to fully investigate all of the circumstances relating to the alleged unacceptable work performance or conduct.
- Giving at least 24 hours notice, the employee will be requested to attend a disciplinary interview and advised of the details of the allegation. Failure to attend will be considered grounds for dismissal.
- The employee will be advised that this is the second stage of the discipline procedure and that if the allegation against the employee is proven a final warning will be issued which could lead to termination of employment.
- The General Manager will make provision for a person to record the interview.
- The employee will be offered the opportunity to have a witness or other representative present.
- The employee will be told all relevant associated facts, including provision of all witness statements, documentation etc.
- The employee will be invited to present his or her version of events. If an employee wishes time to prepare a defence, up to 24 hours will be allowed.
- The employee's response will be evaluated and investigated by the General Manager to ensure all relevant facts have been established and verified.
- The employee will be asked to acknowledge that the record is a fair and accurate report of the interview.
- If, following the investigation, the General Manager determines that the allegation is proven the employee will be issued with a final warning.
- The General Manager will establish whether counselling and/or additional training might be required.
- A date for a review of the employee's work performance or conduct will be set.
- Copies of recordings of the interview will be distributed to:-
  - employee
  - supervisor
  - General Manager

### **STEP 3 – Termination of Employment**

If an employee's work performance or conduct continues at an unacceptable level, or should a further incident occur following a Final Warning or in a case of misconduct, the following procedure will be followed:

- Giving at least 24 hours notice, the employee will be requested to attend an interview and advised of the details of the allegation. Failure to attend will be considered grounds for dismissal.
- The employee will be advised that this is the final stage of the discipline procedure and that it may lead to termination of employment.
- The General Manager will make provision for a person to record the interview.
- The employee will be counselled that it would be appropriate to have a witness or other representative present.
- The employee will be advised of all the relevant facts, witness statements and other documentation.
- The employee will be invited to present his or her version of events. If an employee wishes time to prepare a defence, up to 24 hours will be allowed.
- The employee will be asked to acknowledge that the record is a fair and accurate report of the interview.
- The employee's response will be evaluated and investigated by the General Manager to ensure all facts have been established and verified.
- If following the investigation the General Manager determines that the allegation is proven, the employee will be issued with a Notice of Dismissal.
- Copies of recordings of the interview will be distributed to:-
  - employee
  - supervisor
  - General Manager

### **MISCONDUCT**

Any action of an employee that amounts to misconduct may lead to dismissal without notice.

The following matters are considered by Ryan Wilks Pty Ltd to be acts of misconduct:

- Any form of abuse, including: sexual, physical, emotional and verbal abuse of employees, sub contractors or clients of Ryan Wilks Pty Ltd and the general public whilst on duty.
- Theft of monies or property of Ryan Wilks Pty Ltd or any associated parties.
- Conduct that cause's imminent and serious risk to the health or safety of employees, clients or the general public whilst on duty.
- Attending work intoxicated by drugs and/or alcohol.
- Sexual activity whilst on duty.
- Fighting whilst on duty, and any other matter considered to be misconduct that justifies summary dismissal at Common Law.

Conduct warranting instant dismissal will be subject to the following procedure which must be implemented without delay:

- The employee will be suspended on full pay to allow an opportunity for a full investigation of all of the circumstances relating to the alleged misconduct.
- Giving at least 24 hours notice, the employee will be requested to attend an interview and advised of the details of the allegation. Failure to attend will be considered grounds for dismissal.
- The employee will be advised that the alleged behaviour is viewed as misconduct and that it may lead to immediate termination of employment.
- The General Manager will make provision for a person to record the interview.
- The employee will be counselled that it would be appropriate to have a witness or other representative present.
- The employee is to be advised of all the relevant facts, witness statements and other documentation.
- The employee will be invited to present his or her version of events. If an employee wishes time to prepare a defence, up to 24 hours must be allowed.
- The employee will be asked to acknowledge that the record is a fair and accurate report of the interview.
- The employee's response will be evaluated and investigated by the General Manager to ensure all facts have been established and verified.
- If following the investigation the General Manager determines that the allegation is proven, the employee will be issued with a Notice of Summary Dismissal.
- Copies of recordings of the interview will be distributed to:-
  - employee
  - supervisor
  - General Manager

This policy will be formally reviewed again May 2027



Ron Ryan

General Manager

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Sydney (Head Office) | 23/28 Vore Street Silverwater NSW 2128 | P.O Box 7063 Silverwater 2128 | P: 02 9748 1211 | F: 02 9748 8916

Brisbane | 4/53 Metroplex Avenue Murarrie QLD 4172 | P: 07 3399 4999 | F: 07 3399 4666