

## Purpose

The objectives of SAFESPEAR's performance and misconduct policy are to:

- correct and/or improve the standard of conduct of an employee where appropriate or necessary;
- provide any particular employee with an opportunity to correct unacceptable conduct (other than in situations where summary dismissal is appropriate);
- ensure that all employees are treated fairly, equally and consistently; and
- ensure that each situation is reviewed and addressed on an individual basis and in relation to the particular circumstances.
- make clear our expectations of your performance and conduct when representing the company

## Commencement of Policy

This Policy will commence from **31<sup>st</sup> August 2019**. It replaces all other performance and misconduct policies of SAFESPEAR (whether written or not).

## Application of the Policy

This Policy may be varied from time to time by SAFESPEAR. This Policy does not form part of any employee's contract of employment.

This Policy may be used to deal with necessary discipline arising from conduct in any circumstances connected with work and this includes out-of-work conduct and conduct at work-related functions that impacts on SAFESPEAR. A work-related function is any function that is connected to work. Work lunches, dinners, conferences, Christmas functions and client/customer functions are examples of work-related functions. This Policy also applies when employees go to other workplaces in connection with work, for example, when travelling to offshore or onshore project sites, visiting a supplier, client or customer.

If conduct involves a potential breach of any Australian law, SAFESPEAR may notify the police or other relevant government authority.

## Grounds for disciplinary action

Disciplinary action may be taken in response to any:

- unsatisfactory performance;
- unacceptable conduct;
- wilful or serious misconduct;
- breach of our Substance Misuse Policy or any other policy that has been implemented;
- breach of our customer or supplier's policies, where appropriate.

## Disciplinary procedure

The procedures outlined below are intended as a guide only to the disciplinary procedures which may be implemented by SAFESPEAR. In every case, the actual disciplinary procedure to be adopted will be a matter for the SAFESPEAR's discretion and in consideration of the circumstances of the case as a whole. Nothing in this Policy prevents SAFESPEAR from issuing a final warning at any stage of the process. Similarly, if the circumstances warrant, nothing in this Policy prevents SAFESPEAR from dismissing an employee at any stage of the procedure set out in this Policy, for example in circumstances involving failing an internal or customer drug and alcohol test or wilful / serious misconduct by an employee.

## Investigation

Depending on the circumstances, it may be necessary to conduct an investigation into incidents and/or allegations. This may involve collecting relevant data, interviewing the relevant employee, relevant witnesses, such as the employee's co-workers or supervisors, or even customers and suppliers with whom the employee has had contact. SAFESPEAR will endeavour to investigate all allegations of failure to adhere to the Company's and/or Customer's policies, unsatisfactory performance, unacceptable conduct, or wilful or serious misconduct by an employee fairly and promptly.

An employee may be suspended from duty on ordinary pay pending completion of an

investigation. In such circumstances, the employee should be informed in writing of the conditions of the suspension at the time of the suspension.

### **Disciplinary interview**

If on the basis of the investigation, the Employer believes that there is a case to be answered by the employee, the employee may be asked to attend a meeting to discuss the issue(s) of concern.

The following procedure will generally be followed:

- The employee will be given advance notice of the meeting and what will be discussed at the meeting.
- The employee will be given a reasonable opportunity to have a co-worker present at the meeting.
- At the meeting the issue(s) of concern or allegations will be put to the employee, including any evidence upon which those concerns or allegations are based.
- The employee will be given an adequate opportunity to respond to the concerns or allegations.
- The manager/supervisor will consider the employee's response and make any further enquires or investigations that may be necessary.
- After making any further enquiries or investigations which may be necessary and after consideration of the response or explanation of the employee, the manager/supervisor will determine whether the concern(s) or allegations have been proven.
- If it is determined that all or some of the concerns or allegations are proven and after consideration of:
  - the seriousness of the poor performance/misconduct;
  - the response or explanation given by the employee;
  - the employee's employment history and record; and

- whether there are appropriate and reasonable alternatives to termination, the manager/supervisor will make a decision on what, if any, disciplinary action is appropriate.

### Disciplinary Action

The disciplinary action taken will vary from case to case, depending upon all of the circumstances, including a consideration of whether the employee has received any prior verbal or written warnings in relation to their performance or conduct.

Regardless of whatever disciplinary action is imposed, any further unsatisfactory performance, unacceptable conduct or misconduct of any kind can result in the dismissal of the employee.

### Informal Discipline

Examples of informal disciplinary action which may be taken by SAFESPEAR include, but are not limited to, the following:

- redirection, retraining;
- reorganisation / redeployment; and
- counselling

Informal disciplinary action is not appropriate where the employee's conduct amounts to willful or serious misconduct.

### Formal Discipline

Examples of formal disciplinary action which may be taken by SAFESPEAR include, but are not limited to, the following:

- verbal warning;
- written warning;
- dismissal, including summary dismissal in circumstances of serious or wilful misconduct, including wilful breach of any of the Company's policies

### Termination

If the decision is made to terminate the employee's contract of employment with

SAFESPEAR, the employee should be given:

- written notice of the day of the termination of his/her employment or payment in lieu of notice, except where the termination is due to serious misconduct or wilful breach of any of the Company's policies, in which case the Company may summarily dismiss the employee;
- payment of all accrued entitlements;
- payment of any outstanding entitlements;
- a Separation Certificate; and
- a Statement of Service, if one is requested.
- On termination, the employee must immediately return all SAFESPEAR property in the employee's possession or control to SAFESPEAR.

### Documentation

SAFESPEAR should make contemporaneous notes of disciplinary discussions and actions.

- File notes should be placed on the employee's personnel file summarising the nature of the allegations, the outcome of any investigation undertaken, and the disciplinary action taken. A file note should also be made of any conversations or meetings with the employee.
- The employee should be asked to sign the file note as an acknowledgement that they agree with its contents. If the employee refuses to sign the file note, this should also be recorded on the file note along with the reason for the employee's objection if this is provided.
- Copies of warning letters should also be placed on the employee's personnel file.

### Variations

SAFESPEAR reserves the right to vary, replace or terminate this policy from time to time.

## WORKPLACE PARTICIPANT ACKNOWLEDGEMENT

*I acknowledge:*

- *receiving the SAFESPEAR Policy;*
- *that I should comply with the policy; and*
- *that there may be disciplinary consequences if I fail to comply, which may result in the termination of my employment.*

**Your name:**

**Signed:**

**Date:**

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