

**AJ & MH WALTER PTY LTD as Trustee for the AJ & MH
Walter Family Trust trading as:**

**ANDREW WALTER
CONSTRUCTIONS**

**DISCIPLINARY ACTION
PROCEDURE POLICY**

DECEMBER 2009

ANDREW WALTER CONSTRUCTIONS DISCIPLINARY ACTION PROCEDURE

PURPOSE: The purpose of this procedure is to ensure that all Andrew Walter Constructions employees (employees) are aware that they are subject to disciplinary action for poor work performance and to describe how disciplinary action will be conducted and documented.

SCOPE: All employees are subject to this procedure. Management observations, other recommendations and Performance Review documentation, to be conducted every 12 months, will be used to assess the need for disciplinary action.

It is the responsibility of all employees to maintain a sound work performance during the course of their duties and to treat their position and others with respect.

Examples of Poor work performance or unacceptable behaviour is listed, but not limited to, below.

- a. Failure to comply with reasonable and achievable instructions from management or supervisors.
- b. Fails to conform with our company Anti Discrimination and Harassment policies.
- c. Alters or changes AWC documentation without cause which may adversely affect final outcomes.
- d. Fails to conduct corrective action therefore placing products or personnel in jeopardy.
- e. Non compliance with company policies IE: Theft, Breach of the companies Drug and Alcohol policy, Assault or other inappropriate behaviour.

If disciplinary action is to be taken against an employee, that employee will be notified as to the nature of the cause and what action is to follow. All employees facing disciplinary action may have representation or a witness present during this action.

All employees are responsible for adherence to this procedure. This company requires that all employees do all that is reasonable to ensure that best possible work performances are maintained at all times.

Management have the responsibility to:

- a. Monitor work performances to ensure acceptable standards are being met.
- b. Ensure that all employees are treated fairly and are given the opportunity to explain themselves.
- c. Provide training where relevant to employees
- d. Allow adequate time for employees to rectify or improve on a poor work performance evaluation.
- e. Maintain confidentiality on all work performance issues.
- f. Show procedural fairness at all times during a work performance interview or disciplinary investigation.

There are a number of options available to management as to what disciplinary action should be taken for poor work performance and each case will be taken on it's severity and merit. These include: verbal warnings, written warnings, counselling, demotion or termination of employment. The severity and frequency of the behaviour or performance will determine what option this employer chooses to evoke.

Disciplinary action is to be used to correct or punish unwanted behaviour or poor work performance and will be taken against any employee who does not meet the minimum requirements of this company.

All disciplinary action will be documented and records will be kept in the employees file. Disciplinary action records are to be kept for a minimum of three years.

5.4.1 Counselling Procedures

The company has an obligation to treat you and all employees equitably and fairly and to make every effort to assist you to improve your work performance. Performance counselling reviews are to be held in accordance with the appropriate guidelines, should your work performance or conduct be considered to be unsatisfactory. Should this situation arise, you are to be given clear direction as to the unsatisfactory aspects of your performance or conduct, the action required to rectify the problem and the time frame for the next review of your progress.

If you fail to improve, then a review shall be conducted which includes the following:

- (a) You shall be told exactly in which areas your performance/conduct is unsatisfactory.
- (b) Clear, concise objectives shall be agreed with you. These objectives shall explain what the minimum performance/conduct requirements are for your position, and a written copy given to you and the Manager Human Resources
- (c) These discussions will be held in private and remain confidential.

5.4.2 Disciplinary Procedures

The process for correction of performance and/or behavior proceeds through the following stages as necessary:

Stage One: You shall be counselled by the Project Manager in an informal way and your agreement sought to correct or modify your work performance/behavior. A note will be made of the counseling and placed on your personnel file.

Stage Two: You shall be given a formal written warning in the presence of a nominated employee representative, if you request this. This warning shall inform you that should you fail to show the required improvement in the area for which the warning has been issued, the termination of your employment with the company may result. A copy of the warning is kept in your personnel file.

Stage Three: Subject to a careful investigation of all the facts and after you have been given the opportunity to offer an explanation or answer any allegations, it is open to the company to dismiss you. This option is to be used when repetitive and progressive corrective measures have proven ineffective or your offence is of a serious enough nature as to require such action.

Note: Unacceptable behavior such as assault, theft or other actions that place employees or member of the public's safety at risk can result in instant dismissal and proceed through the above listed stages.

Any offences/reprimands inserted in your file will be retained in your official personnel file maintained by the Manager Human Resources. An employee may, at any time, review his/her personnel file in the presence of a member of senior management. Personnel records may only be accessed by the employee and senior management.

GRIEVANCE PROCEDURE

What is a Grievance?

A grievance is any type of problem, concern or complaint related to work or the work environment. A grievance may be about any act, omission, situation or decision that you think is unfair, discriminatory or unjustified.

What you can do

The procedure to follow if you have a grievance is:

1. You will need to let the offending person know that the behavior is unacceptable to you. (It may be of assistance to have another person present during the discussion).
2. You will need to keep a record of the incidents (include any witnesses).

If you feel unable to resolve your grievance yourself, let someone know about it.

Grievances can be raised verbally or in writing. You may bring a friend or work colleague with you to any interview to provide support. To ensure confidentiality and protect your rights, you should discuss the matter only with those people necessary to resolve the grievance.

Our grievance procedure works like this:

1. In most cases, the best person to help you is the Project Manager. If you do not feel that the Project Manager can resolve the grievance, if the grievance is against the Project Manager, or if you feel more comfortable talking with someone else, you can contact any member of senior management. He or she will try to resolve the matter according to organization policy guidelines.
2. If this does not lead to resolution, then submit a written grievance to the Manager Human Resources or General Manager. He or she will try to resolve the matter according to organization policy guidelines.
3. If the grievance hasn't been resolved to the employee's satisfaction, the matter will be considered by the Managing Director, whose decision shall be final.

Grievances are usually only considered resolved when the cause of the grievance has been removed or dealt with, and when arrangements have been made, if appropriate, to repair and make good any damage and distress suffered by the grievant and/or respondent.

A grievance is also considered concluded, although not necessarily resolved, when a person with a grievance chooses to withdraw. In the case of serious grievances, this should be in writing to the person dealing with the matter. The respondent is to be advised that the grievance has been withdrawn.



General Manager
December 2009