PROCEDURE

Behavior & Disciplinary Action Management Procedure

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Document Review Record				
Document No. and Name		HR-PRO-004 Behaviour & Disciplinary Action Management Procedure		
Rev No	**Description**	**Prepared by**	**Checked by**	**Date**
0	New	Mackay Safety Consultants		22.04.2013
1	Reformat and review / approval to RSG style & requirements	E Wicks	G Wicks	08.11.2013
2	Insert Section 8 Sexual Harassment Insert Section 9 Workplace Bullying	McKays Solicitors Casey Simpson		19.09.2014
3	Update new number format	L Strappazon	M Delaney	15.06.2016
4	Remove and transfer responsibilities section to QMS-PRO-026 Authority and Responsibilities Procedure	M Richards	L Strappazon	03.11.2016
5	Update Progressive Discipline System	A Forrest	N Johnston	17.03.2017
6	Grammar & Punctuation as well as referenced documents updated.	M Vorpagel	D McNeil	20.09.2019
Electronic approval by: **Name:** David McNeil **Position:** Operations Manager **Date:** 20.09.2019				

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1 PURPOSE

The company is committed to maintaining a safe, dispute free work environment for all employees at the company's workplaces, clients work sites and in accommodation centres.

To this purpose, the company has established the following procedure with regard to behaviour, resolution of disputes and actions and disciplinary action resulting from breaches, disputes, complaint or any other matter.

Compliance with this procedure is a condition of employment with the company.

2 SCOPE

This procedure is applicable to all company personnel and contractors at all project locations, client sites and facilities, mine sites and any other company sites and facilities.

3 DEFINITIONS

Company / the Company: Refers to Reay Services Group and associated entities.

Supervisor: Refers to the person directly in charge of the employee (this position is not limited to persons with the name Supervisor in their position title).

System: Quality, Safety and Environmental Management Systems.

4 RESPONSIBILITIES

All company Employees and Contractors are responsible for complying with the requirements of this procedure.

Refer to QMS-PRO-026 – Authority and Responsibilities Procedure for further details.

5 SAFE BEHAVIOUR

The company is committed to maintaining safe workplaces. The behaviour of all persons in the workplace is critical in the achievement of those objectives.

All workers, visitors and representatives of the company are expected to carry out their activities in a safe manner. Compliance with the company's policies, procedures and other information is a condition of employment (or visitation) and failure to comply will require disciplinary action or removal from site.

The following documents are to be adhered to at all times:

- The Company's (and where applicable client site) Health and Safety, Environment and Quality Management Plans
- SWP's (Safe Work Procedures)

- JSA's (Job Safety Analysis)
- Manufacturers recommendations
- Applicable Australian Standards
- Work Health & Safety Act, Regulations & Codes of Practice
- Lawful Instructions from Management (Supervisors)

6 UNSAFE BEHAVIOUR

Unsafe behaviour will not be tolerated and will incur disciplinary action. The following types of behaviour are considered to be unsafe:

- Abuse or harassment of workmates / management;
- Fighting or bullying;
- Horse-play and practical jokes;
- Failing to obey a lawful instruction from management;
- Breaching the requirements of the Health & Safety Act and Regulations
- Breaching the company's or clients policies and procedures, or other safety requirements.
- Failing alcohol or drug tests as detailed in the company's Fit for Work Policy and Procedure.

If an employee becomes aware of a co-worker engaging in any unsafe behaviour, the employee is obliged to inform their supervisor immediately.

7 WORKPLACE HARASSMENT

7.1 Definition

A person is subjected to 'workplace harassment' if the person is subjected to repeated behaviour, other than behaviour amounting to sexual harassment, by a person, including the person's employer or a co-worker or group of co-workers of the person that:

- is unwelcome and unsolicited
- the person considers to be offensive, intimidating, humiliating or threatening
- a reasonable person would consider being offensive, humiliating, intimidating or threatening.

'Workplace harassment' does not include reasonable management action taken in a reasonable way by the person's employer in connection with the person's employment.

