# MISCONDUCT POLICY

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| Policy number | GCBH\_Pol027 | Version | 1.0 |
| Drafted by | Phillip Martin | Approved by Board on | 4 December 2019 |
| Responsible person | Helen Omondi | Scheduled review date | 3 years from approval |

## Purpose

Gentown Community & Business Hub (GCBH) may discipline a staff member who engages in unacceptable behaviour.

The purpose of this policy is to ensure that staff are aware of behaviour that could amount to misconduct and that all relevant parties are aware of GCBH's policy for dealing with misconduct.

## Scope

This policy applies to all staff of GCBH unless otherwise specified.

## Policy

GCBH expects staff to observe acceptable standards of behaviour.

Staff must not engage in behaviour that amounts to misconduct (including serious misconduct) at the workplace. This includes where staff 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 a staff member 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:

* failing to obey lawful and reasonable instructions of GCBH
* failing to follow defined policies, procedures and rules
* failing to share relevant information with GCBH
* unacceptable disruptive behaviour
* unauthorised absence from the workplace, and
* repeatedly being late for work without lawful excuse.

When proven, misconduct may provide a valid reason for termination of a staff member's employment with notice.

**Serious misconduct**

Whether misconduct amounts to serious misconduct depends on the particular circumstances of a given case. Supervisors/managers should consider the circumstances fully as they apply to the particular staff member when determining whether or not the staff member has engaged in conduct that could be considered serious misconduct.

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

* wilful or deliberate behaviour that is inconsistent with the staff member's contract of employment
* theft
* fraud
* assault
* intoxication at work
* use of derogatory, violent or abusive language
* fighting
* failure to observe safety rules
* concealment of a material fact on engagement
* obscenity
* dishonesty in the course of the employment, and
* criminal conduct including conduct that, if proven, renders the staff member completely unfit for work.

## Authorisation

  
  
4 December 2019  
Gentown Community & Business Hub

# MISCONDUCT PROCEDURES

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## Responsibilities

The **Human Resources Department** is responsible for ensuring that:

* the processes in this policy are followed in relation to all instances and allegations of misconduct
* staff 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 staff member misconduct with the staff member(s) involved in first instance (in consultation with the Human Resources Department)
* instances or allegations of misconduct are reported to the Human Resources Department, and
* all necessary assistance is provided to the Human Resources Department or any other person investigating an instance or allegation of misconduct.

**Staff** 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 Human Resources Department, as appropriate.

## Processes

A breach of this policy or related procedures may lead to disciplinary action and possible dismissal. Where GCBH considers that a staff member has engaged in serious misconduct, GCBH may dismiss the staff member without notice.

Each instance or allegation of misconduct will be considered by GCBH on its own merits, and any mitigating circumstances will be taken into account.

Where a staff member is accused of engaging in misconduct, it is open to GCBH to stand the staff member down on full pay in order to further investigate the matter.

Investigations into instances or allegations of misconduct will be conducted in accordance with the principles of procedural fairness. Staff 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 GCBH.

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

If GCBH decides that the appropriate action is to dismiss a staff member, the staff member will be provided with the full reasons for the decision.

## Related Documents

* Code of Ethics
* Managing Unsatisfactory Performance Policy
* Privacy Policy
* Staff Grievance Policy

## Legislation & awards

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

## Authorisation

  
  
Helen Omondi  
4 December 2019