



Deadly Inspiring Youth Doing Good Aboriginal & Torres Strait Islander Corporation

Date of last amendment : 14/10/2022

Serious misconduct policy

The purpose of this policy is to ensure that employees are aware of behaviour that could amount to serious misconduct and that all relevant parties are aware of Deadly Inspiring Youth Doing Good Aboriginal & Torres Strait Islander Corporation's policy for dealing with misconduct. This policy applies to all employees, volunteers and contractors of Deadly Inspiring Youth Doing Good Aboriginal & Torres Strait Islander Corporation.

Serious misconduct disciplinary session:

Deadly Inspiring Youth Doing Good Aboriginal & Torres Strait Islander Corporation expects employees, volunteers and contractors to observe acceptable standards of behaviour.

Employees, volunteers, contractors must not engage in behaviour that amounts to misconduct (including serious misconduct) at the workplace. This includes where employees, volunteers and contractors 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.

If Deadly Inspiring Youth Doing Good Aboriginal & Torres Strait Islander Corporation believes there has been a case of serious misconduct by an employee, volunteer and/or contractor, a disciplinary session will occur.

Discipline for serious misconduct may result in a verbal warning, written warning or termination of employment or engagement contract, however mitigating circumstances and the employee's responses to the serious misconduct will be taken into account.

All impacted parties are able to have a third-party present during the disciplinary session.

An employee will be given sufficient notice of a disciplinary session to allow for the nomination of a third party to be present.

The disciplinary session should:

1. Include third party representation to ensure due process is adhered to.
2. Discuss previous commitments or actions agreed to by the parties and any subsequent progress towards improved performance.
3. If no reasonable cause is demonstrated or mitigating circumstances accepted, the employee will be informed of Deadly Inspiring Youth Doing Good Aboriginal & Torres Strait Islander Corporation's intention to terminate their employment. In this instance the employee will be terminated and a statement of service emailed to the former employee.

Definition of misconduct and serious misconduct:

Behaviour amounting to misconduct includes, but is not limited to, the following:

- Failing to obey lawful and reasonable instructions of Deadly Inspiring Youth Doing Good Aboriginal & Torres Strait Islander Corporation;
- Failing to share relevant information with Deadly Inspiring Youth Doing Good Aboriginal &

Torres Strait Islander Corporation;

- Failing to follow defined policies, procedures and rules;
- Unacceptable disruptive behaviour;
- Unauthorised absence from the workplace; and
- Repeatedly being late for work without lawful excuse.

Serious misconduct

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

- Willful or deliberate behaviour that is inconsistent with the employee's contract of employment;
- Theft;
- Use of derogatory, violent or abusive language;
- Assault;
- Intoxication at work;
- Obscenity;
- Fraud;
- Failure to observe safety rules;
- Fighting;
- Concealment of a material fact on engagement;
- Dishonesty in the course of the employment; and
- Criminal conduct including conduct that, if proven, renders the employee completely unfit for work.

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 employee when determining whether or not the employee has engaged in conduct that could be considered serious misconduct. Management will also ensure that confidentiality is maintained to the greatest extent possible when dealing with matters of misconduct.

A breach of this policy or related procedures may lead to disciplinary action and possible dismissal. Where Deadly Inspiring Youth Doing Good Aboriginal & Torres Strait Islander Corporation considers that an employee has engaged in serious misconduct, Deadly Inspiring Youth Doing Good Aboriginal & Torres Strait Islander Corporation may dismiss the employee without notice.

Where an employee is accused of engaging in misconduct, it is open Deadly Inspiring Youth Doing Good Aboriginal & Torres Strait Islander Corporation to stand the employee down on full pay in order to further investigate the matter.

Disciplinary Action:

Management of Deadly Inspiring Youth Doing Good Aboriginal & Torres Strait Islander Corporation has the responsibility of overseeing this policy. Supervisors and managers will ensure employees are compliant with all areas of this policy, including any disciplinary action resulting from non-compliance.