7.2 Examples

Detailed below are examples of behaviours that may be regarded as workplace harassment, if the behaviour is repeated or occurs as part of a pattern of behaviour. This is not an exhaustive list – however, it does outline some of the more common types of harassing behaviours. Examples include:

- Abusing a person loudly, usually when others are present.
- Repeated threats of dismissal or other severe punishment for no reason.
- Constant ridicule and being put down.

- Leaving offensive messages on email or the telephone.
- Sabotaging a person's work, for example, by deliberately withholding or supplying incorrect information, hiding documents or equipment, not passing on messages and getting a person into trouble in other ways.
- Maliciously excluding and isolating a person from workplace activities
- Persistent and unjustified criticisms, often about petty, irrelevant or insignificant matters
- Humiliating a person through gestures, sarcasm, criticism and insults, often in front of customers, management or other workers
- Spreading gossip or false, malicious rumours about a person with an intent to cause the person harm.

There are bound to be occasional differences of opinion, conflicts and problems in working relationships – these are part of working life. However, if the workplace behaviour is repeated, unwelcomed and unsolicited, and offends, intimidates, humiliates or threatens a person, then workplace harassment exists and action must be taken to stop the behaviour.

7.3 Direction of Harassment

Workplace harassment can occur between people in any direction within a workplace, for example:

- Laterally (a co-worker harassing another co-worker)
- Upwards (a worker harassing a manager/ supervisor; a nurse harassing a doctor)
- Downwards (a supervisor/manager harassing a worker; a doctor harassing a nurse).

7.4 Meaning 'Repeated'

'Repeated' refers to the constant nature of the behaviour, not the specific type of harassing behaviour. Behaviour is considered 'repeated' if an established pattern can be identified. It may involve a series of diverse incidents – for example, verbal abuse, sabotaging a person's work and unreasonable threats of dismissal.

7.5 According to the definition

The following situations are not considered to be workplace harassment.

- A single incident of harassing type behaviour is not considered to be workplace harassment. Nevertheless, single incidents of harassing type behaviour should not be ignored or allowed. Well-managed intervention in response to single incidents will help prevent the situation from escalating.

8 SEXUAL HARASSMENT

8.1 Definition

Sexual Harassment is unwelcome sexual conduct which makes a person feel offended, humiliated and/or intimidated where that reaction is reasonable in the circumstances. Sexual harassment can take various forms. It can involve:

- unwelcome touching, hugging or kissing;
- staring or leering;
- suggestive comments or jokes;

- sexually explicit pictures, screen savers or posters;
- unwanted invitations to go out on dates;
- intrusive questions about an employee's private life or body;
- unnecessary familiarity;
- insults or taunts based on your sex;
- sexually explicit emails or SMS messages;
- accessing sexually explicit internet sites;
- behaviour which would also be an offence under the criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.

Sexual harassment is not sexual interaction, flirtation, attraction or friendship which is invited, mutual, consensual or reciprocated. Sexual harassment is a legally recognised form of sex discrimination, both of which are unlawful under the Sex Discrimination Act.

8.2 Consequences

If an employee engages in unlawfully harassing behaviour, a court or tribunal can hold that person personally liable for their behaviour and they may be liable to pay damages to a complainant. Reay Services Group, as an employer, is also at risk of being held vicariously responsible for the employee's conduct.

If you are not the direct perpetrator of the behaviour, you can still be held liable for causing, instructing, inducing, aiding or permitting another person to engage in the behaviour.

If an employee engages in sexual harassment there will also be serious consequences for their ongoing employment. Reay Services Group will not tolerate behaviour of this kind. If it occurs, it may result in disciplinary action against the relevant employee or employees. Such action will depend upon the circumstances but may involve a warning, transfer, counselling, demotion or dismissal.

8.3 Allegations of someone being harassed or discriminated against?

Allegations of harassment will be treated seriously and investigated promptly, confidentially and impartially by Reay Services Group. A written complaint is not required.

