Performance and Misconduct Policy

1. **PURPOSE**

1.1 The objectives of Education Centre of Australia Pty Ltd (“ECA”)’s performance and misconduct policy are to:

(a) correct and/or improve the standard of conduct of an employee where appropriate or necessary; and

(b) provide any particular employee with an opportunity to correct unacceptable conduct (other than in situations where summary dismissal is appropriate);

2. **COMMENCEMENT OF POLICY**

2.1 This Policy will commence from 1/06/2013. It replaces all other performance and misconduct policies of ECA (whether written or not).

3. **APPLICATION OF THE POLICY**

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

3.2 This Policy may be used as guidance 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 ECA. 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 visiting a supplier, client or customer.

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

4. **GROUNDS FOR DISCIPLINARY ACTION**

4.1 Disciplinary action may be taken in response to any:

(a) unsatisfactory performance;

(b) unacceptable conduct; and

(c) wilful or serious misconduct.

5. **DISCIPLINARY PROCEDURE**

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

6. **INVESTIGATION**

6.1 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.
6.2 An employee may be suspended from duty on ordinary pay pending completion of an investigation.

7. DISCIPLINARY INTERVIEW

7.1 If on the basis of the investigation, the ECA 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.

7.2 An example of a procedure that may be adopted by ECA in these circumstances may involve:

(a) the employee being given notice of the meeting and what will be discussed at the meeting.
(b) The employee will be given a reasonable opportunity to have a support person present at the meeting.
(c) putting the issue(s) of concern or allegations will be put to the employee;
(d) giving the employee an opportunity to respond to the concerns or allegations;
(e) ECA considering the employee’s response and make any further enquires or investigations (if necessary);
(f) ECA determining whether the concern(s) or allegations have been proven.
(g) If it is determined that all or some of the concerns or allegations are founded, ECA will make a decision about what, if any, disciplinary action is appropriate in the circumstances.

8. DISCIPLINARY ACTION

8.1 Any disciplinary action taken will vary from case to case. It will depending on the circumstances and could include a consideration of whether the employee has received any prior verbal or written warnings in relation to their performance or conduct.

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

(a) redirection, retraining;
(b) verbal warning;
(c) written warning; and
(d) dismissal, including summary dismissal in circumstances of serious or wilful misconduct.

Variations

ECA reserves the right to vary, replace or terminate this policy from time to time.
POLICY VERSION AND REVISION INFORMATION

Policy Authorised by: David Tulloh  
Original issue: 1/06/2013

Title: Operations Director

Policy Maintained by: David Tulloh  
Current version: 1

Title: Operations Director

Review date: 1/06/2014

WORKPLACE PARTICIPANT ACKNOWLEDGEMENT

I acknowledge:

- receiving the ECA 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: ______________________________