

MISCONDUCT POLICY

Policy number	NA	Version	2
Drafted by	Karen Zirkler	Approved by Board on	16 August 2023
Responsible person	Karen Zirkler	Scheduled review date	June 2024

1. Purpose

Southern New England Landcare Ltd 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 Southern New England Landcare's policy for dealing with misconduct.

2. Scope

This policy applies to all employees of Southern New England Landcare unless otherwise specified.

3. Policy

Southern New England Landcare Ltd 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:

1. failing to obey lawful and reasonable instructions of Southern New England Landcare Ltd
2. failing to follow defined policies, procedures, and rules
3. failing to share relevant information with Southern New England Landcare Ltd
4. unacceptable disruptive behaviour
5. unauthorised absence from the workplace; and
6. 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 circumstances of a given case. Supervisors/managers should consider the circumstances fully as they apply to the employee when determining whether the employee has engaged in conduct that could be considered serious misconduct.

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

1. wilful or deliberate behaviour that is inconsistent with the employee's contract of employment
2. theft
3. fraud
4. assault
5. intoxication at work
6. use of derogatory, violent, or abusive language
7. fighting
8. failure to observe safety rules
9. concealment of a material fact on engagement
10. obscenity
11. dishonesty in the course of the employment; and
12. criminal conduct including conduct that, if proven, renders the employee completely unfit for work.

4. Authorisation



Bill Perrottet
President
Southern New England Landcare Ltd

16 August 2023

MISCONDUCT PROCEDURES

Procedure number	NA	Version	2
Drafted by	Karen Zirkler	Approved by CEO on	16 August 2023
Responsible person	Karen Zirkler	Scheduled review date	June 2024

1. Responsibilities

The CEO 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.

Supervisors/managers are responsible for ensuring that:

- where appropriate, they try to informally resolve any instances or allegations of employee misconduct with the employee(s) involved in first instance (in consultation with the CEO)
- instances or allegations of misconduct are reported to the CEO; and
- all necessary assistance is provided to the CEO or any other person investigating an instance or allegation of misconduct.

Employees are responsible for ensuring that they:

- comply with this policy and related procedures; and
- report any instances or allegations of misconducts to the relevant manager, or the CEO, as appropriate.

2. Processes

A breach of this policy or related procedures may lead to disciplinary action, which may include a formal warning, and possible dismissal.

A second breach of this policy or procedures will lead to dismissal without notice.

Where Southern New England Landcare Ltd considers that an employee has engaged in serious misconduct, Southern New England Landcare Ltd may dismiss the employee without notice.

Each instance or allegation of misconduct will be considered by Southern New England Landcare Ltd on its own merits, and any mitigating circumstances will be considered.

Where an employee is accused of engaging in misconduct, it is open to Southern New England Landcare Ltd to stand the employee down on full pay 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 Southern New England Landcare Ltd.

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

If Southern New England Landcare Ltd decides that the appropriate action is to dismiss an employee, the employee will be provided with the full reasons for the decision.

3. Related Documents

- Employment policy
- Code of Conduct policy

4. Legislation

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

5. Authorisation



Karen Zirkler
CEO
Southern New England Landcare Ltd
16 August 2023