If you believe that you have been the subject of sexual harassment, Reay Services Group encourages you to take steps immediately to address the matter in accordance with the paths set out below. The situation is unlikely to improve if you do nothing about it. By not objecting to the conduct, the person responsible may continue the harassment or behaviour, not knowing how it makes you feel. Reay Services Group will use its best endeavours to ensure that no parties to a complaint are victimised.

There are a number of ways that you can take action to deal with a complaint.

8.4 Internal complaints procedure:

(a) You may choose to approach the person who is perpetrating the behaviour with a view to discussing your concerns with them and asking them to cease their behaviour.

(b) Alternatively, you may approach your supervisor to report the matter and to ask for assistance. If you do not feel comfortable approaching your supervisor, then you may choose to approach another senior employee to report the matter.

(c) Every complaint will be treated seriously and investigated promptly, confidentially and impartially.

(d) Disciplinary action may be taken against employees who are found to have unlawfully discriminated against, or harassed, other employees.

8.5 External complaints procedure:

(a) If you believe that you have been the subject of sexual harassment, you may at any time lodge a complaint with one of the organisations set out below.

(b) While Reay Services Group encourages employees to use the in-house complaints procedure before taking this action, an employee may do this at any time.

(c) The organisations set out below are statutory bodies and, if your complaint is accepted, they will notify the alleged perpetrators of the harassment. You and the alleged perpetrators will usually be required to attend a conciliation conference conducted by the organisation to attempt to resolve the complaint. If the complaint is not resolved, it may be dealt with through more formal legal processes.

8.6 Organisations

You are able to lodge a complaint through various Federal and State agencies. The contact details are set out in the following table.

	Commonwealth	Queensland
Contact Details	**Human Rights Commission** Level 8, Piccadilly Tower 133 Castlereagh Street, SYDNEY GPO Box 5218, SYDNEY NSW 2001 Telephone: (02) 9284 9600 Complaints Infoline: 1300 656 419 Email: complaintsinfo@humanrights.gov.au Internet: http://www.humanrights.gov.au	**Anti-Discrimination Commission Queensland** **Brisbane** Level 17, 53 Albert Street, Brisbane **Cairns** McLeod Chambers, 78 Spence Street (cnr McLeod Street) Cairns **Rockhampton** First Floor, State Government Centre, 209 Bolsover Street, ROCKHAMPTON **Townsville** Level 2, St James Place, 155-157 Denham Street Townsville **Free Call:** 1300 130 670 Internet: http://www.adcq.qld.gov.au
	Fair Work Commission Telephone – 1300 799 675 Internet: www.fwc.gov.au	**Anti-Discrimination Tribunal** Level 11, Bank of Queensland Building, 259 Queen Street, BRISBANE Telephone: (07) 3239 6408 Internet: http://www.adcq.qld.gov.au/tribunal/tribunalhome.html

9 Workplace Bullying

9.1 Definition

Workplace bullying is verbal, physical or psychological abuse by your employer (or manager), another person or group of people at work. It can have an impact on an individual's health and affect their ability to do their job. Workplace bullying is characterised by persistent and repeated negative behaviour directed at an employee that creates a risk to health and safety.

9.2 Examples of Bullying

Workplace bullying can take various forms. It can involve:

- Repeated hurtful remarks or attacks, or making fun of your work or you as a person (including your family, sex, sexuality, gender identity, race or culture, education and economic background);
- Excluding you or stopping you from working with people or taking part in activities that relates to your work;
- Playing mind games, ganging up on you, or other types of psychological harassment;
- Intimidating you
- Giving you pointless tasks that have nothing to do with your job
- Deliberately changing your work hours or schedule to make it difficult for you
- Giving you impossible jobs that can't be done in the given time or with the given resources provided
- Deliberately holding back information you need to get your work done properly

9.3 What can I do if I believe I (or someone else) has been bullied?

When you are being bullied it's important that you know there are things you can do and people who can help. You have the right to be in a safe workplace free from violence, harassment and bullying.

