

Based on your answers, depending on the seriousness and specific circumstances of your conduct, you may argue that your alleged conduct does not fall into the category of a serious misconduct.

1.07 Meaning of *serious misconduct*

- (1) For the definition of *serious misconduct* in section 12 of the Act, serious misconduct has its ordinary meaning.
- (2) For subregulation (1), conduct that is serious misconduct includes both of the following:
 - (a) wilful or deliberate behaviour by an employee that is inconsistent with the continuation of the contract of employment;
 - (b) conduct that causes serious and imminent risk to:
 - (i) the health or safety of a person; or
 - (ii) the reputation, viability or profitability of the employer's business.
- (3) For subregulation (1), conduct that is serious misconduct includes each of the following:
 - (a) the employee, in the course of the employee's employment, engaging in:
 - (i) theft; or
 - (ii) fraud; or
 - (iii) assault;
 - (b) the employee being intoxicated at work;
 - (c) the employee refusing to carry out a lawful and reasonable instruction that is consistent with the employee's contract of employment.