If you're being bullied at work, there are steps you can take to stop it. They include:

- checking your work's policy on bullying and harassment
- writing down what happens so you've got records of the bullying
- talking to people you trust – whether it's a friend, counsellor, or other support person
- talking to the bully about their behaviour, if you feel safe doing this
- telling a manager or supervisor
- taking it further: if you can't resolve the issue in your workplace, you can talk to the Fair Work Commission and get more info on their anti-bullying process, speak to a union rep, or if the bullying is violent or threatening, go to the police

9.4 Contacts

If you have made a complaint to your manager or others in your workplace and there have not been adequate steps taken to stop the bullying there are a number of options that you can take to get help.

- If bullying is violent or threatening it may be a criminal offense and you should contact the police immediately call 000
- If the situation in not urgent you can call 131 444 for all states and territories except for Victoria where you will need to visit your local police station.

- Make a complaint about workplace bullying to the Australian Human Rights Commission. Call 1300 656 419 or visit http://www.humanrights.gov.au/complaints_information/young_people.html
- The Commonwealth Fairwork Ombudsman can provide information and advice about Australia's workplace rights and rules and the protection you have against harassment and discrimination. Call 131394 or visit http://www.fairwork.gov.au/resources/best-practice-guides/Pages/a-guide-for-young-workers.aspx
- Report bullying to a State or Territory work health and safety authority. Workplace Bullying hotline 1800 177 717 or visit http://www.deir.qld.gov.au/workplace/workers/youngworkers/index.htm

10 ACTIONS

Personnel who blatantly or repeatedly breach any element of this procedure will be subjected to disciplinary action.

11 DISPUTES AND GRIEVANCES

The company recognises that, from time to time disputes will occur and seeks to amicably resolve any disputes that may arise within the company by internal negotiation and consultation with workplace representatives and/or affected personnel. Personnel who are in dispute at work or in accommodation are counter-productive and unhappy; this may adversely affect them and their workmates (company employees).

The objective of the disputes and grievances clause is to facilitate the resolution of local disputes and grievances in a timely manner, and as far as possible, on-the-job. In the event of a dispute arising there shall not be any stoppage of work if at all possible and the issue will be handled as follows:

- Where an issue clearly affects all employees at a site (e.g. a safety issue) then employees covered by this procedure may elect to take appropriate action. Company employees working at the site are entitled to become involved and express their views on the matter at any meeting called to consider the issue.
- Where an issue clearly affects other employees and their employer only, then company employees covered by this procedure on site shall not become involved in that issue.
- Where a grievance is raised, it shall be fully discussed at the closest point to the grievance before being taken to higher authorities. All efforts to avoid cessation of work shall be made at all stages of the dispute.
- Any dispute involving company employees is in the first instance to remain in house and the involvement of other parties at the work site is in breach of this procedure.

The following steps shall be followed during the disputes procedure:

When a grievance arises, the matter shall in the first instance be discussed between the employee and his immediate Supervisor, with the employee's representative being involved if requested. If the matter is not resolved:

- It shall be referred for discussion between the employee and/or his representative, the immediate Supervisor, the Area Manager and HR Officer. If the matter is not resolved:

- It shall be referred for discussion between the employee and/or his representative, and the Managing Director.

If the matter is not resolved:

- An independent investigator may be appointed (by the company).

If the matter remains unresolved:

- Then progress to the Queensland Workplace Rights Ombudsman.

At all stages, all parties shall make every effort to maintain continuity of work, and prevent any work stoppages.

12 DISCIPLINARY ACTION

The company recognises that, from time to time, breaches of policies, procedures and rules occur and disciplinary action is required to deter further breaches and to demonstrate to workers and the client that the company has the appropriate level of commitment. Breaches of company policies, procedures and rules destabilise the level of safety in the workplace and will not be tolerated by the company.

Disciplinary action generally arises from one of the following four areas.

- Work performance
- Attendance
- Conduct
- Breaches of Procedure or Policy

12.1 Examples of Serious Misconduct

The following list contains examples of the types of actions which constitute serious misconduct and, if proven, could result in instant dismissal.

- Refusing to obey a lawful and reasonable instruction, this includes a refusal to perform assigned work, alternative duties, or continuous refusal to work reasonable overtime as requested in accordance with the relevant Award and/or agreed Contract of Employment.
- Falsifying, or being a party to the falsification of any Company, or client, documents or records. This includes timesheets, wage records, incident reports, expense claims, leave records, production reports, etc.
- Wrongfully taking, removing or dealing with any Company property.
- Unauthorised possession and/or movement of company, client or other employee's property. This includes scrap or damaged items.
- Driving a company vehicle in a dangerous or intimidating manner, including causing another member of staff or member of the public to complain to the company about your behaviour. Intimidating, harassing or assaulting other employees, customers or clients or members of the public while traveling to and from a worksite in a company vehicle or while at a worksite. Unauthorised use of company or client equipment or vehicles, including driving Company Vehicles while disqualified from driving.

- Consuming or possessing alcohol or being under the influence of alcohol at any Reay Services Group workplace and/or consuming or possessing or being under the influence of illicit drugs at any Reay Services Group workplace (other than personal medication prescribed by a medical practitioner).
- Tampering with or damaging safety equipment.
- Any breach where a blatant disregard of safety requirements is demonstrated that may have had the potential to injure any person, damage equipment or endanger and damage the environment.
- Intimidating, harassing, bullying or assaulting other employees, customers or clients on Company or client/customer property or when attending Company or company related functions.
- Sexual harassment. Sexual harassment could include the possession of suggestive pictures / magazines and offensive written matter.
- Divulging confidential company information, unauthorised possession of Company documents or making public statements detrimental to the Company's operation.
- Wilful, irresponsible or negligent acts which result or could result in damage to Company property, product, or personnel.
- Irresponsible use or misuse of fire protection, or safety equipment.
- Being absent from the workplace during a period in which a request for leave has been declined.
- Refusing to undergo medical examination by a medical practitioner nominated by the Company or by an independent third party.
- Failing to comply with safety regulations, safety signs, equipment isolation and Plant entry procedures.
- Sleeping on the job.
- Breaches of security.
- Such other matters as may be advised by the company from time to time.

12.2 Examples of Less Serious Misconduct

The following list contains examples of the types of actions, which constitute less serious misconduct and shall result in a warning being issued.

- Failure to maintain good housekeeping, including failure to be ready to commence work at the scheduled time.
- Leaving the assigned work area during the scheduled work period without the permission of supervision, unless required to do so in the performance of duties.
- Leaving the workstation at the completion of a shift before being relieved by the oncoming shift relief, or having gained the approval of the shift Manager.

- Failure to advise supervision of the unavailability to attend work 30 minutes prior to scheduled start time, or as soon as practical in the case of an emergency.
- Reporting to work in such a physical condition as to be unable, in the employer's opinion, to safely perform his/her normal work. The employee will be stood down off pay for the work period (and placed on a written warning).
- Being absent without authorisation of the Manager.
- Failing to gain the approval of the Manager prior to a shift exchange occurring.
- Failing to advise supervision of any faulty equipment, or to report the use of fire safety equipment.
- Acting in an irresponsible manner, defacing Company property or indulging in practical jokes which may endanger other employees.
- Verbally abusing other employees in the workplace.
- Unauthorised use of Company telephones
- Failing to perform work to the required standard or to complete scheduled work within the period allocated.
- Failing to act in a courteous manner to company customers or clients
- Smoking in a non-smoking area.
- Failing to maintain the work area in a clean and orderly state.
- Breaching the company's code of conduct and acting in a disrespectful manner whilst representing the company. This includes when off shift wearing an RSG uniform.

12.3 Other Requirements

Possession of Unauthorised company policy:
Employees may be requested to present bags and or vehicles for routine inspections by the Manager or Supervisor. Employees are expected to allow the inspection in the interests of overall security of Reay Services Group, contractors and employee property.

Random bag and/or vehicle inspections apply to all Reay Services Group employees including Contractors & Subcontractors and should employees be in possession of unauthorised company property disciplinary action will apply.

Canvassing

Canvassing monies or goods for charity or other purpose is not permitted on Company property without written permission from Reay Services Group.

Cameras

Cameras of any sort are not permitted on company property without prior written permission from Reay Services Group.

Firearms

Firearms or offensive weapons are not permitted on Reay Services Group property or client sites under any circumstances.

Animals

No animals are permitted on company premises unless designated a hearing or site impaired aid.

BREACHES OF ANY COMPANY OR CLIENT POLICY, PROCEDURE, ACTS & REGULATIONS AS STATED BY LAW.

Breaches to any of the above requirements may result in disciplinary action.

13 PROGRESSIVE DICIPLINE SYSTEM

Problems or issues should be addressed through the following steps. These steps need not be sequentially enacted and the procedure may start at any step, subject to the severity of the conduct, or previously recorded disciplinary actions. In cases of serious misconduct the procedure may proceed automatically to Summary Dismissal, with the authorisation of company management.

The disciplinary procedure provides a means by which this formal disciplinary process is undertaken. It requires that the principle of "fair and reasonable" action be applied at all stages of the procedure. Emphasis is to be placed on the preference for improvement rather than further discipline.

13.1 Investigation of the Matter;

Depending on the nature of the Matter, the company may conduct an investigation to establish the details of the infringement / matter; this will include statements and/or meetings from those directly involved, and witnesses. Once the correct details have been established the company will decide as to what level of disciplinary action is to be issued.

13.2 Record and process of investigation meeting;

- A meeting is to be arranged between the parties:
- Employee is entitled to bring an employee representative as a witness to proceedings, (**Note:** if employee attends without an employee representative then the employee will be asked at the meeting if they require a witness to be present); the employee support person is there to act as a witness only and does not hold the right to speak on behalf of the employee.
- At the meeting the company will present its case for reason of the meeting;
- The employee will then be given the opportunity to respond to the company's case and then raise relevant additional matters; this is to be done in the form of a written statement.
- The company may or may not choose to respond at this time;
- The company will retire to consider the case as it was presented & decide as to what level of disciplinary action is to be issued.

13.3 Potential Disciplinary Action

13.3.1 First Breach

Verbal warning (Counselling) valid on employee file for 12 Months and refreshes thereafter.

13.3.2 Second Breach

First Written warning valid on employee file for 24 Months and refreshes thereafter.

13.3.3 Third Breach

May result in Termination of Employment. And/or subject to the company's discretion may result in an unpaid suspension from work pending termination. The Employee may be requested to present a show cause letter on why their employment should not be terminated. Final Warnings are valid on employee files for 3 years and refreshes thereafter.

Note: Subject to the severity of the breach, and existing disciplinary action First and Final Warnings may be issued.

13.4 Record and process of disciplinary meetings after investigation;

- The meeting will then be reconvened under the same conditions;
- The company will then communicate to the employee the disciplinary actions that will be taken;
- The Action shall be recorded on an Action Record From and/or a Letter shall be completed and placed on the employee's personnel file.
- If required, a review date should be set.
- A copy shall be made available to the employee.

13.5 Summary Dismissal

Serious acts or misconduct may warrant summary dismissal. Where after all fair and reasonable avenues and steps have been taken, this shall be documented on the Termination of Employment Letter, the Manager and the Employee are to sign and a copy is to be made available to the employee.

13.6 Reasonable Assistance

The company at its sole discretion may offer reasonable assistance for the employee to be personally responsible for their wellbeing. The employee is obligated to maintain themselves in a physically and mental state to effectively meet their job requirements.

Some types of assistance:

- Company to offer alternative duties if possible
- Company to offer time off to seek personal treatment
- Company to offer leave (holiday / leave without pay / or other).

13.7 General Notes

In any situation where the relevant manager confers with an employee on a disciplinary matter, the employee is entitled to request that a witness be present. All endeavours should be made to meet any reasonable request.

14 REFERENCE DOCUMENTS

Industrial Relations Act and Regulation
Work Health and Safety Act and Regulations
Petroleum and Gas (Production and Safety) Act 2004
Coal Mining Health & Safety Act and Regulations
Sex Discrimination Act and Regulations 1984
Prevention of Workplace Harassment COP
HR-FRM-001 Final Warning Letter
HR-FRM-002 Termination of Employment Letter